



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: March 2, 2021

Title: P20RZ00011 MORTGAGE EQUITIES XVI, LLC - S. SORREL LANE REZONING

Introduction/Background:

The applicant requests a rezoning of approximately 139.4 acres from the GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) zone for an 383-lot single family residential subdivision containing 30% functional open space, 6 detention basins and 5 recreation areas on 7 parcels of land.

Discussion:

Current GR-1 zoning allows for 168 single-family residences to be built. The proposed 383-lot subdivision, will add Transportation, Flood Control, and Parks and Recreation infrastructure to support the use.

Conclusion:

The proposed 383-lot subdivision, 2.75 residences per acre (RAC) conforms to the LIU 3.0 Comprehensive Plan designation that allows a maximum of 3 RAC.

Recommendation:

Staff and the Planning and Zoning Commission recommend APPROVAL of the rezoning 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: Terrill L. Tillman, AICP, Principal Planner Telephone: 520-724-6921

Department Director Signature/Date: *Carla L. Blackburn* 2/5/2021

Deputy County Administrator Signature/Date: *[Signature]* 2/5/2021

County Administrator Signature/Date: *C. Dunkelberg* 2/8/21



PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Adelita Grijalva, Supervisor, District 5

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

DATE: February 10, 2021

SUBJECT: **P20RZ00011 MORTGAGE EQUITIES XVI, LLC – S. SORREL LANE
REZONING**

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, March 2, 2021** hearing.

REQUEST: For a **rezoning** of approximately 139.4 acres (parcel codes 138-29-002B, 002C, 002D, 002E, 002F, 002G and 002H) from the GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) zone located at the northeast corner of the T-intersection of W. Hermans Road and S. Sorrel Lane.

OWNERS: Mortgage Equities XVI, LLC
Attn: Gary Lane
PO Box 2986
Prescott, AZ 86302-2986

AGENT: Rick Engineering Company, Inc.
Chuck Martin
3945 E. Fort Lowell Road, Ste. 111
Tucson, AZ 85712

DISTRICT: 5

STAFF CONTACT: Terrill L. Tillman, AICP, Principal Planner

PUBLIC COMMENT TO DATE: As of February 10, 2021, no written comments have been received.

PLANNING & ZONING COMMISSION RECOMMENDATION: **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS (10 – 0)**

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 Lands System (CLS).

TD/TT
Attachments



BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P20RZ00011

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FOR MARCH 2, 2021 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 10, 2021

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P20RZ00011 MORTGAGE EQUITIES XVI, LLC – S. SORREL LANE REZONING

Mortgage Equities XVI, LLC represented by Rick Engineering Company, Inc., requests a **rezoning** of approximately 139.4 acres (parcel codes 138-29-002B, 002C, 002D, 002E, 002F, 002G and 002H) from the GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) zone located at the northeast corner of the T-intersection of W. Hermans Road and S. Sorrel Lane. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 3.0. On motion, the Planning and Zoning Commission voted to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (10-0). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.
(District 5)

Planning and Zoning Commission Public Hearing Summary (January 27, 2021)

The public hearing was held telephonically. The staff, applicant and speakers presented telephonically.

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 as to the application and meaning of the term “infill development” given the location adjacent to the Tohono O’odam District and the relatively low density housing adjacent to site. Staff replied that infill is when there is infrastructure in place and adjacent properties are developed. Staff continued to discuss that infill is contextual, to the north is equivalent density through a subdivision plat, to the east is a developed subdivision, and when adjacent to a subdivision, there is typically infrastructure to support the use. The commissioner stated that he considered infill as the density in an urban core and stated that he understands that we are referring to the last piece of a puzzle related to the supporting infrastructure of an area.

A commissioner questioned why the owner did not develop per the previously approved rezoning to CR-2 (Single Residence) and CR-3 (Single Residence), a less dense proposal and why would we support a request to higher density. Staff replied that at the time, the approval was during

economic downturn and properties exchanged hands. The market has changed from that time to a current higher demand market. The original rezoning didn't come to fruition and the property changed ownership.

The applicant's representative presented additional information for the proposed residential development discussing that the hydrology defined the site design resulting in larger perimeter bufferyards and revegetated functional open space, facilitating wildlife movement. He further stated that the change in density represents a 2.75 residences per acre which the site can support and still contains lower density than what is allowed because of the large open space areas. The lots are smaller because the development is clustered in the center of the development and there is no marketability for the previously approved larger lots. We are working with Flood Control District and awaiting the results of their study that is currently underway which will help with flood related issues for the neighborhood and area. We are working with Transportation and will provide a traffic impact analysis which will determine required infrastructure and we are also working with Tucson Water to obtain will-serve status. The will-serve status for all lots were not obtained due to the Assessor's office audit.

The hearing was opened to the public. There were no speakers.

The public hearing was closed.

A commissioner discussed that the development is creating open space and adhering to flood control limitations, is adjacent to a development to the north of equivalent density and because the infrastructure in place makes this an infill development are reasons to support the request and gave motion.

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

The commission voted to recommend **APPROVAL** of the rezoning (10 – 0), subject to 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 owner shall dedicate the south 30 feet of the site's southern property boundary for Hermans Road right-of-way.
 - B. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation with the Tentative Plat submittal. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.
 - C. The number, location and design of said access points shall be determined at the Tentative Plat review process and it is subject to approval from the Department of Transportation. Internal circulation shall be revised to accommodate said access points.
 - D. Roadway improvements to Sorrel Lane that meets Pima County Standards will be required for a distance of approximately 500 feet north of the intersection of Sorrel Lane and Hermans Road. Improvements to Sorrel lane shall match the existing roadway cross section width. The exact improvement length to Sorrel Lane shall be determined during the Tentative Plat/Development Plan review process.

