

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection subject to conditions
FLOOD CONTROL	Yes	No objection subject to conditions
WASTEWATER	NA	No sewer in the vicinity; will rely on septic systems; subject to PDEQ's acceptance
PARKS AND RECREATION	Yes	No objection
WATER	-	Property owner will have to sign a Preliminary Annexation Development Agreement (PADA) to be served by Tucson Water
SCHOOLS	Depending upon outcome of applicant/TUSD agreement	There is capacity for K-8 and middle school but not for high school (Tucson High School)
AIR QUALITY	NA	No comment
ENVIRONMENTAL QUALITY	Yes	No objection

TRANSPORTATION REPORT

The Department of Transportation (DOT) has no objection to the proposed rezoning. Concurrency considerations have been met with roadways in the area operating below capacity. The rezoning proposes 45 units with two access points onto Sunset Road. The project could generate approximately 450 ADT (as opposed to 220 ADT with the existing plat). The main access point is aligned with the gated access point on the north side of Sunset. This access point will serve 39 of the proposed lots. The remaining six lots will be served by an access point further west on Sunset, approximately 300 feet east of the intersection of Sunray and Sunset. Because this site was platted, there are two existing public right-of-ways that will need to be abandoned during the replat of this subdivision.

Sunset Road is a scenic, not major, route as shown on the Major Streets and Scenic Routes Plan. The most recent traffic count is 947 ADT from Blue Bonnet to Camino de Oeste and 1,419 ADT from Camino de Oeste to Silverbell Road. Sunset is a two lane road with no sidewalks or bike paths. The speed limit is 35 mph and the capacity of 13,122 ADT. Other nearby roadways

include Camino de Oeste with a current traffic count of 1,419 ADT and a capacity of 13,122 ADT, and Silverbell Road with a current traffic count of 9,197 ADT and a capacity of 15,930 ADT.

In 2009, DOT completed \$1.3 million of intersection improvements at the intersection of Sunset Road and Sunray Drive near the western boundary of the rezoning site. The improvements included lowering the crest vertical curve on Sunset Road in order to provide the appropriate sight distance for both safety and operational benefits.

Silverbell Road from Ina to Grant Road is currently under construction. The project is a joint effort between Pima County, the City of Tucson, and Marana. The purpose of this project is to reduce congestion, provide alternative modes of transportation, improve drainage and enhance safety. The proposed improvements include widening the roadway to 3-4 lanes with raised medians, multi-use lanes, curbs, sidewalks, drainage improvements, storm drains, landscaping and public areas. The project is phased; the segment from El Camino del Cerro to Grant Road is currently under construction with an estimated completion sometime in 2017. The Ina Road to El Camino de Cerro segment will be designed and constructed starting in 2022 with an estimated completion in 2026.

Over the past 10 years, six accidents were reported on Sunset Road between Blue Bonnet and Camino de Oeste, and one accident was reported between Camino de Oeste and Silverbell. Most accidents in this area resulted from speeding and failure to yield at intersections.

DOT has no objection to this rezoning subject to Conditions 6A and 6B.

FLOOD CONTROL REPORT

The Pima County Regional Flood Control District (District) has the following comments:

- The East Idle Hour Wash and several tributaries impact the site. There are regulatory floodplains and riparian habitat associated with these. A portion of these is designated as IRA. While regulatory floodplains (those with flow over 100 cubic feet per second during the 100 year storm event) and Pima County Regulated Riparian Habitat (PCRRH) have been avoided by the building envelopes shown on the PDP, there is no common area set aside proposed nor have easements been shown.
- Lots including 11, 12, 16-26, 31, 32, 35, 42, 41 and 45 are impacted by flows under the regulatory threshold per the submittal, but are significant. Building envelopes have been shown schematically.
- Proposed detention basin locations shown on the PDP are all within residential lots. This is prohibited by Section 4.3.1 of the Design Standards for Stormwater Detention and Retention. Furthermore the site is within a Critical Basin in which infrastructure is inadequate to handle existing flows and reductions are required. Staff supports changes in lot size, configuration, or number of lots to provide more space for common area detention.
- The applicant has submitted a Preliminary Integrated Water Management Plan (PIWMP). The use projections do not utilize the approved method, exclude features

including detention, and therefore may be low. The 342 gallons per unit per day translates by the District's calculations to under 18 acre feet per year. The site will be served by a renewable and potable supply pending a pre-annexation service agreement with Tucson Water.

- As required, staff has prepared the following Water Resources Impact Assessment (WRIA):

The site is adjacent to Tucson Water's service area and the applicant has submitted a letter from Tucson Water indicating service is available pending a pre-annexation service agreement with Tucson Water.

Groundwater depth at the nearest wells which are within a mile of the site per the ADWR Well Registry was between 100 and 200 feet at the time of drilling. Per "Mason, Dale, 2014, Technical Memo to the Tucson Groundwater Users Advisory Committee, Modeling results of the 2010 Supply and Demand Assessment Model Projection, Arizona Department of Water Resources" between the years 2010 and 2025 groundwater depth is predicted to change between +10 to -10 feet and be over 250 feet below the surface by 2025. It should be noted that the scale and resolution of these maps is large and this site is on the edge of the area modeled.

The site is not in an area impacted by more than the 3" of subsidence as mapped by Pima County, the applicability threshold under the Water Policy.

The nearest Groundwater-Dependent Ecosystem is the perennial section of the Santa Cruz River .72 miles away.

The site is within the Tucson Hydrogeological Basin, and the depth to bedrock is 800-1,600 feet on a majority of the site.

The WRIA finds that the project is not expected to have adverse impacts on groundwater dependent ecosystems.

