BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: March 17, 2020

Title: P19RZ00011 HIGINIO - N. CAMINO DE OESTE REZONING

Introduction/Background:

The applicant requests a rezoning of 9.73 acres from SH (Suburban Homestead), 4.96 acres, and from SR (Suburban Ranch), 4.77 acres, zones to the CR-4 (Mixed-Dwelling Type) zone for a 46-lot single-family residential subdivision.

Discussion:

Current SH and SR zoning allows for thirteen, single-family residences to be developed. The Comprehensive Plan designation of Medium Intensity Urban plans for a minimum density of 5 residences per acre (RAC) up to 13 RAC. As of February 21, 2020 a super majority vote has been triggered and will be forwarded to the Clerk of the Board prior to the Board of Supervisors hearing.

Conclusion:

The proposed 5.3 RAC is in conformance with the Comprehensive Plan.

Recommendation:

Staff and the Planning and Zoning Commission recommend approval subject to standard and special conditions.

Fiscal Impact:

0

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

Department: Development Services - Planning Telephone: 520-724-8800

Contact: Donna Spicola, Planner Telephone: 520-724-9513

Department Director Signature/Date: 2-21-2020

Deputy County Administrator Signature/Date: 2/25/2020

County Administrator Signature/Date: 2/25/2020

FEB 25 2020 PM 2:50 CLK OF BD

PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Ally Miller, Supervisor, District 1

FROM: Chris Poirier, Deputy Director
Public Works-Development Services Department-Planning Division

DATE: February 13, 2020

SUBJECT: **P19RZ00011 HIGINIO - N. CAMINO DE OESTE REZONING**

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, MARCH 17, 2020** hearing.

REQUEST: For a **rezoning** of approximately 9.73 acres from the SH (Suburban Homestead), 4.96 acres, and the SR (Suburban Ranch), 4.77 acres, zones to the CR-4 (Mixed-Dwelling Type) zone located at the northwest corner of W. Massingale Road and N. Camino de Oeste, addressed as **7701 N. Camino de Oeste**.

OWNERS: Higinio Avilez
7701 N. Camino de Oeste
Tucson, AZ 85741

AGENT: Projects International, Inc.
Attn: Jim Portner, Principal
10836 E. Armada Lane
Tucson, AZ 85749

DISTRICT: 1

STAFF CONTACT: Donna Spicola, Planner

PUBLIC COMMENT TO DATE: As of February 13, 2020, staff has received thirteen letters of protest from five different property owners citing density issues, roads, flood concerns, and drainage. Staff has also received four protest petitions with a total of approximately 172 signatures citing flood, road/traffic conditions, water/well levels, and flood concerns. The petitions provided have many duplicate signatures.

PLANNING & ZONING COMMISSION RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS (7 – 0, Commissioners Bain, Cook and Maese were absent).

STAFF RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located outside the Maeveen Marie Behan Conservation Land System (CLS).

TD/DS/ar
Attachments

PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: P19RZ00011

FOR MARCH 17, 2020 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Deputy Director
Public Works-Development Services Department-Planning Division

DATE: February 13, 2020

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P19RZ00011 HIGINIO - N. CAMINO DE OESTE REZONING

Higinio Avilez, represented by Projects International, Inc., requests a **rezoning** of approximately 9.73 acres from the SH (Suburban Homestead), 4.96 acres, and the SR (Suburban Ranch), 4.77 acres, zones to the CR-4 (Mixed-Dwelling Type) zone located at the northwest corner of W. Massingale Road and N. Camino de Oeste, addressed as **7701 N. Camino de Oeste**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Urban (MIU). On motion, the Planning and Zoning Commission voted 8-0 to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (Commissioners Bain, Cook and Maese were absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.
(District 1)

Planning and Zoning Commission Public Hearing Summary (January 29, 2020)

Staff presented information from the staff report to the commission with a recommendation of approval subject to standard and special conditions.

A commissioner asked for clarification on number of protests within 1000 feet.

Staff corrected with 50 protests that count within 1000 feet which excludes duplicate signatures.

A commissioner asked about the drainage issues that are involved.

Staff stated that many protests were received regarding historic conditions. Drainage was designed to flow down Massingale Road - this has occurred for decades but this project will not exacerbate that condition. In fact, it will retain some of the post development volume and reduce peak discharges onto the adjacent boundaries. The Flood Control District is also offering to meet with the neighbors. Additionally, a regional floodplain management plan by watershed and by condition is being prepared.

Staff added that from a larger policy perspective there are certainly historic pre-existing drainage issues in this area. This rezoning will not make the problem worse but with county requirements should improve the situation.

A commissioner asked if drainage must be the same or better after any development, and if neighbors have any recourse if there are unforeseen issues of flooding as a result of this development.

Staff responded that since all of these designs take place on paper, staff cannot guarantee that they will function as designed; however, the Flood Control District will do a site visit, respond to neighbor concerns and require any revision to improvements as needed to correct the condition. Very rarely have there been designs that have caused later problems. Occasionally outlets from detention basins have caused erosion which require mitigation. Staff added that the district is not done once the plat is approved, and the county remains involved to respond to complaints.

A commissioner asked if this project is not approved, are there any plans to address the drainage issues in this area.

Staff responded that the Flood Control District is compiling a management plan with much greater detailed information about the entire county and specific details in each watershed. This plan will involve input from the Department of Transportation and other departments.

A commissioner asked from which direction the water flows onto this site.

Staff responded that the regional drainage pattern is from the northeast: the watersheds extend several miles to the northeast with this property close to the downstream end at the Santa Cruz River, which is why water concentrates on Massingale Road.

A commissioner asked if the development to the northeast could be contributing to the flooding.

Staff stated that the Massingale detention basin, just to the east of this site, accepts the flow from an immediately adjacent large developed watershed. During intense storms the basin is drained onto Massingale Road, which channels water westward.

A commissioner asked if a property has been sold a few times and the drainage not regularly maintained, who will pay the bill? Staff responded that the Flood District prefers to require better upfront engineering to avoid future long-term maintenance.

The applicant's representative presented additional information for the proposed development. He further discussed retention/detention basins in relationship to the downstream water flows that nearby neighbors to the south are concerned with, stating that post-development flows downstream will be reduced.

A commissioner asked if the entire drainage basin that the rezoning site impacts is what is shown on the preliminary development plan (PDP).

The applicant stated that the PDP shows the impact from this site only and the rest of the drainage is regional in nature.

A commissioner asked about the notch in the southeast corner of the property. The applicant stated that it is a wellsite owned by the Cortaro-Marana Irrigation District.

A commissioner asked if all of the perimeter roads are paved. The applicant affirmed and added that a 35-foot right-of-way (ROW) will be provided for Camino de Oeste, for a total ROW width of 80 feet. The quality of the current pavement is low; however, no worse than other roads throughout the unincorporated Pima County.

The commission opened the public hearing.

Speaker one stated concerns about flooding. The speaker was not opposing the rezoning, but expressed concerns about how their properties are flooded from the previous developments and drainage infrastructure, and questioned the design and functionality of existing and proposed retention/detention basins. Also, local roads are narrow, N. Camino de Oeste 24 feet wide with no sidewalks, and the speaker requested something done prior to proposed development.

Speaker two stated that she has submitted flood protests and discussed drainage from the Pima Farms subdivision, the proposed rezoning site, and the recently rezoned site immediately to the north. The speaker had concerns that the three drainage outlets planned under this rezoning will cause more flooding and provided a map showing this region as a high hazard flood area. The speaker also cited and submitted protests on additional concerns related to traffic and roads.

A commissioner asked staff to address the drainage/flood concerns.

Staff responded that the Flood Control District can meet with constituents to address drainage concerns. Staff does not agree with speakers' interpretations of the regional drainage patterns, and while there has been much discussion regarding the previous rezoning immediately to the north, that rezoning has an approved tentative plat and drainage report, and drainage from that that property will be improved when the new infrastructure is completed.

Staff also stated that the FEMA Flood Hazard Area maps presented by speakers identify approximate flooding, but are shown as high hazard areas by the Tucson Association of Realtors' MLS Maps. Detailed floodplain information for the subject property will be submitted at the time of development, and although some drainage complaints are not regulated by the floodplain ordinance, the Flood Control District wants to ensure that the local drainage issues are addressed.

Speaker two was given additional time to speak regarding traffic concerns. The speaker cited additional concerns related to traffic congestion, the misaligned intersection of Magee Road and Camino de Oeste, and construction of additional roadway infrastructure to support the proposed traffic generation. The current road width is 21 feet and the roads are used to channel water.

Speaker three spoke about the water level of local wells dropping and that the rezoning will cause the water level to drop even more. This speaker then turned over the rest of his time to speaker two.

A commissioner asked staff if water for the site is to be supplied by Tucson Water or by local wells. Staff stated that the Tucson Water supply system will be used.

Speaker two stated that Tucson Water is recharging in the area and well water levels are still dropping. The speaker claimed that since the start of the use of CAP water, well water levels have dropped 2 feet a year, and that any new development will affect the wells and CAP water will reduce the amount of water to the area. The speaker also presented a protest petition for water issues.

The applicant stated that he has discussed the drainage issues and critical basin requirements as defined by the flood control district. The Deputy Director of the Flood Control District issued a letter in response to specific complaints registered by the speaker about this and the prior rezoning, and stated that neither rezoning is going to impact regional drainage problems negatively, and the development is going to improve drainage. Also, staff has evaluated traffic issues and has no objection that the streets can handle the additional capacity, and this property will be on a municipal water system, which will not affect local well water levels.

A commissioner asked the applicant about the width of the road and providing a buffer. The applicant stated that they are providing the standard landscape buffer, and the ROW width will be 80 feet per major streets and routes plan; the actual pavement varies from 21 to 24 feet, but will be widened under the major streets and routes standards.

The public hearing was closed.

A commissioner stated that periodically rezoning requests allow residents an opportunity to address a county body with other infrastructure issues. Rather than holding up this request, the commissioner requested that staff also present to the Board of Supervisors the issues raised by neighbors during the hearing that need to be addressed, and for staff to meet with the residents to work on their issues and walk the area.