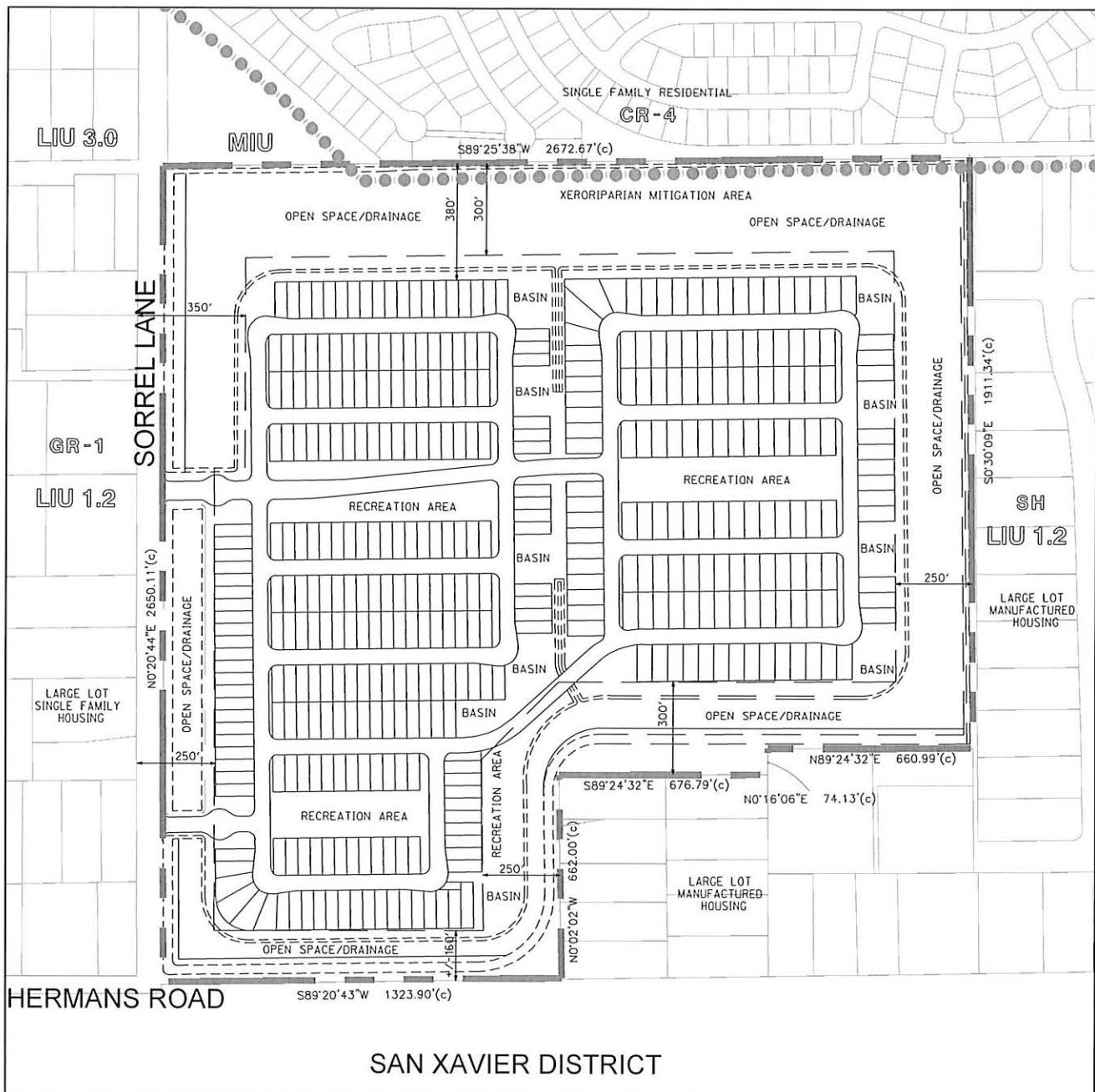
3. Regional Flood Control District conditions:
 - A. Federal Emergency Management Agency (FEMA) approval of the Conditional Letter of Map Revision is required prior to issuance of the grading permit.
 - B. If determined to be necessary, certain drainageways shall be dedicated in fee to the District after construction has been accepted.
 - C. The developer shall provide all-weather access on Sorrel Lane.
 - D. FEMA floodwall standards must be maintained adjacent to Mission West subdivision.
 - E. Inspection and maintenance of drainage infrastructure shall be required after both the winter and summer storm seasons and after significant storm events.
 - F. Drainage improvements shall be enhanced with native riparian vegetation and Pima County Regulated Riparian Habitat mitigation shall occur on-site.
 - G. At the time of development, the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
 - H. A will serve letter from a Designated Water Provider shall be submitted with the Tentative Plat.
4. Regional Wastewater Reclamation conditions:
 - A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
 - B. The owner 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 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 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 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 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 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)/developer(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. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
 7. Adherence to the preliminary development plan as approved at public hearing, including a maximum height of 30 feet and only single-story dwellings along the perimeter of the site.
 8. Natural Resources, Park and Recreation condition: The West Branch of the Santa Cruz single-track trail ST-014 shall be dedicated to Pima County and built to County standards.
 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 require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
 10. 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(l)."

TD/TT/ds
Attachments

cc: Rick Engineering Company, Inc., Attn: Chuck Martin, 3945 E. Fort Lowell Road, Ste. 111
Tucson, AZ 85712
Thomas Drzazgowski, Chief Zoning Inspector
P20RZ00011 File

EXHIBIT: II-B
PRELIMINARY
DEVELOPMENT PLAN



LEGEND

- WEST BRANCH SANTA
CRUZ RIVER TRAIL ST014

SCALE: 1"=500'