In conclusion because the floodplain and PCRRH are to be avoided the District has no objection subject to Conditions 7 A-G.

ENVIRONMENTAL PLANNING REPORT

Site Conservation Values and Landscape Context

- The majority of the 77.9-acre site lies within the CLS; designations are MUMA, IRA, and SSMA overlay. Approximately 3.6 acres is not subject to any CLS designation.
- The subject site does not lie within the Priority Conservation Areas for the western burrowing owl, needle-spined pineapple cactus, or Pima pineapple cactus. It does lie within the Priority Conservation Area for the cactus ferruginous pygmy-owl.
- The subject site is not part of any of the six CLS Critical Landscape Connections.

- On-site resource conditions: The subject site is currently in a natural, undisturbed condition. The only riparian resources are associated with the East Idle Hour Wash which is regulated by the District as IRA - Xeroriparian Class C. Results of on-site surveys found 443 saguaros (158 at 6' or greater; 285 at less than 6') and no ironwood trees. The USFWS notes that saguaros are important forage species for the federally-endangered lesser long-nosed bat; they have been documented foraging in the general area.
- The site is not within nor is it adjacent to any Pima County Preserve properties. Sweetwater Preserve, at over 1.5 miles southeast of the subject site, is the nearest County Preserve. Saguaro National Park lies approximately 1 mile west-northwest of the subject site.
- The site is not identified for acquisition under the 2004 Open Space Conservation Bond Program.
- Landscape context: Land uses in the vicinity of the subject property are residential and range from 1 residence per acre to 1 residence per 3.3 acres. These land uses constitute a homogenous landscape that is relatively permeable for the movement of wildlife and are consistent with the Arizona Game and Fish Department's designation of the area between the eastern front of the Tucson Mountains and the Santa Cruz River as a Landscape Wildlife Movement Area. As the subject site is embedded in this Landscape Wildlife Movement Area and is currently undeveloped, it does make a positive contribution to landscape permeability for biological resources.

Potential Impact to Biological Resources and CLS

According to the preliminary development plan (PDP), approx. 55.3 acres will be undeveloped; 52.8 acres will be retained in natural open space. The East Idle Hour Wash and its riparian resources is included in its entirety within the on-site set-aside. Projections indicate that only 20% of saguaros (including 33 of the 158 saguaros at 6' or greater) will be within on-site set-aside areas. Impacts to vegetative resources (including saguaros) will occur at later stages in the development process when the proposed development is subject to the applicability of the *Native Plant Preservation Ordinance (Title 18; Ch. 18.72)*. The applicant indicates that lots are likely to be built out individually over time, impacts to and mitigation for 355 saguaros will occur over the time span it takes to reach build out and would not likely occur in a single event. This reduction in temporal impacts to available foraging habitat along with mitigation required under the Native Plant Preservation Ordinance will minimize impacts to lesser long-nosed bats.

The amount of natural open space set-aside conforms to CLS Conservation Guidelines in all instances save one. The conservation objective for development within the SSMA is to achieve 4 acres of natural open space set-aside for each acre that is developed. The proposed project anticipates impacting approximately 13 acres of SSMA yielding a need for approx. 52 acres of natural open space. On-site set-asides only provide 33 acres of SSMA thus leaving a deficit of approx. 19 acres. The applicant intends to provide the 19 acres of SSMA natural open space set-aside at a suitable off-site location.

In summation, given the site's on-site resources, landscape context, and the on-site set-aside of natural open space in conjunction with the recommended rezoning conditions 8 A-C, this project is not expected to significantly alter the condition or integrity of biological resources in the area or the viability of the CLS.

WASTEWATER RECLAMATION REPORT

This rezoning area is outside of the area served by Pima County's public sewer systems, and each lot will be served by individual on-site sewage disposal system. Therefore, this matter falls primarily within the regulations enforced by the Pima County Department of Environmental Quality (PDEQ). The PCRWRD has no objection to the rezoning request provided that PDEQ has no objections to it.

The owner/developer must secure approval from PDEQ to use on-site sewage system on the rezoning site at the time a tentative plat, development plan, request for building permit is submitted for review.

ENVIRONMENTAL QUALITY REPORT

PDEQ does not have any comments.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Staff has no objection to the requested rezoning. When a subdivision plat is submitted, two non-motorized trail easements will be dedicated that connect to existing trails as shown on the PDP.

CULTURAL RESOURCES REPORT

Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

TUCSON WATER REPORT

Tucson Water has no objection to the proposed rezoning of the subject parcels.

The letter that was issued by Tucson Water on July 26, 2013 was not a "will-serve" letter. This letter correctly stated that these parcels were located within the City's water service "expansion area" and that Tucson Water could not provide water service until a pre-annexation development agreement (PADA) is approved by the City of Tucson Mayor and Council. This condition is still in effect today.

[Staff note: Incorporated City of Tucson boundary is approximately 1¼ mile southeast of the rezoning site.]

TUCSON ELECTRIC POWER

Tucson Electric Power (TEP) has no objections to this rezoning. This project is located within TEP service territory and will require a new service application from the owner/developer to extend service to the new location.

SCHOOL DISTRICT REPORT

In a letter dated 6/18/14 (Appendix D of site analysis) TUSD effectively states that based on projected enrollment at TUSD there is capacity to absorb the impact of the proposed low-density development at Robins K-8 School and Mansfeld Middle School, but there is inadequate capacity to absorb the impact of the rezoning for Tucson High School. TUSD objects to the rezoning because new students will be added to Tucson High School that is projected to be

over capacity. Provisions are needed for funding of the facility by the developer to help alleviate the project overcrowding.