Staff stated the intent to work with the Flood Control District to bring neighborhood concerns to the Board. Staff continued that the District has gone to the field, held meetings, and walked and talked with neighbors. The larger floodplain management study going to the Board later this year will provide actionable items to address drainage concerns, but not every expectation will be remedied. The District is taking steps to remedy the core issues in neighborhoods, but staff noted that this region is former agricultural land along the Santa Cruz River developed without the benefit of engineering, platted subdivisions and infrastructure improvements.

Commissioner Hook made a motion to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**, Commissioner Becker gave second.

The commission voted to recommend **APPROVAL** of the rezoning (7 – 0, Commissioners Bain, Cook and Maese were absent) with the following conditions:

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

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
   A. The property shall be limited to two (2) access points on Camino de Oeste.
   B. During the subdivision platting process, thirty-five (35) feet of right-of-way shall be dedicated along the eastern property line adjacent to Camino de Oeste.

3. Regional Flood Control District condition: At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table A or B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures
4. Regional Wastewater Reclamation Department conditions:
   A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
   B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
   C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
   D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
   E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
   F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. 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.
6. 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.

7. Adherence to the preliminary development plan as approved at public hearing.
8. 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 require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
9. The property owner shall execute the following disclaimer regarding Proposition 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(I)."

TD/DS/ar
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
P19RZ00011 File

FLOOD CONTROL RESPONSE TO NEIGHBORHOOD CONCERNS

PIMA COUNTY
FLOOD CONTROL

January 28, 2020

Cynthia Merodias-Montenegro
7445 N Camino de Oeste
Tucson AZ 85741

Subject: Complaint Number: 20-023—7951 N Camino de Oeste

Dear Ms. Merodias-Montenegro:

The Regional Flood Control District (District) has received your letter dated January 8, 2020, and has performed a site visit on January 17, 2020. The District has reviewed the approved Drainage Reports for the Pima Farms/Camino de Oeste Subdivision Lots 1 – 43 (formerly referred to as the Boykin Property) and for the Oeste Lomas Subdivion at the southeast corner of Camino de Oeste and Magee Road. Drainage maps from these reports are attached. In addition, the District has met with the Pima Farms Subdivision and adjacent property owners and is aware of local flooding issues in the property vicinity. The District also has reviewed the conceptual Regional Drainage Pattern exhibit provided by you. Following these efforts, the following determinations have been made:

1) The Oeste Lomas subdivision has been platted, but no improvements have been constructed. Planned improvements will direct almost all onsite flows to the existing public drainage channel which conveys flows to the Massingale Detention Basin. The existing public drainage channel appears to be functioning as designed and is the full maintenance responsibility of the District. The last maintenance activity was in 2015, and is inspected annually and after large storm events for any maintenance needs. This subdivision does not cause any increase in flows to the west.

2) The approved Drainage Report for the Pima Farms/Camino de Oeste (PFCO) Subdivision proposes improvements to safely convey offsite flows to on-site detention/retention basins which are designed to reduce 1% chance storm developed peak discharges by 10% below existing conditions peak discharges and to reduce runoff volume to adjacent properties. In the event of completion of the development of Oeste Lomas, the most of the offsite flows should no longer impact Pima Farms/Camino de Oeste since they will be diverted to Massingale Basin.

3) The proposed improvements for PFCO are in the design phase and will address runoff issues associated with the development. The updated Detention/Retention Manual now includes a requirement that new development retain the first 0.5 inch of rainfall on-site in order to reduce the volume and frequency of flooding that downstream properties would experience.

4) The previous development on the parcel had a negligible effect on the over hydrology that impacts the site. The combination of improvements from the two subdivision will reduce the peak discharge rate and frequency of flooding.

5) Regional flooding issues along Massingale and Magee Roads result from runoff from watersheds extending significantly to the northeast. Local drainage flows within the PFCO development area are not responsible for the existing regional flow patterns. Proposed improvements for the PFCO

Suzanne Shields, P.E., Director
201 N. Stone Avenue, 9th Floor, Tucson, Arizona 85701-1207 • Phone: 520-724-4600 • Fax: 520-724-4621

Subdivision comply with District standards and are designed not to exacerbate flooding conditions downstream.

6) The District acknowledges that regional patterns reduce access during large storm events, and will include the known problems in our Floodplain Management Plan which will be presented to the Board of Directors of the Flood Control District in Spring of 2020.

The District appreciates your taking the time to present the concerns of you and your neighbors, and, while we have not found inadequate drainage planning for the referenced property, we will continue to work with the Department of Transportation through larger planning efforts to address the information you have provided about neighborhood-scale concerns.

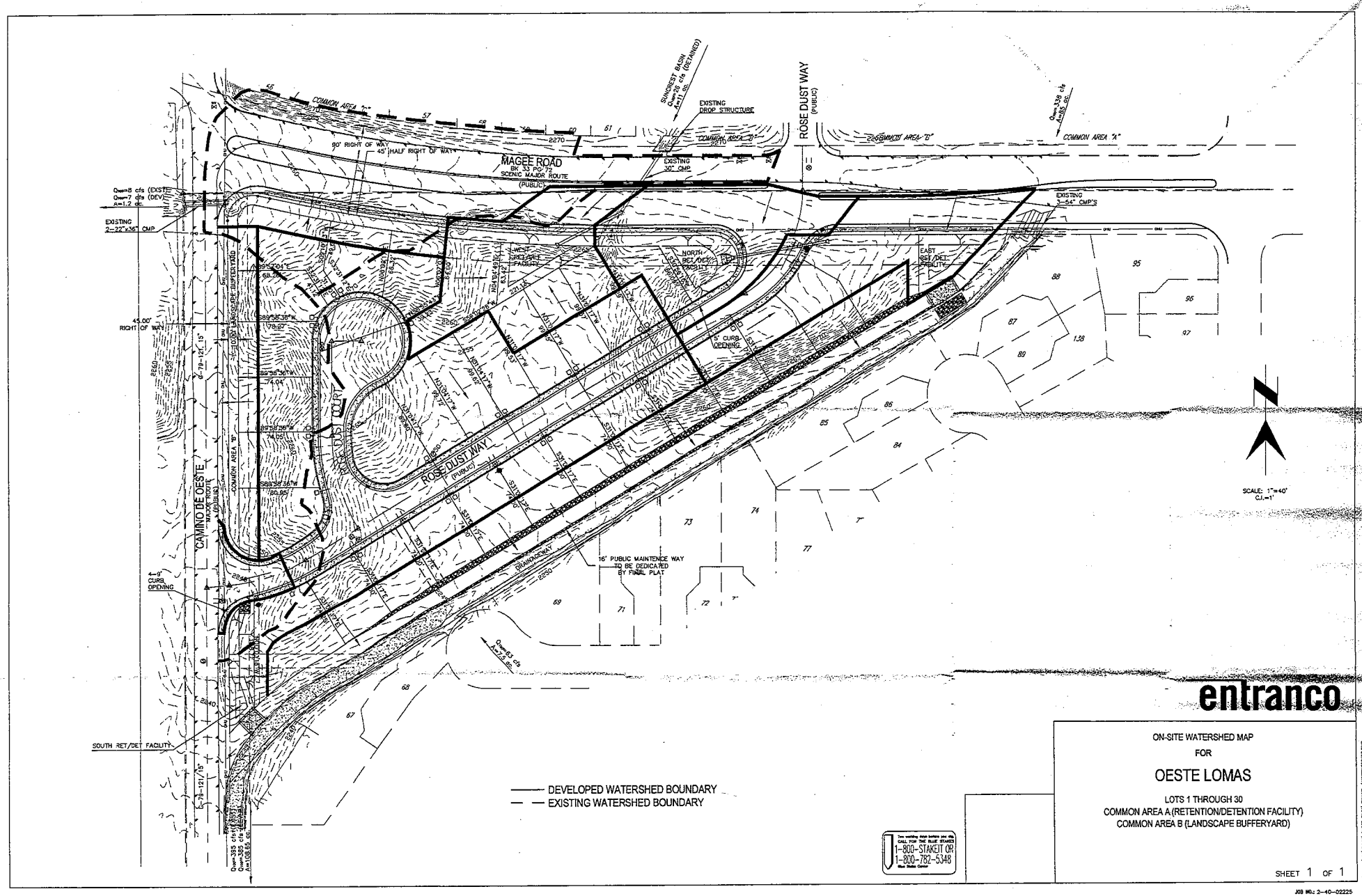
If you have any questions regarding this letter, please contact me at 724-4600.

Sincerely,

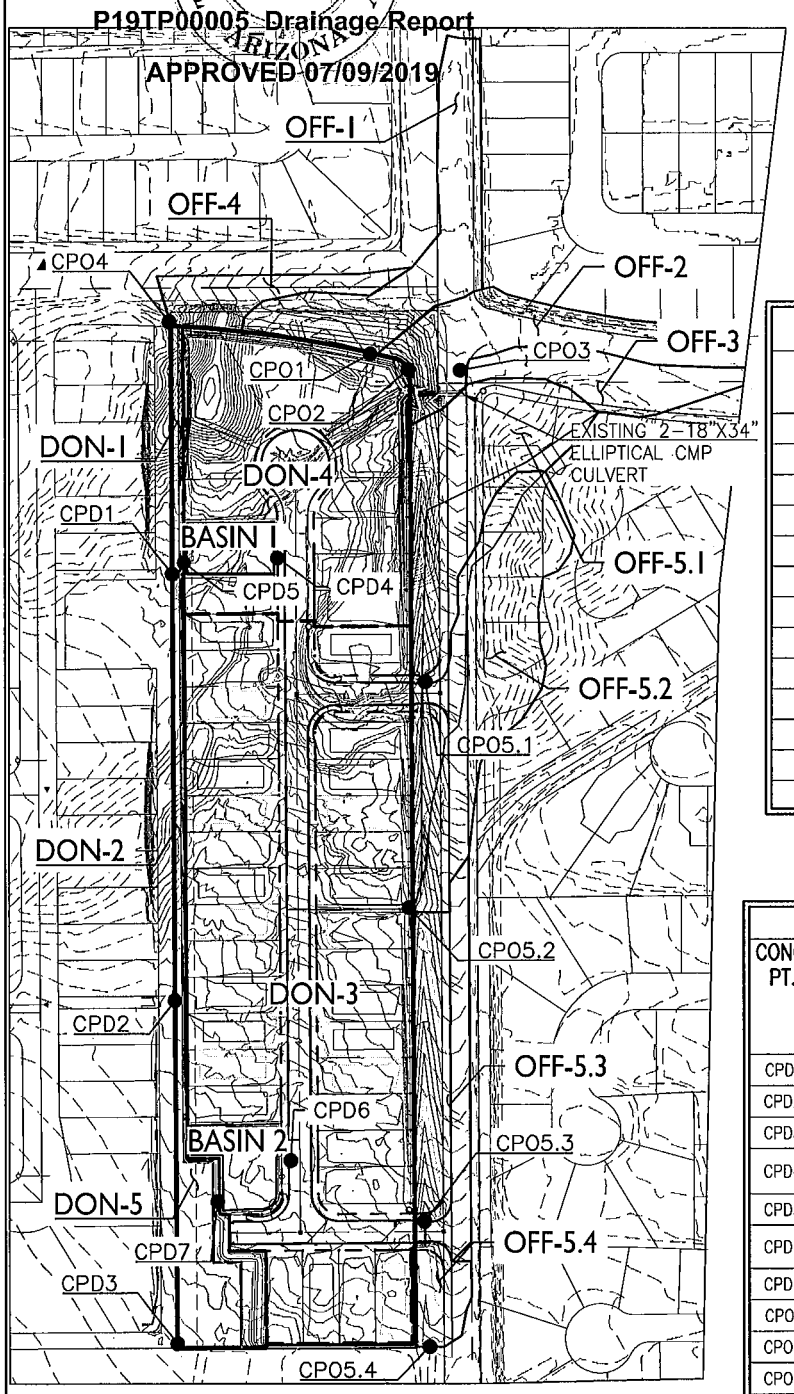
Eric Shepp, P.E. Floodplain Administrator