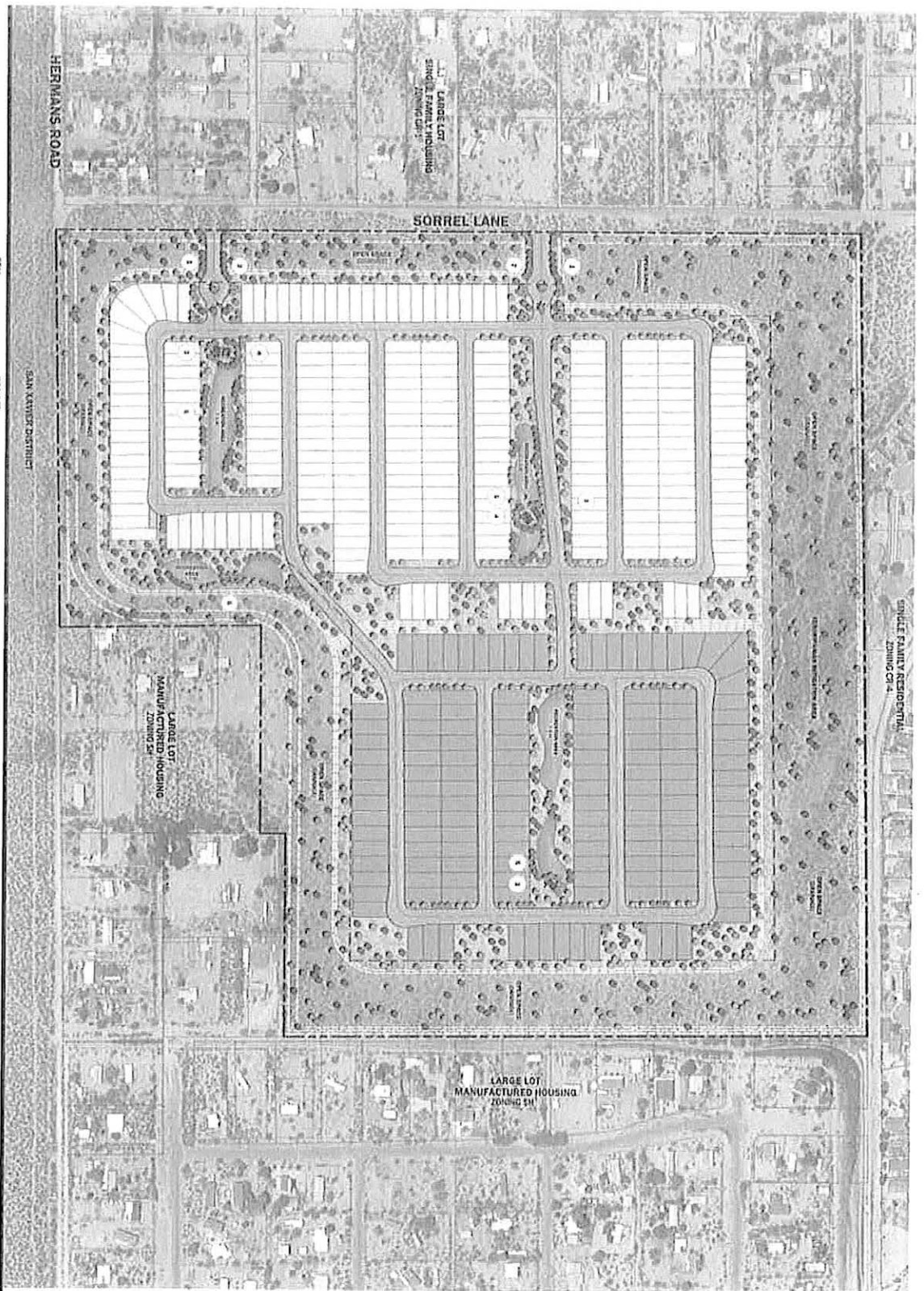
100-443888-100

SORRELL
RIDGE ESTATES

CONCEPTUAL DEVELOPMENT PLAN

EXA

2010年6月



VICINITY MAP

LOT TABLE

CCCG	1.87 x 10 ²²	0.17
	4.0 x 10 ²⁰	0.17
	1.0 x 10 ²⁰	1.00
TOTAL NGTS		21.3

SITE DATA

[illegible]

KEYED NOTES

- 1. ENTRY BROWSEVIEW
- 2. ENTRY GATES
- 3. EXHIBITS
- 4. TOWN LOT
- 5. ENTRY SPACE BROWSEVIEW

Case #: P20RZ00011

Case Name: MORTGAGE EQUITIES XVI, LLC.- S. SORREL LANE REZONING

Tax Code(s):138-29-002B, 002C, 002D, 002E, 002F and 002H

AERIAL EXHIBIT



0 425 850 1,700 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes:

Map Scale: 1:12,000	Map Date: 12/31/2020 - ds



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

HEARING January 27, 2021

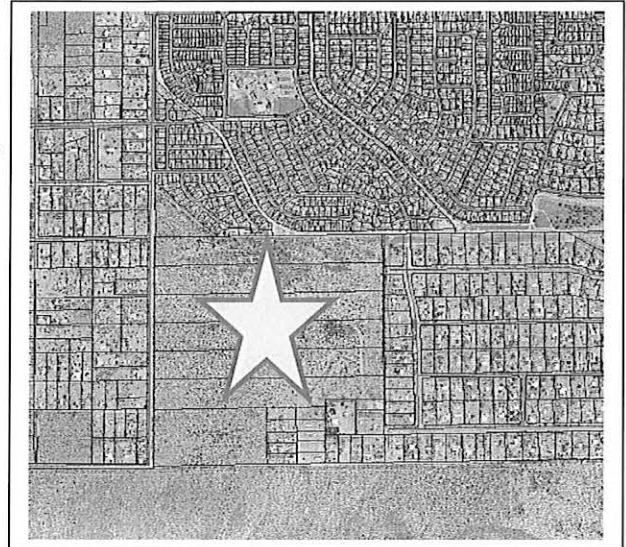
DISTRICT 5

CASE P20RZ00011 Mortgage Equities XVI,
LLC - S. Sorrel Lane Rezoning

REQUEST Rezone 139.4 acres from GR-1
(Rural Residential) to the CR-4
(Mixed-Dwelling Type) zone

OWNER Mortgage Equities XVI, LLC
Attn: Gary Lane
PO Box 2986
Prescott, AZ 86302-2986

APPLICANT Rick Engineering Company, Inc.
Chuck Martin
3945 E. Fort Lowell Road, Ste. 111
Tucson, AZ 85712



APPLICANT'S PROPOSED USE

The applicant proposes a 383-lot, single-family residential subdivision with one and two-story houses on approximately 139.4 acres containing 30% functional open space, 6 detention basins and 5 recreational areas providing both active and passive recreation opportunities. The rezoning site comprises 7 parcels of land.