Proposed Methods of Mitigation:

1. To help alleviate the projected overcrowding the developer may make voluntary monetary or land contributions per home to the affected school or TUSD.
2. In addition, the following condition should be added to the rezoning:
During the development plan stage, the applicant should contact TUSD concerning the provision of adequate space for safe bus stops, bus turn-arounds and pedestrian access to the appropriate schools.

When staff recently requested comment on the rezoning request TUSD responded:
Tucson Unified School District has no additional information to add for the new rezoning.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

USFWS is concerned about potential impacts to foraging resources for the lesser long-nosed bat, a species listed as endangered under the Endangered Species Act. The new development proposal for the project will impact 355 saguaros, an important forage resource for the lesser long-nosed bat. Lesser long-nosed bats have been documented foraging in the vicinity of the proposed project by an ongoing citizen-science hummingbird feeder monitoring project where citizens document the use of hummingbird feeders by nectar-feeding bats. While USFWS understands some saguaros will not be impacted by the project and that some of the impacted saguaros will be relocated within the project boundaries, there will be a substantial loss of potential forage resources as a result of the proposed project.

Page II-8 and II-9 (*of the site analysis*) appear to indicate that the project proponents will also conserve some off-site mitigation land (19.2 acres) to comply with Pima County policies. It refers the reader to Appendix G for a description of these lands but no Appendix G was included in the materials we received to review. *[Staff note: Appendix G (Off-site Mitigation of CLS) was subsequently provided to USFWS]* It is, therefore, not possible to know if the proposed off-site lands will provide saguaros as forage resources for lesser long-nosed bats in the region. *[After receiving Appendix G, USFWS staff stated that they estimated there are no saguaros on the off-site piece, or only a very few, so it does not really address the substantial impacts to saguaros on the proposed rezoning site.]*

Given the scope of potential impacts to the lesser long-nosed bat forage resources, USFWS recommends that Pima County require a more quantified documentation of the number of saguaros that will remain on site following the completion of the proposed development. USFWS also recommends that Pima County ensure that the off-site mitigation lands provided by the project proponents provide adequate saguaro resources to reasonably offset the on-site impacts to saguaros. *[Staff note: After reviewing Appendix G, USFWS effectively said that the proposed off-site mitigation is an important piece of the connectivity and riparian puzzle in NW Tucson and it is hard to fault using that as the off-site mitigation for this project. It does not address the substantial impacts to saguaros on the proposed rezoning site but depending on what the developer does on site with regard to salvage and replanting, it may not be significant that there are no saguaros on the off-site mitigation parcel.]* It does not appear that this project will require a Clean Water Act 404 permit, but if it does or if there is any other sort of Federal nexus with this project, we suggest that, due to the magnitude of impacts to saguaros, section 7 consultation with the Federal action agency may be required. The Federal action agency, if any, will make a determination of whether section 7 consultation is needed.

We offer any additional technical assistance that you may need to determine if the potential impacts to saguaros are adequately being addressed and if impacts to lesser long-nosed bats are being avoided and minimized. We cannot make those determinations at this time due to the lack of information on the number of saguaros being salvaged and relocated on site, or the nature of the off-site mitigation lands. If you can provide that additional information, we will be happy to provide you additional input and technical assistance.

TOWN OF MARANA REPORT

The town of Marana Planning Department has reviewed the rezoning application and has no comments at this time.

FIRE DISTRICT REPORT

No written comments have been received to date.

PUBLIC COMMENT: To date, staff has received no written public comment.

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors
3. The owner shall adhere to the preliminary development plan as approved at public hearing, with the exception of changes in number, size, or configuration of lots due to a required provision of common area for detention basins if an alternative is not accepted by the Floodplain Administrator.

4. Transportation conditions:

- A. The property shall be limited to two access points as indicated on the preliminary development plan.
- B. The eastern access point shall align with the access point on the north side of Sunset Road.

5. Flood Control conditions:

- A. Native riparian vegetation shall be used to enhance drainage improvements.
- B. First flush retention (retention of the first ½ inch of rainfall from impervious and disturbed surfaces) shall be provided.
- C. Regulatory floodplains and riparian habitat shall be within permanently identified open space through easement or dedication.
- D. Development shall meet Critical Basin detention requirements.
- E. Maintenance responsibility for stormwater infrastructure, including detention basins, shall be assigned to the homeowners association or other designated representative by Conditions, Covenants and Restrictions.
- F. Detention basins shall be located in common area unless an alternative is proposed and accepted by the Floodplain Administrator. Placement of basins in common area may result in fewer lots or changes in size and/or configuration of lots than shown on the conceptual layout on the preliminary development plan.
- G. Building envelopes shall be identified during the platting process and shall be oriented to avoid or minimize impacts to local, unregulated drainageways.

6. Environmental Planning conditions:

- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing 52 acres as on-site natural open space (NOS) and 19 acres as off-site NOS. On-site NOS will conform to the approximate location and configuration as shown on the approved Preliminary Development Plan. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11) Conservation Lands System Mitigation Lands) and comply with all of the following:
 - Off-site NOS is acceptable to the Pima County Planning Official or designee; and
 - Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee.
- B. The maximum amount of grading per lot shall not exceed 15,000 square feet and will occur entirely within the buildable part of the lot as demarcated on the Preliminary Development Plan by the 'No Build Line'.

- C. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Control

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schinus</i> spp.	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

7. The owner/developer must secure approval from the Pima County Department of Environmental Quality (PDEQ) to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
8. The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."
9. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which

10. During the development plan stage, the applicant shall contact Tucson Unified School District (TUSD) concerning the provision of adequate space for safe bus stops, bus turn-arounds and pedestrian access to the appropriate schools.
11. Structures shall be limited to a maximum height of 24 feet and shall be sited and landscaped to minimize negative visual impacts. The color of structures shall be in context with the surrounding environment.