Attachments

cc: Brian Jones, Floodplain Management Division Manager
Mindy Cox, Enforcement Compliance Officer
Ann Moynihan, Civil Engineering Manager


MAGEE ROAD
BK 33 PG 72
SCENIC MAJOR ROUTE
(PUBLIC)
90' RIGHT OF WAY
45' HALF RIGHT OF WAY
ROSE DUST WAY
(PUBLIC)
ROSE DUST COURT
CAMINO DE OESTE
MAJOR ROUTE
(PUBLIC)
COMMON AREA "A"
COMMON AREA "B"
COMMON AREA "D"
SINGREST BASIN
EXISTING DROP STRUCTURE
EXISTING 30" CMP
EXISTING 2-22"x36" CMP
EXISTING 3-54" CMP'S
Q=8 cfs (EXIST)
Q=7 cfs (DEV)
A=1.2 ac.
45.00' RIGHT OF WAY
5' CURB OPENING
4-9' CURB OPENING
16' PUBLIC MAINTENCE WAY TO BE DEDICATED BY FINAL PLAT
GRAMADONAY
NORTH RET/DET FACILITY
EAST RET/DET FACILITY
SOUTH RET/DET FACILITY
SCALE: 1"=40'
C.I.=1'
DEVELOPED WATERSHED BOUNDARY
EXISTING WATERSHED BOUNDARY
CALL FOR THE BLUE STAKES
1-800-STAKEIT OR
1-800-782-5348
entranco
ON-SITE WATERSHED MAP
FOR
OESTE LOMAS
LOTS 1 THROUGH 30
COMMON AREA A (RETENTION/DETENTION FACILITY)
COMMON AREA B (LANDSCAPE BUFFERYARD)
SHEET 1 OF 1
JOB NO.: 2-40-02225

THE SEAL OF PIMA COUNTY ARIZONA
P19TP00005 Drainage Report
APPROVED 07/09/2019



DEVELOPED DRAINAGE				
Basin ID	Area (Ac)	Q2 (CFS)	Q10 (CFS)	Q100 (CFS)
DON-1	0.17	0.2	0.5	1.1
DON-2	0.17	0.3	0.6	1.1
DON-3	5.30	12.3	22.2	39.2
DON-4	2.37	5.7	10.3	18.1
DON-5	0.52	0.3	0.9	2.1
OFF-1	0.73	1.7	3.1	5.5
OFF-2	0.69	2.1	3.6	6.0
OFF-3	0.41	0.6	1.3	2.6
OFF-4	0.27	0.7	1.3	2.2
OFF-5.1	0.91	1.4	2.9	5.7
OFF-5.2	1.23	1.9	4.0	7.7
OFF-5.3	0.69	1.3	2.4	4.5
OFF-5.4	0.17	0.2	0.5	0.9

DEVELOPED DRAINAGE				
CONC. PT.	Drainage Area IDs	Q2 (CFS) (IN/OUT)	Q10 (CFS) (IN/OUT)	Q100 (CFS) (IN/OUT)
CPD1	DON-1, BASIN 1	3.7	11.5	25.6
CPD2	DON-2	0.3	0.6	1.1
CPD3	DON-5, BASIN 2	4.2	12.9	32.3
CPD4	DON-4, OFF-1, OFF-2, OFF-3	10.4	18.9	33.4
CPD5	BASIN 1	10.4/3.6	18.9/11.2	33.4/24.8
CPD6	DON-3, OFF-5.1, & OFF-5.2	14.3	29.0	52.7
CPD7	BASIN 2	14.3/4.1	29/12.5	52.7/31.1
CPO1	OFF-1	1.7	3.1	5.5
CPO2	OFF-2	2.1	3.6	6.0
CPO3	OFF-3	0.6	1.3	2.6
CPO4	OFF-4	0.7	1.3	2.2
CPO5.1	OFF-5.1	1.4	2.9	5.7
CPO5.2	OFF-5.1 & OFF-5.2	3.3	6.8	13.3
CPO5.3	OFF5.3	1.3	2.4	4.5
CPO5.4	OFF-5.3, OFF-5.4	1.5	3.0	5.5

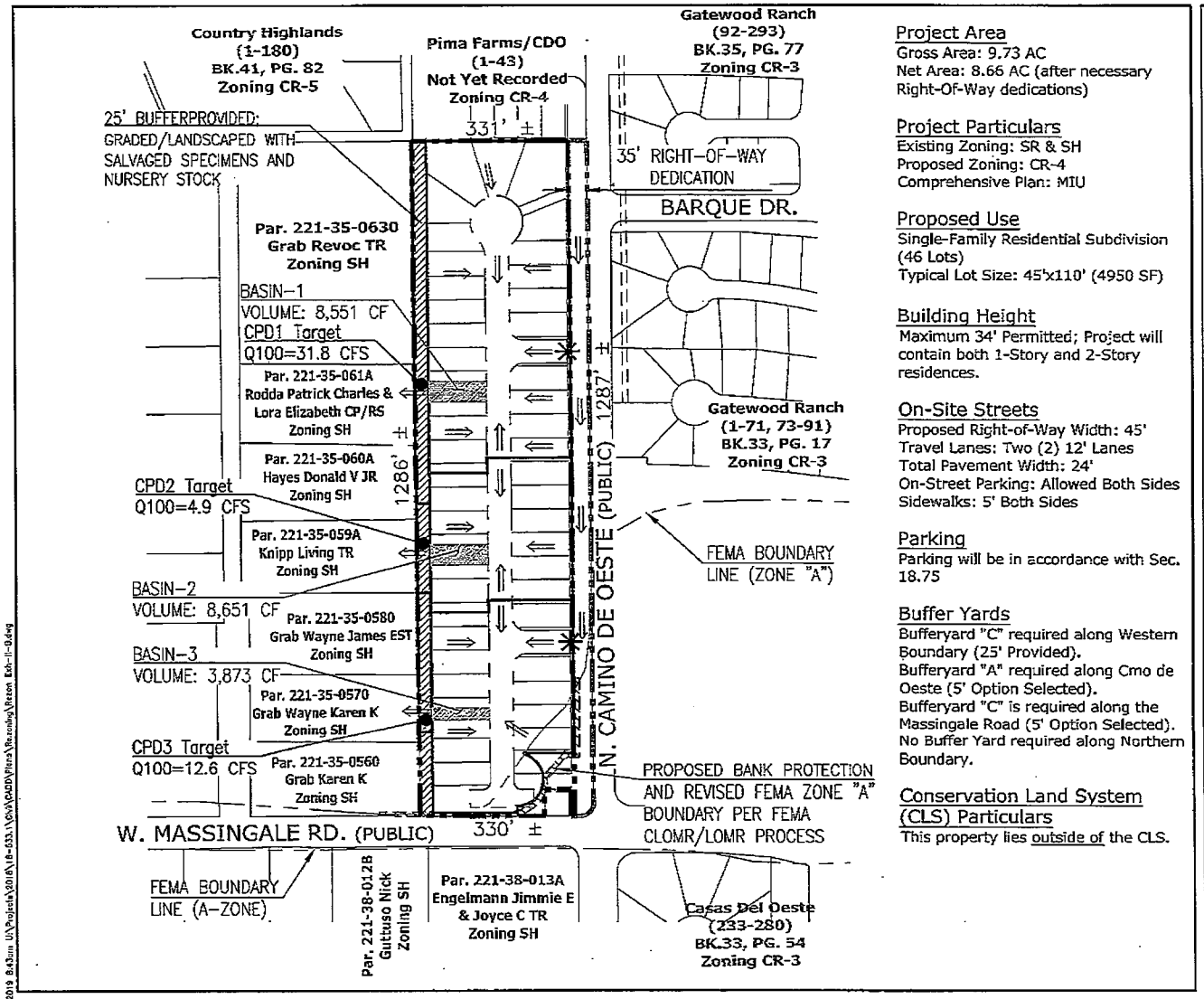
EPS GROUP
8710 N. Thornydale Rd, Suite 140
Tucson, AZ 85742
T:520.408.1400 | F:520.408.1403
www.epsgroupinc.com

Pima Farms Subdivision
Pima County, Arizona
Devleoped Drainage Map

FIGURE A.2

Job No. 18-533

END OF
FLOOD CONTROL
RESPONSE TO
NEIGHBORHOOD CONCERNS



Project Area
Gross Area: 9.73 AC
Net Area: 8.66 AC (after necessary Right-Of-Way dedications)

Project Particulars
Existing Zoning: SR & SH
Proposed Zoning: CR-4
Comprehensive Plan: MIU

Proposed Use
Single-Family Residential Subdivision (46 Lots)
Typical Lot Size: 45'x110' (4950 SF)

Building Height
Maximum 34' Permitted; Project will contain both 1-Story and 2-Story residences.