APPLICANT'S STATED REASON

The proposed use is a detached single-family residential community with focus on passive and active recreational open space. The open space buffers, common area, recreation and open space areas represent approximately 40% or 50 acres of the project. There will be substantial buffers on the perimeter of the project to create greater distance between the abutting residential developments for future residents to feel a sense of space and to separate the development from existing homes.

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 383-lot subdivision. The proposal conforms to the sites Low Intensity Urban 3.0 (LIU-3.0) comprehensive plan land use designation with 2.75 residences per acre (RAC) which is consistent with the maximum 3.0 RAC allowed. The property is located within the Southwest Focused Development Investment Area (FDIA) which promotes the efficient expansion of infrastructure and supports rational patterns of land development. The West Branch of the Santa Cruz single-track trail will be installed along most of the northern portion of the site providing connectivity to the east and ultimately the Cardinal Avenue single-track trail.

PUBLIC COMMENT

As of January 15, 2021, staff has not received any public comment.

COMPREHENSIVE PLAN

A comprehensive plan amendment by case P19CA00005 was approved in 2020 for the 68.42-acre southern portion of the site from Low Intensity Urban 1.2 (LIU-1.2) to Low Intensity Urban 3.0 establishing rezoning policy 183 (RP-183) which states:

Drainage improvements shall be enhanced with native riparian vegetation and Pima County Regulated Riparian Habitat mitigation shall occur on site.

The plan amendment for the southern 68.42-acre site aligns the comprehensive plan designation with the existing northern LIU 3.0 land use designation.

The objective of the LIU 3.0 planned land use is 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 be contiguous with other dedicated natural open space and public preserves. The proposed 2.75 residences per acre (RAC) conforms to the LIU 3.0 land use density which plans for a maximum of 3 RAC without utilizing the density bonus for functional open space.

The subject property is located within the Southwest Focused Development Investment Area (growth area). Special area policies S-17 (Tohono O'odham San Xavier District - SW) and S-29 (Southwest Infrastructure Plan Area - SWIP) apply to the subject rezoning site.

Policy S-17 recognizes tribal sovereignty and promotes coordination between Pima County and the nation. The policy guides development along the San Xavier District boundary which is adjacent to the San Xavier boundary along the southern boundary. The policy requires a 100-foot setback from the District boundaries. There will be a 30-foot dedication along the southern boundary for Hermans Road and the planned width of the remaining functional open space is 130 feet, meeting the required 100 feet setback for structures. The policy also requires a 40-foot natural open space or a minimum 25-foot bufferyard unless the boundary is adjacent to a right-of-way or utility easement and if so, the setback may be reduced to 75 feet, but the 25-foot bufferyard still applies. The property is adjacent to a right-of-way and a 25-foot bufferyard is planned.

Staff routed the rezoning request to both Tohono O'odam, San Xavier District and the Pascua Yaqui tribal authorities for comment, but received no response to the request.

Applicable portions of the S-29 policy guide the needs, obligations, funding, and provision of infrastructure and services related to transportation, flood control, wastewater, parks and recreation, and other governmental facilities. Transportation rezoning conditions #2A, B, and D have been added in relationship to the guiding SWIP policy because additional transportation infrastructure to support the use will be necessary. Flood control conditions #3B, C, D and F also ensure that the SWIP policies related to the installation of drainage infrastructure will be employed. Rezoning condition #8 requiring the installation of the West Branch of the Santa Cruz single-track trail furthers the intent of the SWIP policies.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CR-4	Developed Residential Subdivision
South:	RH	Undeveloped Tohono O'odam tribal land
East:	SH	Developed Residential Subdivision

West: GR-1 Unsubdivided, Developed Residential

The general area enjoys a mixed suburban and rural setting. A junior high school, middle school and casino are within one mile of the property. Properties in the vicinity of the rezoning request to the north are single-family residential dwellings within a subdivision that contains equivalent densities as the proposed. The properties to the east, west and a portion of the southern boundary of the subject property are low-density, single-family dwellings on approximately 1-acre or greater parcels. The lower density properties to the west and south were the result of lot splits over the course of years. To the east, low density properties are a result of subdivided land. The nearest banking, grocery, medical, with multiple restaurants and shopping opportunities exist approximately 1 ½ miles to the north along the Valencia Road thoroughfare.

PREVIOUS REZONING CASES ON PROPERTY

The subject site was previously rezoned from GR-1 (Rural Residential) to CR-2 (Single Residence) (67 acres) and CR-3 (Single Residence) (69 acres) by case Co9-05-28. The rezoning was approved in 2007 and expired March 13, 2012. No time extensions were applied for and the rezoning was reverted to its original GR-1 zone.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

There have been no recent rezonings in the area.

Past activity:

Many properties were rezoned from GR-1 to SH (Suburban Homestead) beginning in the late 60's through 2007. Most were very small, individual rezoning requests that resulted in up to a three lot split. One CR-4 subdivision to the north was the result of an approved rezoning in 1978. The SH subdivision to the east was a result of a 1970 approved rezoning. The far northeastern subdivision was rezoned to CMH-1 (County Manufactured and Mobile Home - 1) zone in 1971.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (CLS)

The subject property is located outside the Maeveen Marie Behan Conservation Lands System.

PLANNING REPORT

Staff supports the request because the Comprehensive Plan, Pima Prospers, promotes efficient growth patterns and infill development. The subject rezoning area is designated by Pima Prospers as a Focused Development Investment Area (Southwest) which encourages growth by providing a rational pattern of land development while conserving significant natural resources and open areas. The property will utilize existing and proposed infrastructure to support the use and will provide a pattern of growth that supports open space conservation.