Respectfully Submitted,


Janet Emel, Senior Planner

c: Landmark Title TR 18109
Kai Sunset 80 Property LLC
P.O. Box 2305
Cortaro, AZ 85652

The WLB Group, Inc.
4444 E. Broadway Blvd.
Tucson, AZ 85711



PIMA COUNTY

MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION

Design Review Committee

DECISION LETTER

DATE: May 26, 2016

TO: Paul Oland, The WLB Group

FROM: Artemio Hoyos, Case Planner *A.H.*

RE: May 19, 2016, Design Review Committee (DRC) Public Meeting

SUBJECT: P16VA00010, Desert Senna Cluster Subdivision

APPLICANT REQUEST: The applicant requested DRC approval of a cluster subdivision design, as allowed by Chapter 18.09.040.C of the Pima County Zoning Code, for 45 single family detached residential units on approximately 77.9 acres.

VOTE: The Motion made by Member Holden and Seconded by Member DeRenne PASSED unanimously by a 5-0 vote. Member Laidlaw abstained.

MOTION: The Motion was made to approve the P16VA00010 Desert Senna Preliminary Cluster Development Plan (PCDP), subject to the conditions identified by Pima County staff and DRC members as follows:

1. Subdivision plat shall conform to the approved PCDP;
2. A note shall be placed on the subdivision plat that the DRC approval expires concurrently from the date of the tentative Board of Supervisors rezoning approval;
3. Applicant shall provide staff with one hardcopy and one electronic copy of the approved DRC documents for staff sign-off in compliance with the DRC decision.

For details, refer to the DRC meeting minutes, recordings, and/or the applicant's DRC submittal package.

If you have any questions or need clarification, please contact me at (520) 724-6781.

Applicable Comprehensive Plan Land Use Designations and Special Area Policy

Low Intensity Urban (LIU)

Low Intensity Urban includes four land use categories designations ranging from a maximum of 3 RAC stepped down to 0.3 RAC. The Low Intensity Urban categories are LIU3.0, LIU1.2, LIU0.5, and LIU-0.3.

- a. Objective: To designate areas for low-density residential and other compatible uses and to provide incentives for residential conservation subdivisions to provide more natural open space. Density bonuses are offered in exchange for the provision of natural and/or functional open space. Natural open space must be set aside, where applicable, to preserve land with the highest resource value and to be contiguous with other dedicated natural open space and public preserves.

Low Intensity Urban 0.5 (LIU-0.5)

a) Residential Gross Density:

- i) Minimum – none
- ii) Maximum – 0.5 RAC. The maximum gross density may be increased in accordance with the following options:
 - a) Gross density of 1.2 RAC with 50 percent open space; or
 - b) Gross density of 2.5 RAC with 65 percent open space.

Low Intensity Urban 0.3 (LIU-0.3)

a) Residential Gross Density:

- i) Minimum – none
- ii) Maximum – 0.3 RAC. The maximum gross density may be increased in accordance with the following options:
 - a) Gross density of 0.7 RAC with 50 percent open space; or
 - b) Gross density of 1.2 RAC with 65 percent open space.

S-8 Tucson Mountains North (TM)

General location

Within portions of Township 13 South, Range 12 East; Township 13 South, Range 13 East, Township 14 South, Range 12 East and Township 14 South, Range 13 East.

Description

The northern portion of the planning area is located between urbanizing areas in the City of Tucson and the public reserves of Tucson Mountain Park and Saguaro National Park, and is distinguished by rugged terrain, highly diverse vegetation, significant wildlife habitat, and many riparian areas. The purpose of the Tucson Mountains North Special Area is to protect this special environment while planning for expected growth. To achieve this purpose, planning strategies include: 1) declining westward land use intensities; and 2) a low-density conservation area and buffer to Tucson Mountain Park and Saguaro National Park.

Policies

- A. Structures. All structures west of Silverbell Road shall be limited to a maximum height of 24 feet, and shall be sited and landscaped to minimize negative visual impacts. All structures shall be of a color which is in context with the surrounding environment.
- B. Open Space Dedication. Natural area designations not dedicated to and accepted by Pima County for restricted use as a perpetual open space at the time of an exchange for an allowed density increase on a given portion shall, for those parcels, provide that the property owners within 660 feet and the Tucson Mountains Association are nominal beneficiaries of the natural open space created.
- C. Notwithstanding the zoning districts permitted under the Comprehensive Plan Land Use Plan Legend, SH (Suburban Homestead Zone) and RH (Rural Homestead Zone) shall not be permitted.
- D. Notwithstanding the zoning districts permitted in accordance with the Major Resort Community provisions, CPI (Campus Park Industrial Zone) or TR (Transitional Zone) shall not be permitted.