On-Site Streets
Proposed Right-of-Way Width: 45'
Travel Lanes: Two (2) 12' Lanes
Total Pavement Width: 24'
On-Street Parking: Allowed Both Sides
Sidewalks: 5' Both Sides

Parking
Parking will be in accordance with Sec. 18.75

Buffer Yards
Bufferyard "C" required along Western Boundary (25' Provided).
Bufferyard "A" required along Cmo de Oeste (5' Option Selected).
Bufferyard "C" is required along the Massingale Road (5' Option Selected).
No Buffer Yard required along Northern Boundary.

Conservation Land System (CLS) Particulars
This property lies outside of the CLS.

LEGEND

- Rezoning Site
- Detention Basin/Drainage Areas (Landscaped)
- 25' Perimeter buffer, enhanced with salvaged landscape specimens and nursery stock
- 1286' ± Boundary Dimensions, typ.
- Post-Developed Flow Direction Arrows
- Post-Developed Watershed Boundaries
- CPD3 Target Q100=X.X CFS — Post-Developed Discharge Concentration Points with Target Q100s
- Project entry points
- FEMA Zone "A" Boundary
- Proposed Bank Protection to Modify Existing FEMA Zone "A" Boundary

N

0 200
Scale: 1"=200'

Jim Portner, Agent for Owner
PROJECTS INTERNATIONAL, INC.
10836 E. ARMADA LANE
TUCSON, ARIZONA 85749
520 850-0917

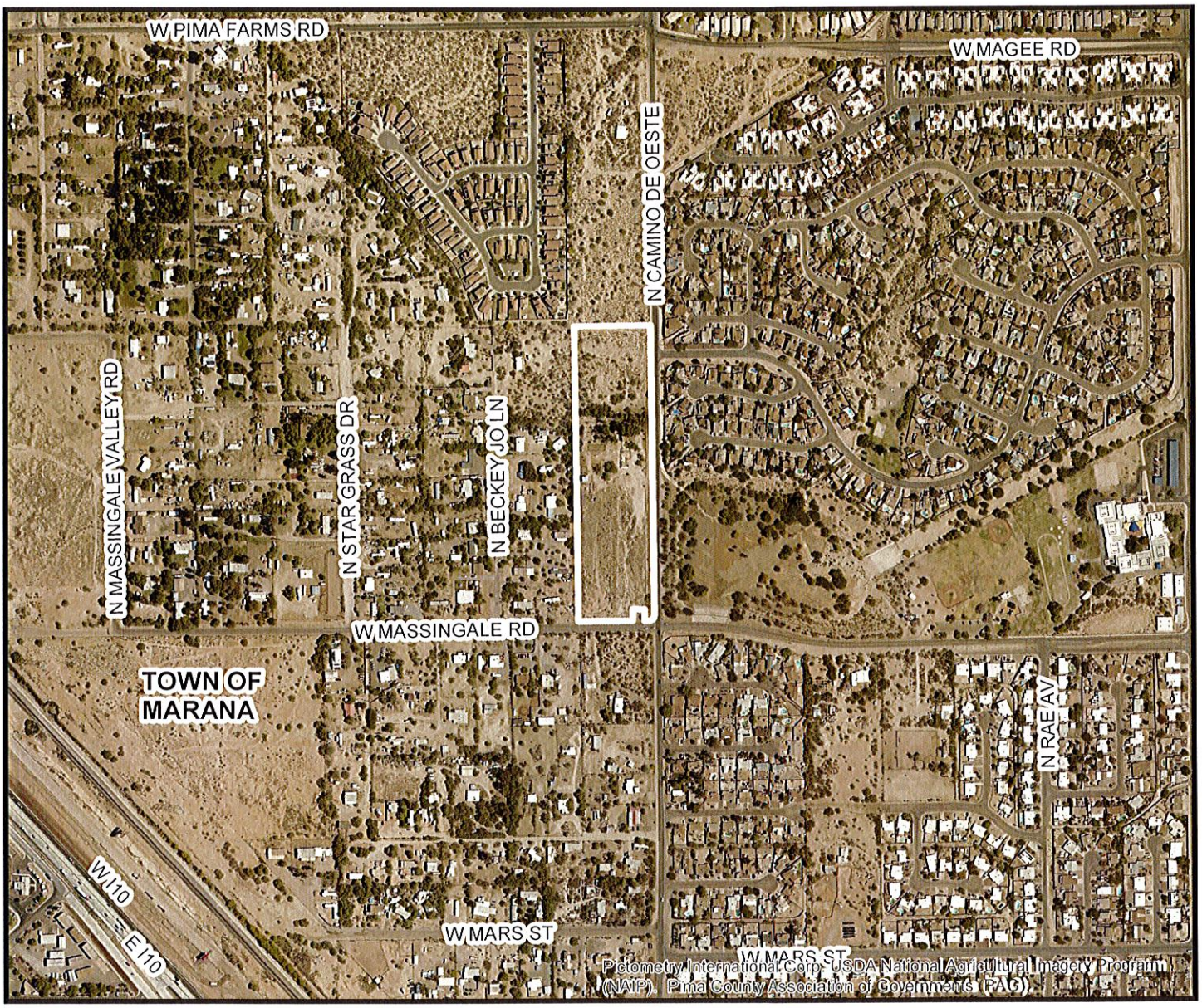
PROJECTS INTERNATIONAL, Inc.
STRATEGIC GUIDANCE
ENTITLEMENT PROCESSES
LOCAL ADVICE & COUNSEL

EPS GROUP

ACM VENTURES, LLC
9.7 ACRE PARCEL @ NORTHWEST CORNER CAMINO DE OESTE & MASSINGALE ROAD
(OWNERSHIP: HIGINIO AVILEZ)
REZONING: SR & SH TO CR-4

EXHIBIT II-B
PRELIMINARY DEVELOPMENT PLAN

Case #: P19RZ00011
Case Name: HIGINIO - N. CAMINO DE OESTE REZONING
Tax Code(s): 221-35-0640



0 285 570 1,140 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

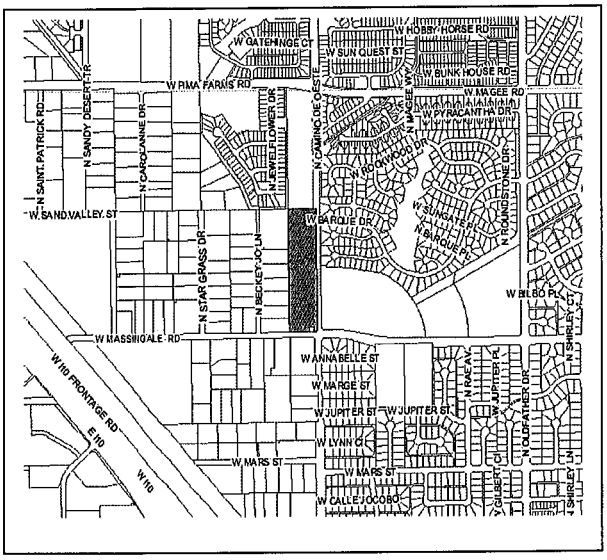
Notes:

Map Scale: 1:8,000

Map Date: 10/25/2019 - ds

N W E S

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION



HEARING January 29, 2020

DISTRICT 1

CASE P19RZ00011 Higinio - N. Camino de Oeste Rezoning

REQUEST Rezone 9.73 acres from SH (Suburban Homestead), 4.96 acres, and from SR (Suburban Ranch), 4.77 acres, zones to CR-4 (Mixed-Dwelling Type) zone

OWNER Higinio Avilez
7701 N Camino de Oeste
Tucson, AZ 85741

APPLICANT Projects International, Inc.
Attn: Jim Portner, Principal
10836 E. Armada Lane
Tucson, AZ 85749

APPLICANT'S PROPOSED USE

The applicant proposes a 46-lot, single-family residential subdivision on 9.73 acres of land.

APPLICANT'S STATED REASON

"The proposed rezoning is an infill development which will expand an established residential sector...which will adjoin another similar and recently-approved subdivision to the immediate north. It will make efficient use of existing public and private utility infrastructure that is already in place immediately adjacent to the property along its Camino de Oeste frontage."

STAFF REPORT SUMMARY

The Development Services Department recommendation is **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The applicant proposes a rezoning to the CR-4 (Mixed-Dwelling Type) zone for a 46-lot residential infill development subdivision. The proposed development consists of 46 detached single-family residences within a subdivision plat representing 5.3 residences per acre (RAC), consistent with surrounding development along the north and east boundaries of rezoning site and the Medium Intensity Urban comprehensive plan category.

PUBLIC COMMENT

As of January 9, 2020, one letter of protest has been received. Main concerns mentioned pertain to traffic, water, flooding, roads, density and archeological Indian ruins.

COMPREHENSIVE PLAN

The comprehensive plan designates the property as Medium Intensity Urban (MIU). MIU plans for a mix of medium density housing types such as attached dwellings, garden apartments, and single family uses with a minimum density of 5 RAC and a maximum of thirteen. MIU also plans for office, medical office and hotel commercial uses. The requested density of 5.3 RAC conforms to the plan based upon the development area of 8.66 acres after the North Camino de Oeste right-of-way dedication to Pima County. Subject property contains a rezoning policy restricting site to single-family residential. There is no special area policy applicable to the property.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CR-4/CR-5/CB-1	Undeveloped/Developed Residential Subdivisions
South:	SH	Unsubdivided Developed Residential
East:	CR-3/SR/ Detention Basin	Developed Residential Subdivision/Unsubdivided Residential/Pima County Regional Detention Basin
West:	SH/SR	Unsubdivided Developed Residential

The surrounding area is mostly developed residential subdivisions with similar densities as the proposed with the exception of the properties to the south and west which are un-platted, low-density residential properties developed with manufactured housing on 1-acre or greater parcels. Most of the low-density properties were the result of lot splits over the course of years. Churches, Northwest Fire Station and Quail Run Elementary School are nearby. A post office, bank, Sonic Drive-In, childcare and preschool are located approximately one-half mile to the east. The nearest retail, grocery, and shopping center providing local neighborhood services is located approximately one and a half miles southeast of the subject property at the intersection of West Ina Road and North Thornydale Road. Additional services exist along the Ina Road corridor. Recreational opportunities exist within the Arthur Pack Regional Park about one and a half miles to the northeast which contains a golf course, ball fields, batting cages, basketball courts, playground, soccer fields, and hiking trails within the Maeveen Behan Desert Sanctuary Trail. Mountain View High School and Tortolita Middle School are adjacent to Arthur Pack Regional Park at its northeastern and southern boundaries, respectively. Shared-use paths along the Canada del Oro River Park and the Santa Cruz River Park provide additional recreational opportunities located within one and a half miles of the subject property to the southeast and southwest.