The proposed single-family one- and two-story residential development consists of 383 subdivision lots, ranging in size from 4,800 square feet up to 6,000 square feet. The perimeter lots are proposed at single-story. The property is relatively flat and located within a Federal Emergency Management Agency (FEMA) regulated flood plain. A conditional letter of map revision is underway with FEMA. The proposal includes mass grading of the site. The open space will be graded, however qualifies as functional open space because of the floodplain designation and revegetation/mitigation. The functional open space surrounding the development is at a width of 130 feet up to 300 feet, planned for revegetation with native riparian species in accordance with rezoning policy 183. The open space area will be cut approximately 2 to 4 feet for drainage infrastructure. The cut dirt will be utilized to fill the interior of the developed area. The proposal includes 6 detention basins and 5 recreation areas. The functional open space and recreation areas will provide for passive and active recreation. A 25-foot wide perimeter bufferyard adjacent

to the developed area is planned. Sidewalks are proposed from the internal street sections for pedestrian and bicycle connectivity to Sorrel Lane. Safe Routes to School is employed within the perimeter functional open space. Sun Tran bus stops are approximately a half-mile to the north of the property.

The northeastern 22% portion of the site contains Xeroriparian B and C habitat. The riparian habitat will be mitigated in accordance with Flood Control District policies. The vegetative qualities of the remainder of the site contain a relatively dense population of creosote bush. There are no ironwood trees and three saguaros on the subject site. Pima Pineapple Cactus are likely in this area, but no survey has been completed. The applicant will most likely utilize a hybrid native plant preservation plan and mitigate according to the native plant preservation ordinance. The preservation plan will be submitted with the subdivision plat and will include a survey for Pima Pineapple Cactus.

Concurrency of Infrastructure:

Concurrency of infrastructure exists to serve the proposed development *except for water*.

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	Yes	No objection, subject to conditions
PARKS AND RECREATION	Yes	No objection
WATER	Only one parcel has available water	City of Tucson Water policies can be met in the future
SCHOOLS	Yes, subject to a private rooftop agreement	No Objection

TRANSPORTATION REPORT

The proposed rezoning site is located northeast of the intersection of Hermans Road and Sorrel Lane. The site is immediately north of the Tohono O'odham Nation, San Xavier District and is served directly by Sorrel Lane with Los Reales Road approximately 2,600 feet to the north.

Sorrel Lane is a paved, two-lane roadway maintained by the County with 35 miles per hour (mph) posted speed limit. Directly adjacent to the site, the existing right-of-way width of Sorrel Lane is 80 feet and varies in width from 95 feet to 75 feet at the intersection with Los Reales Road. Sorrel Lane functions as a collector street and it is not a Major Street or Scenic Route. The most recent traffic counts for Sorrel Lane are north of the intersection of Sorrel Lane and Tetakusim Road with 4,027 average daily trips (ADT). Sorrel Lane has a roadway capacity of approximately 10,360 ADT. The existing roadway cross section width of Sorrel lane appears to be adequate for a two-lane roadway and narrows down for a distance of approximately 500 feet north of the intersection of Sorrel Lane and Hermans Road. Roadway improvements to Sorrel Lane that meet Pima

County Standards will be required for a distance of approximately 500 feet north of the intersection of Sorrel Lane and Hermans Road. Improvements to Sorrel lane shall match the existing roadway cross section width.

Hermans Road is an un-paved, local road not maintained by the County. Hermans Road from Mission Road to the Tucson-Ajo Highway was established under proceeding No. 298 with a planned 60 foot right-of-way. The road has been established, but there has not been a right-of-way dedication along Hermans Road within the southern property boundary directly adjacent to the Tohono O'odham Nation, San Xavier District. A right-of-way dedication of the south 30 feet of the site's southern property boundary shall be required. There are no available traffic counts or posted speed limit for Hermans Road nor it is a Major Street or Scenic Route.

Los Reales Road is a paved roadway maintained by the County that varies between Sorrel Lane and Mission Road from a two-lane roadway to a two-lane with a two-way left turn lane roadway. Los Reales Road has a 35 mph posted speed limit with paved shoulders, vertical curb and sidewalk along the south edge of the roadway between Sorrel Lane and Cardinal Avenue. Los Reales Road functions as a collector street with 150 feet of existing right-of-way and it is not a Major Street or Scenic Route. The most recent counts for Los Reales Road between Sorrel Lane and Mission Road are between 8,086 to 9,167 ADT. The capacity of Los Reales Road between Sorrel Lane and Mission Road varies between 10,360 to 14,060 ADT.

The proposed rezoning is for the creation of a 383-lot residential subdivision. The site is estimated to generate approximately 3,830 ADT. Given the current counts and roadway capacity, some sections of Los Reales Road would function over capacity with the development of this subdivision. Therefore, there is a secondary transportation concurrency concern and per the site analysis, it appears that applicant/property owner is willing to provide offsite capacity improvements. A traffic impact study would better determine any offsite improvements required for the development of this proposed subdivision.

Per the number of lots, the Pima County Subdivision and Development Street Standards requires four (4) external connections to the local street system. The site analysis identifies that the site is subject to drainage conditions such as sheet flooding, FEMA sheet floodplain, riparian areas, and existing unconnected development, therefore the number of connections may be reduced, but the Department of Transportation recommends a reduction of one (1) of the required four (4) external connections given the number of lots. The adjacent subdivision has a street (W. Via Santa Dorotea) which currently dead ends at the eastern property line and should be utilized as an additional connection point. This subdivision proposes private streets with gated access. Gated entries would be required to comply with the Subdivision and Development Street Standards.

The Department of Transportation has no objection to the request subject to rezoning conditions #2A - D.