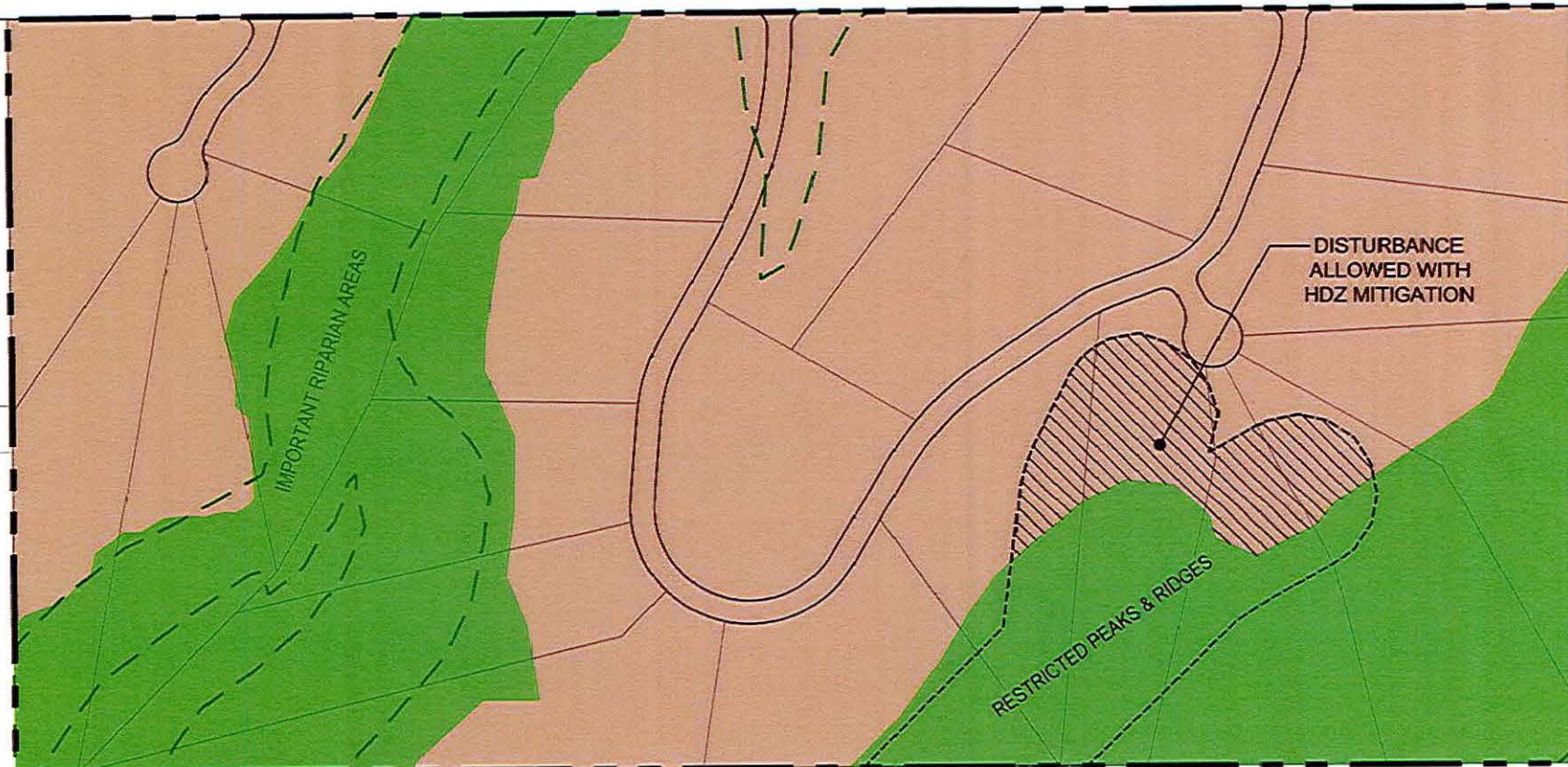
LEGEND



CURRENTLY PROTECTED AREAS: 27.3± ACRES (35% OF THE SITE)



CURRENTLY ALLOWABLE DISTURBANCE AREAS: 50.5± ACRES



LEGEND



PROPOSED PROTECTED AREAS (42.5± ACRES)



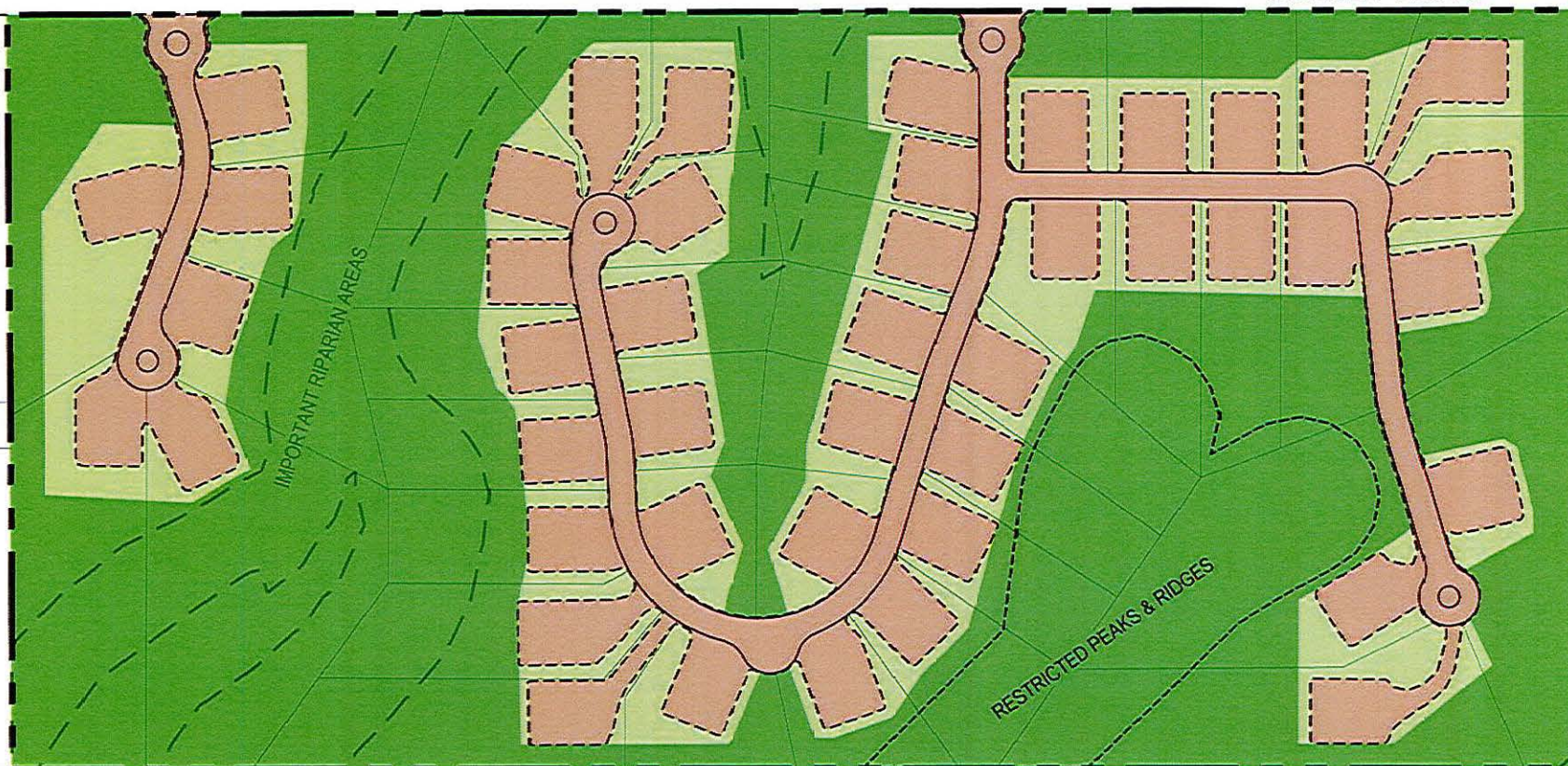
APPROXIMATE ADDITIONAL OPEN SPACE WITHIN
BUILDABLE AREAS (12.8± ACRES)