PREVIOUS REZONING CASES ON PROPERTY

There has been no previous rezoning request for the subject property.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

Rezoning case P18RZ00012 – North Camino de Oeste rezoning from SR (Suburban Ranch) to CR-4 (Mixed-Dwelling Type) located on the southwest corner of West Pima Farms Road and North Camino de Oeste. The 9.77-acre rezoning was approved May 7, 2019 for a 45-lot single-family residential infill development subdivision with on-site functional and natural open space

Rezoning case P15RZ00004 – North Thornydale Road rezoning for SR (Suburban Ranch) to CR-5 (located at the northwest corner of North Thornydale Road and West Magee Road approximately one mile northeast of the subject property. The 17.77-acre rezoning was approved January 19, 2016 for a 28-lot single-family residential infill development with both on-site and off-site open space conservation.

Rezoning case P15RZ00005 – North Thornydale Road rezoning for SR to CB-1 (Local Business) (8.19 acres) and SR® (Suburban Ranch) (46.7 acres) zone located approximately one mile

northeast of the subject rezoning. The 55-acre rezoning was approved by the Board of Supervisors, January 19, 2016 for retail uses with an anchor store and natural open space.

Past activity:
There has been a substantial amount of land to the north and east of the site that has been rezoned from the original zone. An attached rezoning history map shows properties within approximately one-half mile of the site for which rezoning requests have been made from 1959 to 2018. Most rezonings were approved while some were withdrawn or denied.

Areas adjacent to and near the site were rezoned in the late 1950's through 2018's to CR-3, CR-4, CR-5, and CB-1 resulting in single-family and townhouse subdivisions.

The area to the west and south are unsubdivided properties containing single-family mobile homes or site-built homes.

Commercial rezonings to CB-1 (Local Business) and CB-2 (General Business) along the West Ina Road corridor have resulted in self-storage, hotels, office, restaurants, retail, and services development.

MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM (MMBCLS)
The subject property is located outside the Maeveen Marie Behan Conservation Land Systems.

PLANNING REPORT
Staff supports the request because the proposed residential development is compatible with the surrounding and nearby residential, public schools, and commercial uses. Concurrency of infrastructure exists to serve the use. The subject property is an infill property that will contain a similar density as the surrounding area. This rezoning constitutes a second and final phase of a residential development.

Smart Growth principles are employed through infill development that utilizes infrastructure in place and by creating improved transit opportunities. Currently, Sun Tran Shuttle routes are located approximately one mile away. Increased density contributes to the promotion of additional access to multi-modal forms of transportation.

The site did contain a single-family residence; and currently contains accessory structures and a large equestrian riding area which will be removed. Over the years, the majority of the property was disturbed and cleared of native vegetation with only a small portion of the site ungraded. The proposed 46-lot subdivision will contain one and two-story single-family dwellings on lots of approximately 4,950 square feet. The property will be accessed by two drives onto North Camino de Oeste. The single-family residential development will contain sidewalk connectivity to the Camino de Oeste right-of-way. Three retention/detention basins are proposed to meet the post-development criteria in a flood control critical basin area.

The property contains mainly non-native vegetation due to grading of property with residential uses permitted in the 1960's and 1970's. The significant vegetation on property are mainly eucalyptus trees, a few mesquite trees and two saguaros. The applicant intends to salvage and relocate the mesquite trees and saguaros within the bufferyards.

A native plant preservation plan will be submitted with the subdivision plat and the potential for off-site mitigation will be determined at that time in accordance with the code. A 5-foot-wide bufferyard with a 72" decorative masonry wall will be installed along West Massingale Road the

southern boundary of the property. A 5-foot-wide bufferyard with a 40" decorative masonry wall is planned for the Camino de Oeste frontage. No bufferyard required along the north boundary due to site containing the same requested CR-4 zoning. A maximum bufferyard of 20 feet is required on the west boundary, the applicant proposing to further shield the development from the existing neighbors with a 25-foot-wide landscaped bufferyard.

The 46-lot subdivision is proposed to be mass graded and does contain topography that technically demonstrates areas with slopes greater than 15 percent; however, the slopes are man-made. The slopes are either remnants of road-cutting along North Camino de Oeste or the result of slopes created by the previous property owner. The aforementioned man-made slopes on the property are considered exempt by the Hillside Development Zone (HDZ) ordinance.

Due to the subject site being phase two of an overall two-phase residential project, Tucson Water's adopted policies and procedures mandate that actual meter service be established on phase one of the development prior to providing a will-serve letter on phase two. The applicant states that prior to this case being heard by the Pima County Board of Supervisors that a will serve letter will be obtained.

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
Department/Agency	*Concurrency Considerations Met: Yes / No / NA*	*Other Comments*
TRANSPORTATION	Yes	No objection, subject to conditions
FLOOD CONTROL	Yes	No objection, subject to conditions
WASTEWATER	Yes	No objection, subject to conditions
PARKS AND RECREATION	Yes	No objection
WATER	Yes	Will-serve letter contained in site analysis for property north of rezoning request (see *Preliminary Integrated Water Management Plan* - page 43 of site analysis)
SCHOOLS	Yes	Capacity response letter from Marana USD in site analysis.

TRANSPORTATION REPORT

The proposed rezoning site is located directly northwest of the intersection of Massingale Road and Camino de Oeste.

Massingale Road is a paved two lane local roadway maintained by the County. Massingale Road is a 35 miles per hour (mph) posted speed limit roadway with 60 feet existing right-of-way. The most recent counts for Massingale Road is 1,272 average daily trips (ADT) west of the site and 816 ADT east of the site (data year: 2004 & 2009 respectively, source: PAG Interactive Traffic Count Map) with a capacity of 10,360 ADT (FDOT Level of Service Handbook 2013).

Camino de Oeste is a paved-two lane roadway maintained by the County. Camino de Oeste is a 35-mph posted speed limit roadway with 45 feet of existing right-of-way. Camino de Oeste is classified as a Collector with a planned 80 foot right-of-way per the Pima County Major Streets Plan. The most recent counts for Camino de Oeste within the vicinity of the site is 3,591 ADT (data year: 2018, source: PAG Interactive Traffic Count Map) with a capacity of 10,360 ADT (FDOT Level of Service Handbook 2013).

The preliminary development plan is for a 46-lot single-family residential subdivision with two driveways connecting to Camino de Oeste. Trip generation from the site is estimated to be 460 ADT's. Considering that the roadways are under capacity, the proposed site will not significantly impact the surrounding roadways.

There are no concurrency concerns with this request. The Department of Transportation has no objection and recommends rezoning conditions #2A and #2B.

FLOOD CONTROL REPORT

The site includes Federal Emergency Management Agency (FEMA) Special Flood Hazard Area Zone A in the extreme southeast corner of the site. This floodplain also impacts Massingale Road along the entire southern boundary. A regional detention basin is located east of Camino de Oeste. The site is located within a critical basin. Massingale Road carries floodwaters and becomes impassable at times.

Bank protection is proposed and a Letter of Map Revision to alter the floodplain. It is unknown at this time how this may affect the depth and frequency of flows on Massingale Road, although the change is expected to be minor in Massingale Road. The impacts, if any, to Camino de Oeste have not been quantified.

The application identifies the water service provider and the intent to identify conservation measures at the time of development.

As required, staff has conducted the Water Resources Impact Analysis (WRIA), including providing demand projections as follows:

a. The site is adjacent to the Tucson Water service area on two sides.
b. A demand projection has not been completed.
c. The site is not located within a covered subsidence zone.
d. The site is not within a mile of a shallow groundwater area.
e. The site is not within an Isolated Basin.

Based upon the information available at this time staff finds that the project is not expected to have adverse impacts on groundwater dependent ecosystems and furthermore that no additional

conservation measures are required based upon proximity to shallow groundwater or demand increases. In conclusion the District has no objection subject rezoning condition #3.

WASTEWATER RECLAMATION REPORT
The rezoning area is within the Pima County Regional Wastewater Reclamation Department (PCRWRD) service area and is tributary to the Tres Rios Water Reclamation Facility via the Canada del Oro Interceptor. Capacity for this development is currently available in the 21" public sewer G-79-121, downstream from manhole 1728-06 (Type I 2019-181 dated August 14, 2019). PCRWRD has no objection to the request subject to the addition of rezoning conditions #4A-F.

ENVIRONMENTAL PLANNING REPORT
Environmental Planning has no objection subject to condition #5.

CULTURAL RESOURCES REPORT
Cultural Resources has no objection subject to rezoning condition #6.

NATURAL RESOURCES, PARKS AND RECREATION REPORT
Natural Resources, Parks and Recreation has no comment.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT
United States Fish and Wildlife has no concerns relating to the subject property.

WATER DISTRICT REPORT
City of Tucson Water has no comment.

SCHOOL DISTRICT REPORT
The Marana Unified School District has capacity to serve the proposed development. A letter of capacity to accommodate future students is contained with the site analysis.

FIRE DISTRICT REPORT
Northwest Fire District has no comment.

SUN TRAN REPORT
Sun Tran stated that this rezoning will not affect public transit.

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. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
   A. The property shall be limited to two (2) access points on Camino de Oeste.
   B. During the subdivision platting process, thirty-five (35) feet of right-of-way shall be dedicated along the eastern property line adjacent to Camino de Oeste.
3. Regional Flood Control District condition: At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table A or B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures
4. Regional Wastewater Reclamation Department conditions:

A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. 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.
6. 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.
7. Adherence to the preliminary development plan as approved at public hearing.
8. 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 require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

9. The property owner shall execute the following disclaimer regarding Proposition 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(I)."