FLOOD CONTROL REPORT

Regional Flood Control District has the following comments:

1. The entire site is within Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA) Zone A. The Site Analysis indicates anticipated flow depths that exceed 2 feet. Due to the depth of flooding and the potential for FEMA to reject a map revision, a condition is recommended below to ensure grading does not occur prior to conditional approval of the floodplain modifications by FEMA. The District is conducting a study of this area, and the District's existing conditions Black Mountain model should be used for this project. The applicant must coordinate closely with the District to facilitate the best outcome

for FEMA review. A condition is recommended below to ensure grading does not occur prior to Conditional Letter of Map Revision (CLOMR) approval by FEMA.

2. The District's study has revealed existing flooding issues in the vicinity of the project area, coordination with the District is required to determine design alternatives that reduce these risks. These alternatives may tie into or abut infrastructure that the District is responsible for. As such, portions of the proposed infrastructure may be required to be dedicated in fee to the District.
3. Pima County Regulated Habitat impacts the property as shown on the composite exhibit. While this area is to be within drainage easements, it will be graded to reduce the floodplain in order to provide a dry island for development. The area will be replanted as required provide mitigation for riparian habitat disturbance.
4. The site analysis indicates that the project is located within balanced basin, this is incorrect. Critical basin standards apply.
5. A will serve letter has not been provided although the site is surrounded on three sides by the Tucson Water Obligated Service Area and the submittal states that a pre-annexation agreement application is in process. However, our understanding is that there is a hold on these agreements and the requirement to provide a will serve letter therefore carries additional significance. A condition is recommended below to ensure service is available prior to approval of the plat.
6. 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 all sides, with the exception of tribal areas.
 - b. Demand projections completed by District staff indicate a decrease in demand over build out at current zoning due to the relatively large turf area associated with low density zoning in the approved methodology.
 - c. Depth to bedrock is 400 to 800 feet and 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 this analysis 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 on the condition that an assured water supply exists at the time of development.

In conclusion, the entire site is to be graded, either cut or fill, due to its low relief and depth of flooding. Habitat therefore will be disturbed and mitigated. A concern for the District is the potential for substantial deposition of sediment within perimeter drainage features, especially within the most southern drainageway which intercepts potentially highly erodible soils from contributing steep slopes. At the time of development, a larger drainage feature may be required to accommodate loss of channel conveyance during a large storm event. The District has on record numerous drainage complaints from the subdivision to the north, Mission West, related to drainage infrastructure maintenance. The conditions, covenants and restrictions for this site's plat must include a detailed discussion of maintenance requirements.

The District has no objection subject to the addition of rezoning conditions #3A-H.

WASTEWATER RECLAMATION REPORT

The rezoning area is within the Pima County Regional Wastewater Reclamation Department (PCRWRD) service area and is tributary to the Agua Nueva Water Reclamation Facility via the

Southwest Interceptor. Capacity for the proposed development is currently available within the 8" public sewer G-2001-008, downstream from manhole 4465-17 (Type I 2019-81, dated April 11, 2019). The Type I letter is not an approval of point and method of connection. Allocation of capacity is made by the Type III Capacity Response.

The PCRWRD has no objection to the proposed rezoning request subject to the addition of rezoning conditions #4A-F.

ENVIRONMENTAL PLANNING REPORT

Environmental Planning has no objection subject to rezoning condition #5.

CULTURAL RESOURCES REPORT

Cultural Resources has no objection to this request subject to the addition of condition #6.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

The West Branch Santa Cruz River single track trail ST-014 is located along a portion of the northern boundary of the site.

The Natural Resources, Parks and Recreation Department has no objection to this request subject to the addition of condition #8 for the dedication and installation of the Santa Cruz River single track trail to connect to the property to the east. The West Branch Santa Cruz River single-track connects to the Cardinal Avenue single-track trail through the property to the east of the subject site.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

US Fish and Wildlife Service has no comment.

WATER DISTRICT REPORT

Tucson Water policies have changed. Currently, parcel 13829002B is obligated to be served. Once that parcel receives a meter, then Parcel 13829002C will become obligated to serve and so on. There is a path the developer can follow to acquire water, it is just is going to take some time.

SCHOOL DISTRICT REPORT

The Tucson Unified School District (TUSD) has capacity within its Maldonado Elementary and Valencia Middle School. Cholla High school is functioning over capacity without the proposed addition of projected enrollments that his development will add. The developer has a recorded agreement to make a voluntary contribution per rooftop to the affected schools or to TUSD to mitigate the impact of the development to the school district.

FIRE DISTRICT REPORT

Drexel Heights Fire District has no 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:

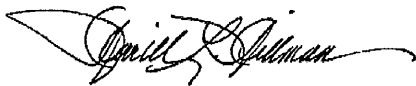
1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:

- A. The property owner shall dedicate the south 30 feet of the site's southern property boundary for Hermans Road right-of-way.
 - B. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation with the Tentative Plat submittal. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.
 - C. The number, location and design of said access points shall be determined at the Tentative Plat review process and it is subject to approval from the Department of Transportation. Internal circulation shall be revised to accommodate said access points.
 - D. Roadway improvements to Sorrel Lane that meets Pima County Standards will be required for a distance of approximately 500 feet north of the intersection of Sorrel Lane and Hermans Road. Improvements to Sorrel lane shall match the existing roadway cross section width. The exact improvement length to Sorrel Lane shall be determined during the Tentative Plat/Development Plan review process.
3. Regional Flood Control District conditions:
- A. Federal Emergency Management Agency (FEMA) approval of the Conditional Letter of Map Revision is required prior to issuance of the grading permit.
 - B. If determined to be necessary, certain drainageways shall be dedicated in fee to the District after construction has been accepted.
 - C. The developer shall provide all-weather access on Sorrel Lane.
 - D. FEMA floodwall standards must be maintained adjacent to Mission West subdivision.
 - E. Inspection and maintenance of drainage infrastructure shall be required after both the winter and summer storm seasons and after significant storm events.
 - F. Drainage improvements shall be enhanced with native riparian vegetation and Pima County Regulated Riparian Habitat mitigation shall occur on-site.
 - G. At the time of development, the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
 - H. A will serve letter from a Designated Water Provider shall be submitted with the Tentative Plat.
4. Regional Wastewater Reclamation conditions:
- A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
 - B. The owner 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 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 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 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 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 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)/developer(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. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
 - 7. Adherence to the preliminary development plan as approved at public hearing, including a maximum height of 30 feet and only single-story dwellings along the perimeter of the site.
 - 8. Natural Resources, Park and Recreation condition: The West Branch of the Santa Cruz single-track trail ST-014 shall be dedicated to Pima County and built to County standards.
 - 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 require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
 - 10. 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(l)."