SCHEMATIC LOCATION OF 15,000 SQ/FT OF
DISTURBANCE PER LOT (22.5± ACRES)

55.3± ACRES OF TOTAL
PROPOSED OPEN SPACE
(71% OF THE SITE)

SUNSET ROAD



0'



300'



September 9, 2013

Pima County Development Services
201 N. Stone Avenue, 2nd Floor
Tucson, Arizona 85701


Subject: Sunset 80 Development

To Whom It May Concern:

I hereby authorize The WLB Group, Inc. to represent Landmark Title Trust 18109-T in requests related to the entitlement and development of the proposed 80 acre development near the intersection of Sunset Road and Camino de Oeste. The parcels represented are 214-23-2960, 214-23-2970, 214-23-2980; 214-23-2990; 214-23-3000; 214-23-3010; 214-23-3020; 214-23-3030; 214-23-3040; 214-23-3050; 214-23-3060; 214-23-3070; 214-23-3080; 214-23-3090; 214-23-3100; 214-23-3110; 214-23-3120; 214-23-3130; 214-23-3140; 214-23-3150; and 214-23-3160.

Sincerely,

LANDMARK TITLE ASSURANCE AGENCY OF ARIZONA, LLC


Joyce M. Rodda
Trust Officer

Manager/Member Information

PROPERTY LLC ▲

Name	HERBERT KAI
Title	MANAGER
Address	2305 W RUTHRAUFF RD TUCSON, AZ 85705
Date of Taking Office	05/21/2003
Last Updated	06/24/2003
Name	JOHN KAI JR
Title	MANAGER
Address	2305 W RUTHRAUFF RD TUCSON, AZ 85705
Date of Taking Office	05/21/2003
Last Updated	06/24/2003
Name	SIDNEY LEX FELKER
Title	MANAGER
Address	7440 N ORACLE RD BLDG 2 TUCSON, AZ 85704
Date of Taking Office	05/21/2003
Last Updated	06/24/2003

Name	AVRA PLANTATION INC
Title	MEMBER
Address	2305 W RUTHRAUFF RD TUCSON, AZ 85705
Date of Taking Office	05/21/2003
Last Updated	06/24/2003
Name	KAI FAMILY TRUST
Title	MEMBER
Address	JOHN/HERBERT KAI SIDNEY FELKER TRUSTEE 7440 N ORACLE RD BLDG 2 TUCSON, AZ 85704
Date of Taking Office	05/21/2003

**PIMA COUNTY PLANNING DIVISION
APPLICATION FOR REZONING**

Landmark Title TR 18109
ATTN: Kai Sunset 80 Property

PO Box 2305 Cortaro Rd.
Tucson, AZ 85652

james.kai@kaienterprises.com/ 520.791.2409

Owner	Mailing Address	Email Address/Phone daytime / (FAX)
The WLB Group Attn: Paul Oland	4444 E. Broadway Blvd. Tucson, AZ 85711	gpoland@wlbgroup.com / 520.881.7480
Applicant (if other than owner)	Mailing Address	Email Address/Phone daytime / (FAX)
Desert Senna Estates lots 1-22		Multiple, see attached
Legal description / property address	Tax Parcel Number	
77.9±	SR	SR-2
Acreage	Present Zone	Proposed Zone
		Low Intensity Urban, LIU 0.5 / SP S-8
		Comprehensive Plan Subregion / Category / Policies

The following documentation must be attached:

1. **Assessor's map** showing boundaries of subject parcel and **Assessor's Property Inquiry (APIQ)** printout showing **current ownership** of subject parcel. **DEEDS AND/OR TITLE REPORTS WILL NOT BE ACCEPTED.** If the applicant is not shown as the owner of the subject parcel a letter of authorization with an **original signature** matching the APIQ must accompany the application at the time of submittal. For example, if the APIQ indicates ownership in a numbered trust such as Chicago Title and Trust #700, an **original signature** of the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If the APIQ indicates ownership to be in an LLC, LP, corporation or company, an **original signature** from an officer with his/her title is required along with a disclosure of the officers of the entity.
2. Submit the site analysis fee and eight (8) copies of the site analysis document. If the proposed project will use an on-site wastewater treatment and disposal system (such as a septic system), nine (9) copies of the site analysis document must be submitted. Also submit one CD of the site analysis document.
3. For all rezonings, submit the **entire** rezoning fee.