Respectfully Submitted,

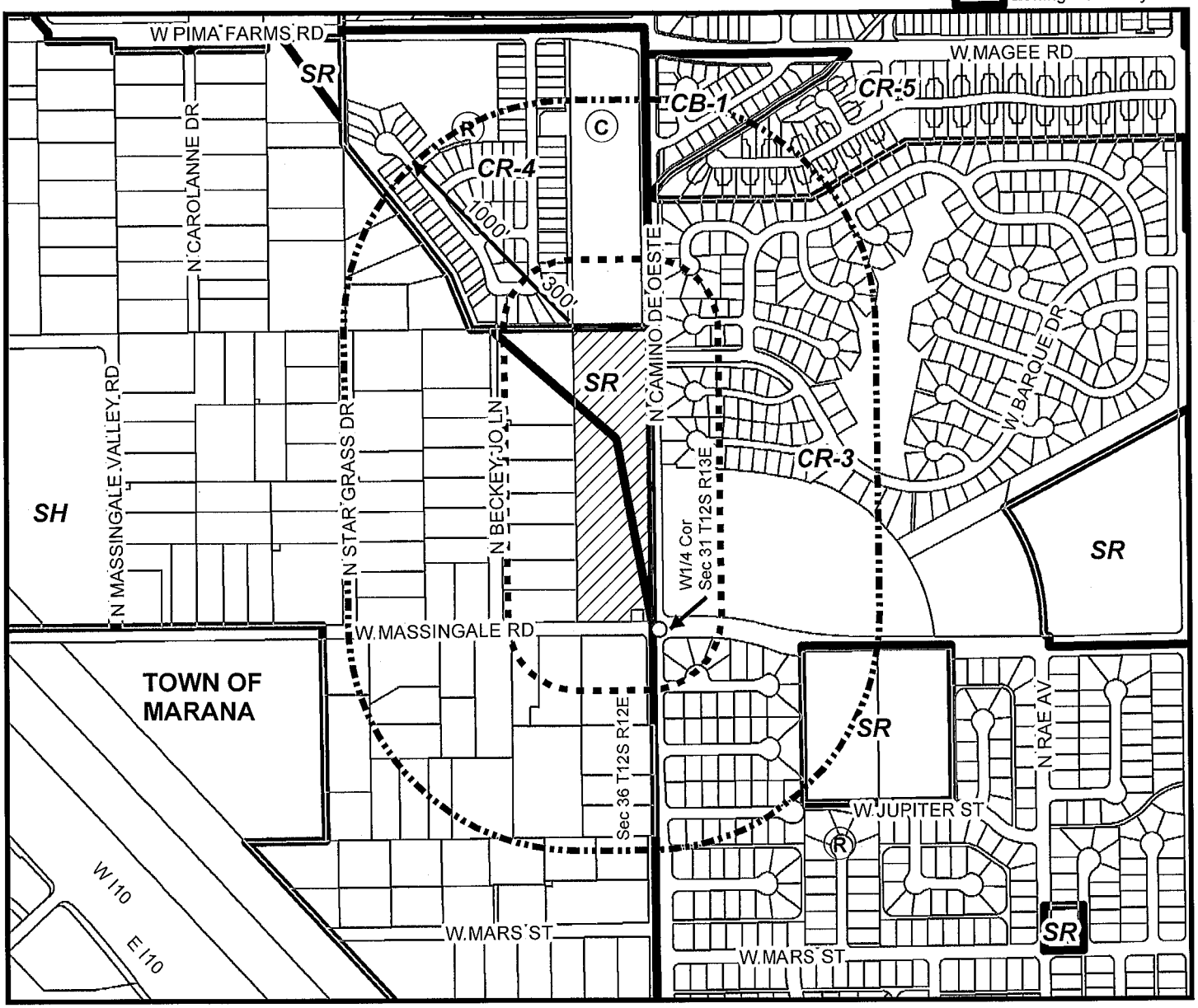
Donna Spicola
Planner

TD/DS/ar
Attachments

c: Projects International, Inc., Attn: Jim Portner, Principal, 10836 E. Armada Lane
Tucson, AZ 85749
Higinio Avilez, 7701 N Camino de Oeste, Tucson, AZ 85741

Case #: P19RZ00011
Case Name: HIGINIO - N. CAMINO DE OESTE REZONING
Tax Code(s): 221-35-0640

1000' Notification Area
300' Notification Area
Subject Property
Zoning Boundary



0 285 570 1,140 Feet

Area of proposed rezoning from SH and SR to CR-4

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes:

PIMA COUNTY COMPREHENSIVE PLAN P19CA00004/CO7-13-10

Planning & Zoning Hearing: 1/29/20 (scheduled)	Board of Supervisors Hearing: TBA

Base Map(s): 114	Map Scale: 1:8,000	Map Date: 12/20/2019 - ds

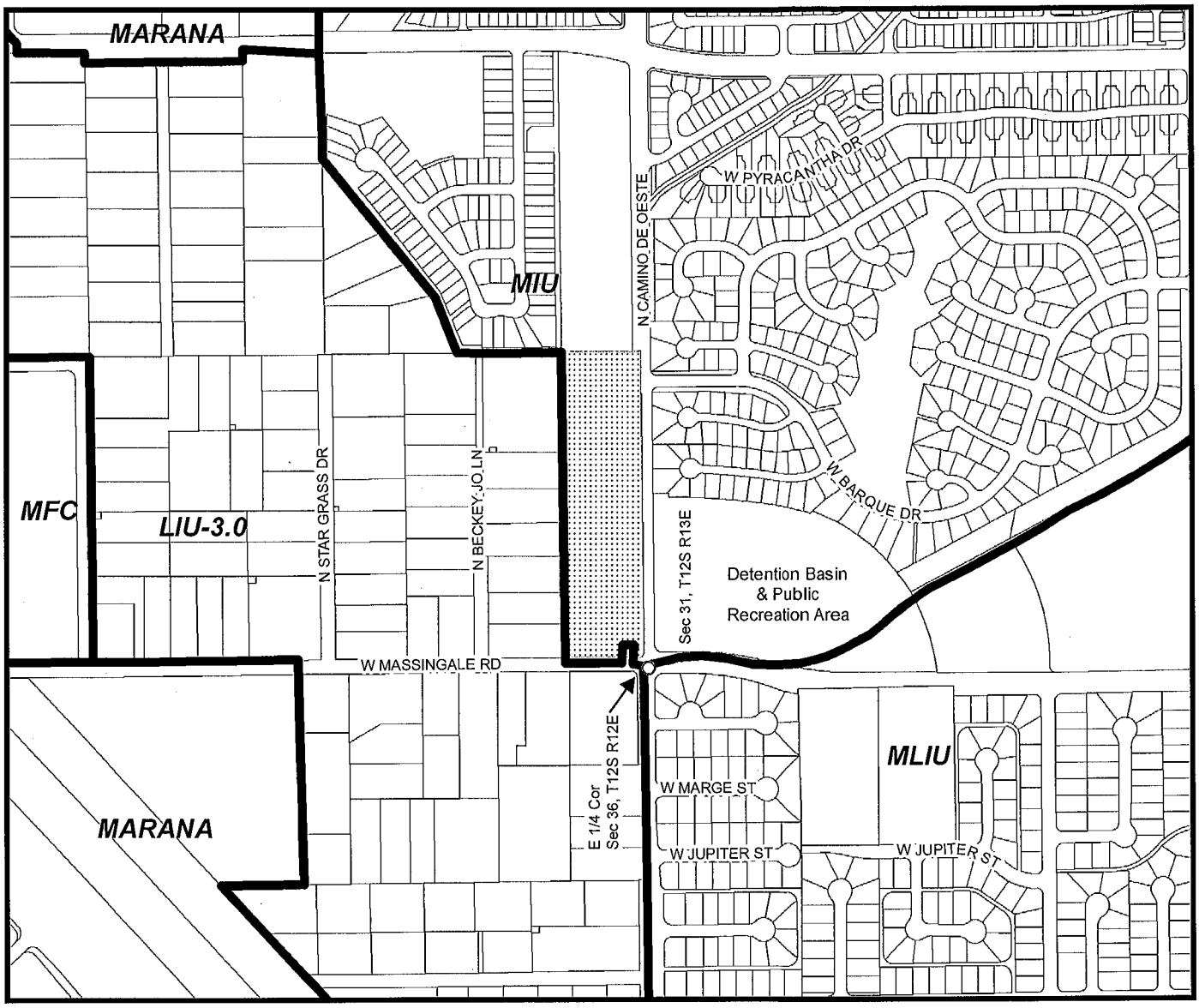
N W E S

Medium Intensity Urban (MIU)

Objective: To designate areas for a mix of medium density housing types, such as attached dwellings, garden apartments, and single family, as well as non-residential uses such as offices, medical offices, and hotels. Special attention should be given in site design to assure that uses are compatible with adjacent lower density residential uses. Where possible, pedestrian and bicycle access shall be provided to commercial areas, schools, institutional uses, and other similar uses.