Respectfully Submitted,



Terrill Tillman
Principal Planner

c: Rick Engineering Company, Inc., Attn: Chuck Martin, 3945 E. Fort Lowell Road, Ste. 111
Tucson, AZ 85712



Novak Environmental, Inc.

4574 North First Avenue

Suite 100

Tucson, AZ 85718

Phone 520-206-0591

Memorandum

To: Terri Tillman, AICP, Principal Planner Pima County Development Services

From: Karen M. Cesare, RLA, President

CC: Chuck Martin, RA, Principal Project Planner Rick Engineering

Date: January 13, 2021

Re: Sorrel Lane Rezoning – Pima Pineapple Cacti

NOTES:

This memo is to provide additional clarification on the status of Pima Pineapple Cacti (PPC) on the subject property on Sorrel Lane and Hermans Road in Pima County, AZ.

As noted in the Biological Impact Report, the site is located within known occurrence limits for the PPC. No specific surveys for PPC were conducted (or required) as part of the site analysis for rezoning for this project.

However, based on our site visit, general observations and general knowledge of sites that have occurrences of PPC, it is my opinion that there is a "medium" level of probability that PPC may occur somewhere on this site. This is due observations of the general vegetative communities, vegetation density, slope and aspect, soil types and site location.

Future required Native Plant Preservation Ordinance (NPPO) work for this site will, by code, include inventory for ppc. These studies will be done at the time of platting.

Should PPC be found on this site, the project can voluntarily elect to participate in Pima County's "Certificate of Coverage" program as part of its compliance with applicable Federal and local laws governing endangered species and native plants.

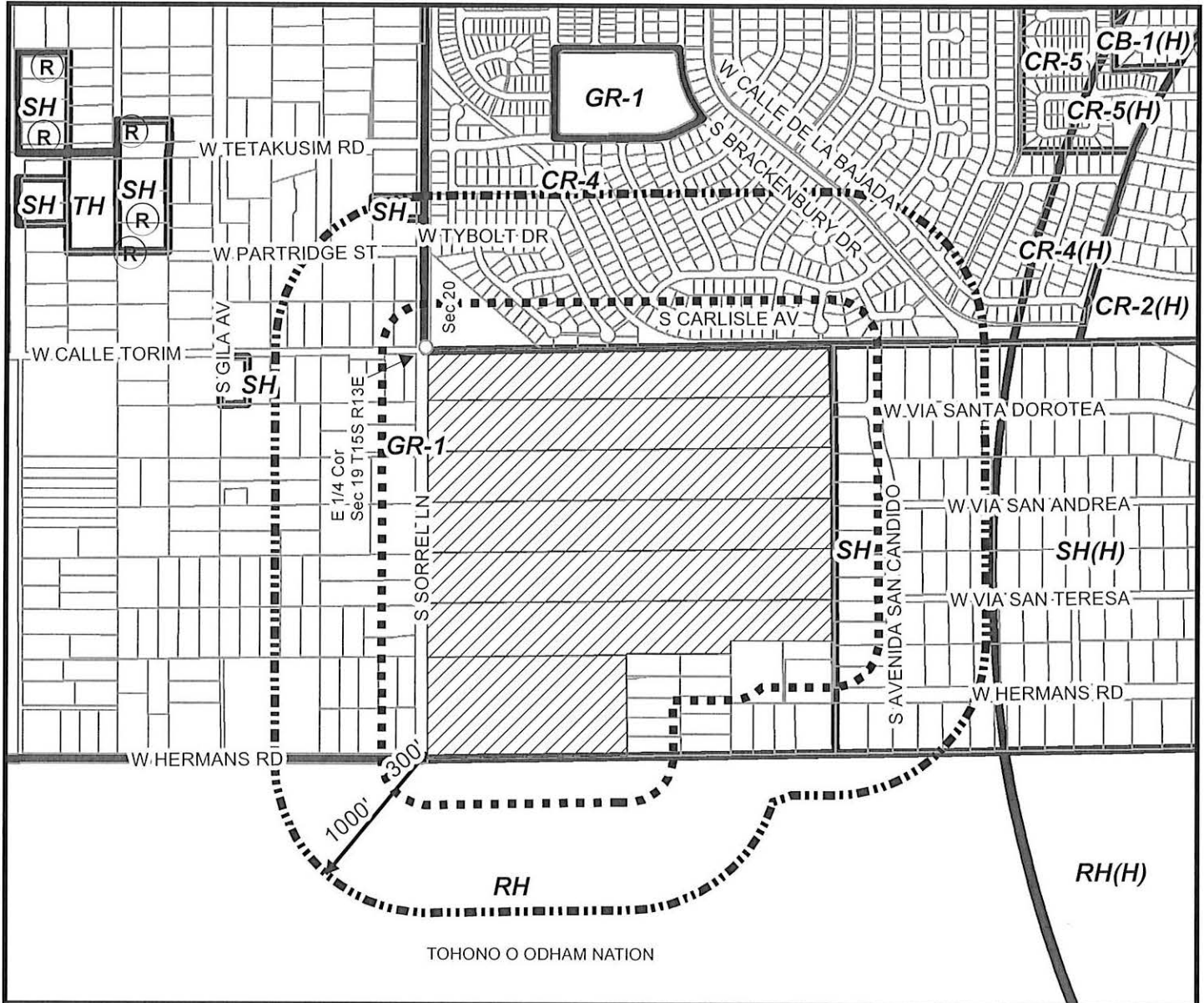
Please let me know if you have any questions or need additional information on this.