This application is true and correct to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application.

6.30.15

Date

 **PAUL OLAND**
Signature of Applicant

FOR OFFICIAL USE ONLY

Co9-

Case name

Rezoning from	Rezoning to	Official Zoning Base Map Number	Fee	Supervisor District
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Conservation Land System category

Cross reference: Co9-, Co7-, other

Comprehensive Plan Subregion / Category / Policies

Received by _____ Date _____ Checked by _____ Date _____

Desert Senna Rezoning Site Analysis
Existing Parcel Numbers

- 214-23-2950
- 214-23-2960
- 214-23-2970
- 214-23-2980
- 214-23-2990
- 214-23-3000
- 214-23-3010
- 214-23-3020
- 214-23-3030
- 214-23-3040
- 214-23-3050
- 214-23-3060
- 214-23-3070
- 214-23-3080
- 214-23-3090
- 214-23-3100
- 214-23-3110
- 214-23-3120
- 214-23-3130
- 214-23-3140
- 214-23-3150
- 214-23-3160



Coalition for Sonoran Desert Protection

300 E. University Blvd., Suite 120
Tucson, Arizona 85705
p (520) 388-9925 • f (520) 791-7709
www.sonorandesert.org

March 29, 2016

Arizona Center for Law
in the Public Interest
Arizona Native Plant Society
Bat Conservation
International
Cascabel Conservation
Association
Center for Biological
Diversity
Center for Environmental
Connections
Center for Environmental
Ethics
Defenders of Wildlife
Desert Watch
Empire Fagan Coalition
Environmental and Cultural
Conservation Organization
Environmental Law Society
Friends of Cabeza Prieta
Friends of Ironwood Forest
Friends of Madera Canyon
Friends of Saguaro National
Park
Friends of Tortolita
Gates Pass Area
Neighborhood Association
Genius Loci Foundation
Native Seeds / SEARCH
Northwest Neighborhood
Alliance
Protect Land and
Neighborhoods
Safford Peak Watershed
Education Team
Save the Scenic Santa Ritas
Sierra Club – Grand Canyon
Chapter
Sierra Club – Rincon Group
Sky Island Alliance
Sky Island Watch
Society for Ecological
Restoration
Sonoran Permaculture
Guild
Southwestern Biological
Institute
Tortolita Homeowners
Association
Tucson Audubon Society
Tucson Herpetological
Society
Tucson Mountains
Association
Wildlands Network
Women for Sustainable
Technology

Jenny Neeley, Chair, and Commissioners
Pima County Planning & Zoning Commission
130 W. Congress St.
Tucson, AZ 85701

RE: Co9-15-04 Landmark Title TR 18109 – W. Sunset Road Rezoning

Dear Ms. Neeley and Commissioners,

Thank you for the opportunity to provide comments on the proposed W. Sunset Road rezoning – Co9-15-04.

The Coalition has been a long-time supporter and advocate for the proposed CLS mitigation approach, which comprises a combination of on- and off-site mitigation. We are pleased that both IRA and MUMA mitigation is met on-site, and we support the use of off-site mitigation to compensate for impacts to the SSMA should all stipulations outlined in Condition 6A be satisfied.

Per the Staff Report on this rezoning, we support the proposed Standard and Special Conditions. However, we have additional concerns and proposed additional Conditions, as outlined below, and listed in Attachment A.

We agree with the U.S. Fish and Wildlife Service on their concern about the loss of the large number of saguaros located within the buildable areas and that the off-site mitigation proposed for the SSMA by the applicant does not contain a comparable density. We also note the pattern of distribution and concentration of the saguaros on site per Exhibit I-K-3. We are also concerned about the lack of monitoring under the Native Plant Preservation Ordinance to ensure the success of saguaro transplantations, but realize that is not specific to the Sunset Road site. Due to the large number of saguaros present, we recommend that as many saguaros as possible remain in place.

As such, we would like an additional Condition to read:

1. All transplantable saguaros 6 feet or less in height inside the disturbance area envelopes will either be preserved in place or transplanted within the site.

We also share the concerns of the Pima County Regional Flood Control District and support the Flood Control conditions 5.A. to G. We would like two additional Conditions to read:

2. The developer shall consult with the Coalition for Sonoran Desert Protection and Pima County during the platting process to explore ways to reduce the need for large basins located along the downstream edge of the property while still meeting detention requirements. Any basins constructed throughout the site shall be designed using permaculture concepts and incorporate gradual slopes of natural materials in order to facilitate wildlife movement.
3. The developer shall consult with the Coalition for Sonoran Desert Protection and Pima County during the platting process on lot configuration and building envelopes, particularly those that are impacted by "flows under the regulatory threshold per the submittal, but are significant," and on lots 19 and 22 where buildable area incurs into the Erosion Hazard Setback.

Condition 6.C. addresses the responsibility of the owner(s)/developer(s) and Pima County in regards to invasive species on the private property. However, there will be trail easements on the property allowing for continued use of public recreation, including equestrian uses. An easement or dedication will encompass the entirety of the regulated portion of the East Idle Hour Wash, and another on a protected ridge natural undisturbed open space in the southeast portion of the parcel. We are concerned about avoiding motorized uses that would contribute to erosion, increased sedimentation, and the potential introduction of invasive species brought in from all users. As such we offer the following two additional Conditions:

4. Signage shall be posted on trail easements indicating the prohibition of motorized vehicles.
5. The "Proposed Pedestrian Access Easement to TUSD School Property" shall be removed.