- Residential Gross Density: Minimum- 5 RAC; Maximum- 13 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 5 RAC; Maximum- 10 RAC

Case #: P19RZ00011
Case Name: HIGINIO - N CAMINO DE OESTE REZONING
Tax Code: 221-35-0640



0 285 570 1,140 Feet

Subject Property

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION

Pima County Comprehensive Plan
P19CA00004/Co7-13-10

PIMA COUNTY
DEVELOPMENT SERVICES

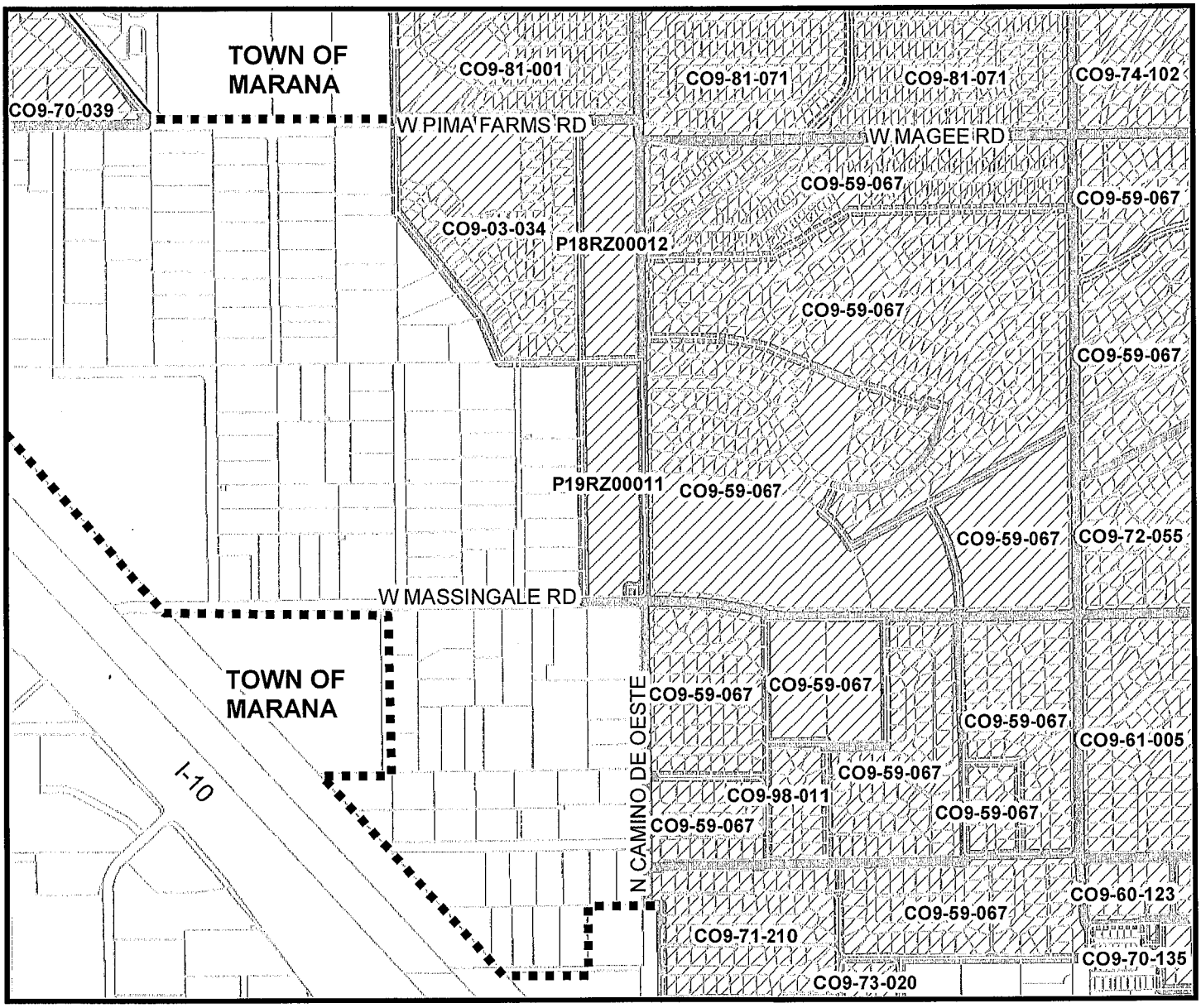
Map Scale: 1:8,000

Map Date: October 23, 2019 / dms

N W E S

REZONING HISTORY MAP

Case #: P19RZ00011
Case NamE: HIGINIO - N. CAMINO DE OESTE REZONING



0 360 720 1,440 Feet

Surrounding Area Rezonings with Case Numbers

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes:

Map Scale: 1:10,000

Map Date: 10/11/2019 - ds

N W E S

Some files had been uploaded along with this submission. To download the files visit the link provided below. You will need to supply your AllForms login e-mail and password to download the files. We store all the uploaded files in zipped format, so you will need a unzipping program like WinZip to view or extract the files. Make sure you do a virus scan before trying to access these files on your system.

Download (https://allforms.mailfol.net/filenhp?dl=6f8ac8da-11248734-e17e2f3c)

Form Results	
Disregard	***>>> DISREGARD The message above the Form Results ROW <<<***
Note about attachments	***>>> Pima County virus software CYLANCE automatically scans files. There IS NOT a right mouse scan this file option. Attachments are scanned by our email appliance when received, then again by Cylance when saved or opened. <<<***
Owner Name	Higinio Avilez
Owner Address	7701 N. Camino de Oeste
Owner City	Tucson
Owner State	AZ
Owner Zipcode	85741
Owner Phone	520-909-2062
Owner_Email	ginoavilez69@gmail.com
Applicant Name	Jim Portner, Projects International, Inc.
Applicant Address	10836 E. Armada Lane
Applicant City	Tucson
Applicant State	AZ
Applicant Zipcode	85749
Applicant Phone	520-850-0917
Applicant_Email	jportner@projectsintl.com
Property Address	7701 N. Camino de Oeste, Tucson, AZ 85741
Property Parcel Number	221-35-0640
Property Acreage	9.73 AC
Property Present Zone	SR & SH
Property Proposed Zone	CR-4
Policies	Tortolita Planning Area/MIU (Case P19CA00004)/RP: Residential Only
FTP-Link	You will receive an email invitation directly from Dropbox to download
Signature	I confirm the information provided is true and accurate 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. (By checking the box, I am electronically signing this application.)
Application Date	04-Oct-2019
More Information about this submission and submitter	
Submission ID	11248734
Date & Time	4th Oct 2019 10:07 AM
Form Location	https://web1.pima.gov/applications/rezoning/
IP Address	67.1.43.56
Browser info	Mozilla/5.0 (Macintosh; Intel Mac OS X 10.14; rv:69.0) Gecko/20100101 Firefox/69.0
Predicted Country	--

DocuSign Envelope ID: E2BF9C13-738F-4347-8208-BD30C34B8A3B

Higinio Avilez
7701 N. Camino De Oeste
Tucson, AZ 85741

April 29, 2019

Mr. Chris Poirier, Planning Official
Pima County Development Services Department
Planning Division
201 N. Stone Avenue – 2nd Floor
Tucson, AZ 85701

RE: LETTER OF AUTHORIZATION
Comprehensive Plan Amendment and Rezoing – NWC Massingale Rd @ Camino de Oeste (Parcel #221-35-0640)

Dear Mr. Poirier:

As the owner-of-record of the above referenced property (7701 N. Camino de Oeste; Assessor's Tax Parcel No. 221-35-0640), I hereby authorize Jim Portner of Projects International, Inc. to represent me as the applicant and agent in the Comprehensive Plan Amendment and Rezoning of this property.

Sincerely,

Higinio Avilez
7701 N. Camino De Oeste
Tucson, AZ 85741

DocuSigned by:
D02E6EAB63DC4F5...

PUBLIC COMMENT

From:	Cindy Montenegro
To:	District1; Donna Spicola; Mark Holden; ChrisPoirier@Pima.gov
Subject:	FW: Protest Comprehensive Plan Amendment and Rezoning
Date:	Friday, November 1, 2019 10:13:22 AM
Attachments:	Concerns rezoning 7701 N. C de Oeste-Higinio.docx Info on Concerns re-zoning 7701 C. de Oeste.pdf Map 300" & 1,000" of 7701 N. C. de Oeste.pdf Nieghbors with in 300" 7701 N. C de Oest.docx

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This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.
****

This plan never should have been approved in the Amended Comprehensive Plan, did not receive adequate notice and unlike represented by the developer it is surrounded by low density zoning.

Att: Danna Spicola
Development Services Dept.
201 N. Stone Ave.
Tucson, AZ 85701
520-724-9000
Email Donna.Spicola@Pima.Gov

Supervisor Ally Miller
130 W. Congress 11th Floor
Tucson, AZ 85701
520-724-2738 Fax 724-8489
district1@pima.gov

-
Mark Holden, AICP
Mark Holden Principal Planner
Pima County Planning Division,
Development Services Dept.
201 N. Stone Ave.
Tucson, AZ 85701
(520) 724-8800
Mark.Holden@pima.gov
http://gis.pima.gov/maps/mapguide/

Chris Poirier Planning Official
ChrisPoirier@Pima.gov

Re: Comprehensive Plan Amendment and Rezoning P19CA0004 Higinio 7701 N. Camino de Oeste, tax #221-35-0640

We protest the Re-zoning of 7701 N. Camino de Oeste P19CA0004

Neighbors did not get a chance to respond to the Amendment to the Comprehensive Plan which was approved Tuesday October 15, 2019. I got notice by mail Wednesday October 9, 2019, see attached envelope mailed October 8th (Sorry I used it as a scratch pad), for Tuesday October 15th meeting, less than a week's notice. The requirement is to give 15 day notice.

My concerns:

Water: We live and have rentals in the area that are on shared wells. We are concerned with how all this construction effect our water/wells, will the water level drop or will we need to dig deeper or will we not have water at some point? I read of a ground water shortage in the near future in Arizona & Tucson due in part to all the new construction, see Sunday October 20, 2019 Tucson Newspaper. I also read of a potential shortage of CAP water. I am told that the City gets its water from CAP not the wells. Not true it is a blend and we see the well behind the Circle K at Ina & Camino de Oeste (blocks away) running. Ralph, my husband, says when they put in the City well behind the Circle K maybe 10+ years ago our water in our well dropped considerably. Many of our neighbors have had to drill their wells deeper? There are six City wells within ½ mile of this location and our properties (see map attached) between Ina, Pima Farms, Thornydale and Camino de Oeste. This property (Higinio) will not qualify for City Water, it does not have City Water service. The developer plans to develop it with the 10 acres above it that just got rezoned for some 40+ homes which should qualify it for City Water. I count some 30 private, communities or shared wells in the area (see map attached: between Ina,I-10, Cortaro, Camino de Oeste), these properties do not have City water available to them. The City may be able to provide water to new developments from CAP water, but the CAP water does not replenish our aquifer.

Flood: After the start of the development of the Pima Farms subdivision just west of Camino de Oeste and on the south side of Pima Farm, the 10 acres above this property (Boykin #P18RZ00012) filled his property with dirt or sand. The Pima Farms subdivision was not designed to handle that much water, which caused major flood issues along Pima Farms and to the properties to the west and south. Causing homes, out buildings, animal enclosures to be flooded and ditches cutting through properties cutting off access. Neighbors are having to rent tractors on a regular basis and bring in

dirt to protect their properties or make repairs. This property/Higinio P19CA004 is partially High Flood Zone. The developer is suggesting running the water to Massingale. We already have too much water running down Massingale making it a serious problem to cross after a heavy rain. The law requires developers to not change the water flow. They must let water in where it comes in and let it out where it comes out, and they cannot increase the flow. Some time back when Pima Farms was developing the lots, Boykin told my husband he was filling his property in hopes of selling it. The market took a dive and he was unable to sell at that time. The above development (Boykin #P18RZ00012) needs to fix the problem he created when he filled the property. I submitted aerial photos and information on Boykin's filling of his property prior to Pima County Flood. They have received a tremendous amount of complaints, at the time it was believed that Pima Farms had inadequate flood control, the neighbors did not realize that Boykin had filled his property. I was told Pima County Flood had prior records and would go back to the flow from prior to Boykin filling his property. I do not believe the developer is planning to do so.

Higher density zoning: I went to the re-zoning hearing on the upper 10 acres P18RZ00012 Boykin. Many of the neighbors turned out with their concerns, but it was approved for the rezoning. One of the board members or staff agreed that it was denser than it should be for the area but it met the Comprehensive plan. The upper 10 acres is also on a section corner. These 10 acres P19CA0004 Higinio is/was Low Intensity Urban area currently zoned SR 3.3+ acre sites and SH acre+ sites it is/was not master planned for higher density. The MIU zoning the developer asked for on the Notice "MIU Medium Intensity Urban- Minimum density: 5 R/AC. Maximum density: 13 R/AC" is higher than anything around it (see attached zoning map). There is SH on the south and west, CR3 to the east and I do not know what the property to the north was re-zoned to but it was SR 3.3 acre lots. At the Comprehensive plan hearing the developer, Jim Portner. told staff he wanted zoning to coincide with adjacent properties 5 RAC. CR-5 is higher than all the zoning around this property, see zoning map. There is no reason for this high of zoning in this location. I called Development Services and talked to Danna Spicola and she told me he asked for CR-4, still too high and not what it said on the notice or at the Comprehensive Plan hearing.

Road: This property is being developed with the above property extending from Massingale along Camino de Oeste to Pima Farms/Magee. Magee jogs over at the top of the above property and becomes Pima Farms. A very confusing intersection due to the jog over. Traffic north bound to the freeway has to take Pima Farms a narrow road with a speed limit of 25 miles per hour, it is not designed for all the traffic going through it now. At the lower end of this property is Massingale which runs like a river see attached flood map. You cannot cross or navigate Massingale after one of our monsoon rains. I fear someday some child or person will be swept away and drown.

Also further south Mars also runs after a rain and often cars cannot cross it. Both Massingale and Mars are full of pot holes or patched pot hole making them very difficult to navigate. Also there are two steep hills converging at the bottom at Camino de Oeste and Massingale. Camino de Oeste from Magee/Pima Farms to Massingale is very steep. Massingale from Old Father to Camino de Oeste is also a hill. There have been many accidents at this intersection including a school bus that lost its brakes and hit another school bus.

Archeological Indian runes/artifacts: All the properties in this area have Indian ruins and artifacts. The developer said there were some in the south west corner of the property where he proposed the retention area and where it currently is listed as flood, see flood map.

Cynthia Merodias-Montenegro

Ralph Montenegro
7445 N. Camino de Oeste #221-38-018A
Tucson, AZ 85741

Also owners of in the 1000 ft. area:
7802 N. Star Grass #221-35-002B
7445 N. Camino de Oeste #2 221-38-018B
7455 N. Camino de Oeste #221-38-0190

Also owners of in area:
7461 N. Camino de Oeste #221-38-0070
4635 W. Mars #221-38-034D

MONTENEGRO RALPH B & CYNTHIA JT/RS -P19CA00004
7445 N CAMINO DE OESTE TRLR 1
TUCSON AZ
85741-1822

PIMA COUNTY
DEVELOPMENT SERVICES

Scheduled Meeting of the
Pima County Board of Supervisors

This is a notice to inform you that a public hearing (meeting) will be held on ***Tuesday, October 15, 2019 at 9:00 AM,*** at the Pima County Administration Building - East, Board of Supervisors Hearing Room, 130 W. Congress St., 1st Floor, Tucson, AZ 85701, regarding the following case(s):

COMPREHENSIVE PLAN AMENDMENTS

P19CA00004 HIGINIO – N. CAMINO DE OESTE PLAN AMENDMENT
Avilez Higinio, represented by Projects International, Inc., requests a **comprehensive plan amendment** of approximately 9.77 acres from Low Intensity Urban 3.0 (LIU-3.0) to Medium Intensity Urban (MIU), located north of W. Massingale Road and addressed as 7701 N. Camino de Oeste, in Section 36, Township 12 South, Range 12 East, in the Tortolita Planning Area. (District 1)

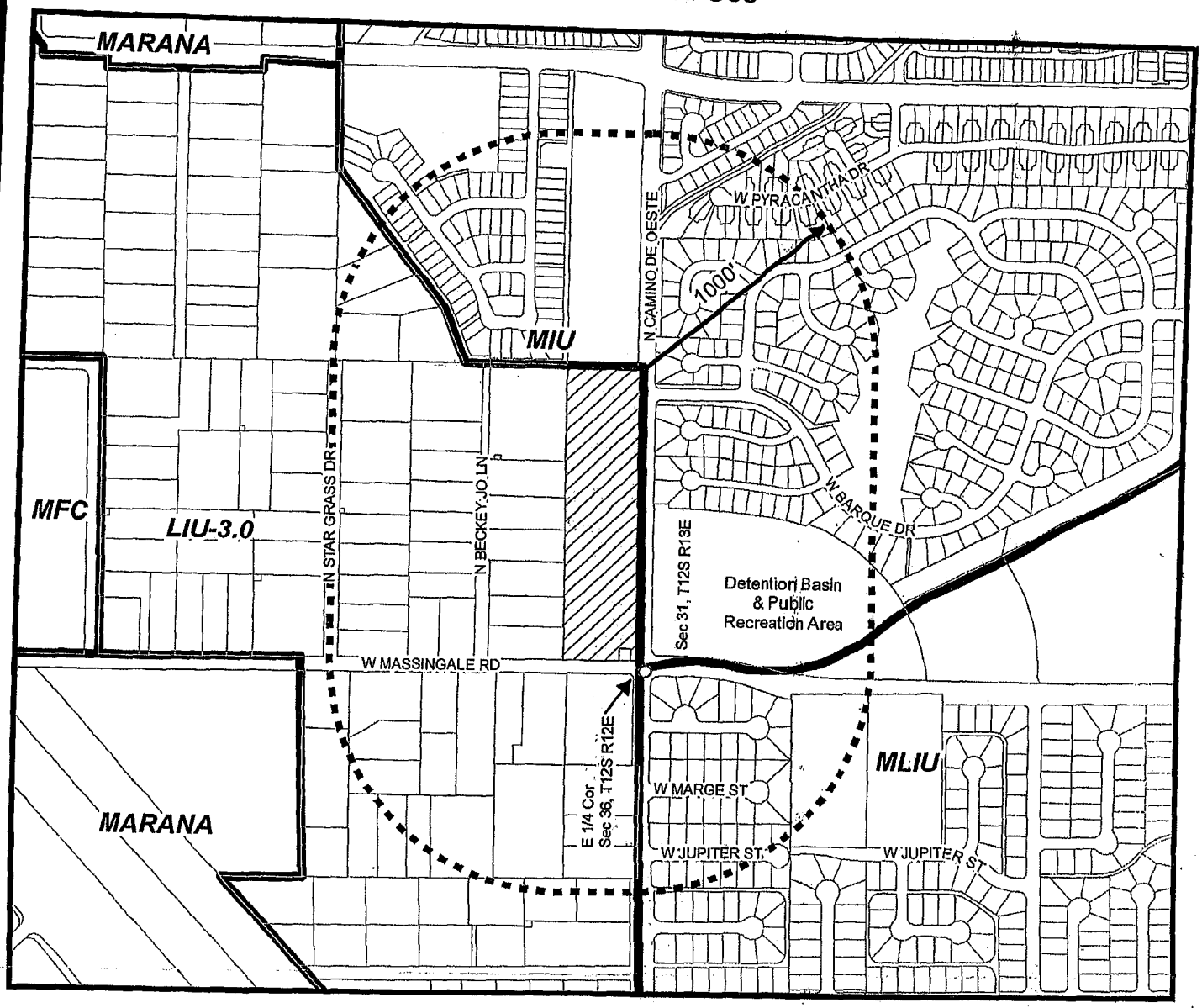
PLAN 13 PLAN WOMT LIMIT - MIUA

If you are interested in this case, information and an agenda listing all cases may be found on our website at: http://pima.gov/DSDBCC/ or by contacting the Planning Division at (520) 724-9000. During the meeting, a case may be may approved, denied, or continued to a future date. If an item is continued, the new hearing date will be announced at the meeting. Written support or protest to the request may be submitted to DSDPlanning@pima.gov or to the Development Services Department, Planning Division, 201 N. Stone Avenue, 2nd Floor, Tucson, AZ 85701, or with the Clerk of the Board of Supervisors. Majority voting of the Planning and Zoning Commission does not apply, but if twenty percent of the property owners by area and number protest the rezoning, a three-fourths majority vote applies at the Board of Supervisors hearing.

All persons are welcome to attend. Anyone with special needs may request auxiliary aids or services for participation in the wheelchair accessible meeting by contacting the Planning Division at (520) 724-9000 or emailing DSDPlanning@pima.gov for assistance.

COMPREHENSIVE PLAN AMENDMENT

Planned Land Use



0 285 570 1,140 Feet

1000' Notification Area Subject Property

Taxcode: 221-35-0640	**P19CA00004 HIGINIO - N. CAMINO DE OESTE PLAN AMENDMENT**	Districts 1 Location: Northwest corner of W Massingale Road and N Camino de Oeste
	Request: Low Intensity Urban 3.0 (LIU-3.0) to Medium Intensity Urban (MIU) 9.77 Acres +/-	
	Tortolita Planning Area under Pima Prospers Section 36, Township 12 South, Range 12 East	North
	Planning and Zoning Commission Hearing: August 28, 2019	Map Scale: 1:8,000
	Board of Supervisors Hearing: October 15, 2019	Map Date: August 5, 2019 / dms

PIMA COUNTY
DEVELOPMENT SERVICES

Planning Division
201 N. Stone Avenue, 2nd Floor
Tucson, Arizona 85701

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