In order to promote wildlife permeability throughout the site, we would also like the following additional Condition to be included:

6. Perimeter lot fencing will not be allowed.

Thank you for the opportunity to provide comments on the proposed W. Sunset Road rezoning.

Sincerely,



Carolyn Campbell
Executive Director



**Coalition for
Sonoran Desert Protection**

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ATTACHMENT A

Arizona Center for Law
in the Public Interest
Arizona Native Plant Society
Bat Conservation
International
Cascabel Conservation
Association
Center for Biological
Diversity
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Center for Environmental
Ethics
Defenders of Wildlife
Desert Watch
Empire Fagan Coalition
Environmental and Cultural
Conservation Organization
Environmental Law Society
Friends of Cabeza Prieta
Friends of Ironwood Forest
Friends of Madera Canyon
Friends of Saguaro National
Park
Friends of Tortolita
Gates Pass Area
Neighborhood Association
Genius Loci Foundation
Native Seeds / SEARCH
Northwest Neighborhood
Alliance
Protect Land and
Neighborhoods
Safford Peak Watershed
Education Team
Save the Scenic Santa Ritas
Sierra Club – Grand Canyon
Chapter
Sierra Club – Rincon Group
Sky Island Alliance
Sky Island Watch
Society for Ecological
Restoration
Sonoran Permaculture
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Southwestern Biological
Institute
Tortolita Homeowners
Association
Tucson Audubon Society
Tucson Herpetological
Society
Tucson Mountains
Association
Wildlands Network
Women for Sustainable
Technology

CSDP Proposed Additional Conditions:

1. All transplantable saguaros 6 ft or less in height inside the disturbance area envelopes will either be preserved in place or transplanted within the site.
2. The developer shall consult with the Coalition for Sonoran Desert Protection and Pima County during the platting process to explore ways to reduce the need for large basins located along the downstream edge of the property while still meeting detention requirements. Any basins constructed throughout the site shall be designed using permaculture concepts and incorporate gradual slopes of natural materials in order to facilitate wildlife movement.
3. The developer shall consult with the Coalition for Sonoran Desert Protection and Pima County during the platting process on lot configuration and building envelopes, particularly those that are impacted by “flows under the regulatory threshold per the submittal, but are significant,” and on lots 19 and 22 where buildable area incurs into the Erosion Hazard Setback.
4. Signage shall be posted on trail easements indicating the prohibition of motorized vehicles.
5. The “Proposed Pedestrian Access Easement to TUSD School Property” shall be removed.
6. Perimeter lot fencing will not be allowed.



March 29, 2016

Jenny Neeley, Chair, and Commissioners
Pima County Planning & Zoning Commission
130 W. Congress St.
Tucson, AZ 85701

RE: Co9-15-04 Landmark Title TR 18109 – W. Sunset Road Rezoning

Dear Ms. Neeley and Commissioners

The Tucson Mountains Association (TMA) is vitally concerned with maintaining the integrity of the wildlife corridors from the Tucson Mountains to the Santa Cruz River, which forms a natural corridor going north, and fosters biological connections between natural areas including the mountain ranges defining the Tucson Basin. Such wildlife corridors are essential for fulfillment of the aims of the Sonoran Desert Conservation Plan.

In approving the change to the comprehensive plan relevant to Co9-15-04 Landmark Title TR 18109, the Board of Supervisors instructed the applicant to consult with the Coalition for Sonoran Desert Protection and TMA in the development of the rezoning request. In fact the applicant has met with TMA only once, which was brief meeting today, and their rezoning request does not represent significant input from TMA. Our previous advice on development of the property, which is not adequately represented in the staff report, included “provide passages at least 300 feet wide (east to west) free of development for north-south movement in the eastern, central and western parts of the property. Moreover, the development should be restricted to no more than 33 housing units, which is 50% above the existing SR plat for the property, to ensure adequate open space, fully functional washes, and safeguard wildlife corridors.”

The new conceptual site plan provided by the applicant falls far short of our previous recommendations. Although it is an improvement over previous site plans that we were shown, it remains true that the density and configuration of the plan would provide significant blocks to wildlife movements, reducing the value of the open space that is being preserved. In particular, natural open space in the central area is a cul-de-sac enclosed by developed areas, substantially reducing its value. This situation could be ameliorated by removal of residential units 12, 13, 26 and 27. The applicant would still have a development with 41 residential units, which is a major gain over the number possible under the existing SR zoning. We understand also that the applicant plans to move residential unit 38 further south, providing a larger opening for wildlife

movements on the eastern side of the property. We these changes, along with the amendments suggested by the Coalition for Sonoran Desert Protection, TMA would support the proposed rezoning. We do not believe that these changes would represent a serious burden on the applicant, but would substantially improve the value of the property for wildlife, and contribute much better to the aims of the Sonoran Desert Conservation Plan. We ask the Commission to deny the rezoning request without changes of equivalent effect to those that we propose here.

The offsite mitigation proposed by the applicant for shortcomings of the conceptual plan is worthy in many respects, but cannot mitigate the loss of connectivity in the current conceptual plan of the key wildlife corridor through the Desert Senna property to the junction of the Santa Cruz River, Rillito River and Cañada del Oro. Thus, although we support this offsite mitigation proposal, it does not alter our conclusion that the requested rezoning should be denied without significant changes to the development plan.

Sincerely



Peter Chesson

President, Tucson Mountains Association