Case #: P20RZ00011

Case Name: MORTGAGE EQUITIES XVI, LLC.- S. SORREL LANE REZONING

Tax Code(s):138-29-002B, 002C, 002D, 002E, 002F and 002H

-  1000' Notification Area
-  300' Notification Area
-  Subject Site



0 425 850 1,700 Feet

Area of proposed rezoning from GR-1 to CR-4



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**



Notes: Ref: Co9-05-28

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Planning & Zoning Hearing: 1/27/21 (scheduled)

Board of Supervisors Hearing: TBA

Base Map(s): 63, 98

Map Scale: 1:12,000

Map Date: 12/31/2020 - ds





Land Use Legend and Map

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.

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 be contiguous with other dedicated natural open space and public preserves.

Low Intensity Urban 3.0 (LIU-3.0)


- Residential Gross Density: Minimum- none; Maximum- 3.0 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 1.5 RAC; Maximum- 3.0 RAC


Case #: P20RZ00011


Case Name: MORTGAGE EQUITIES XVI, LLC.- S. SORREL LANE REZONING

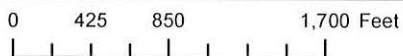
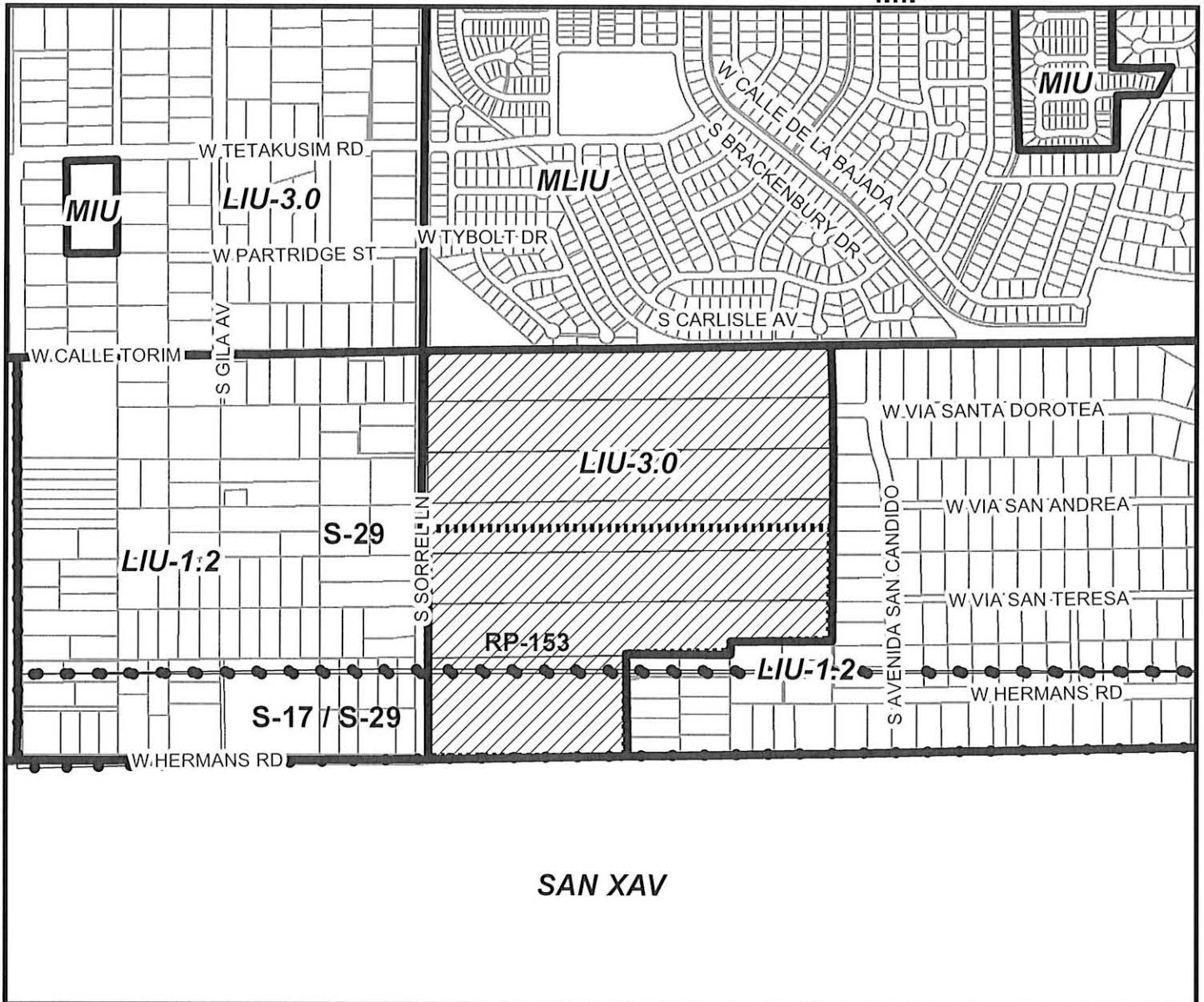
Tax Code(s):138-29-002B, 002C, 002D, 002E, 002F and 002H

COMPREHENSIVE PLAN EXHIBIT

 Subject Site

 Comp Plan Special Area Policy - S

 Rezoning Policy - RP



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes: Ref: P19CA00005

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Map Scale: 1:12,000

Map Date: 12/31/2020 - ds



RESOLUTION 2020- 52

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO PLANNING; AMENDING THE PIMA COUNTY COMPREHENSIVE PLAN LAND USE MAP FOR APPROXIMATELY 68.42 ACRES LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF S. SORREL LANE AND W. HERMANS ROAD, ON PARCELS 138-29-6820, 138-29-6830 AND A PORTION OF 138-29-002A, IN SECTION 20, TOWNSHIP 15 SOUTH, RANGE 13 EAST, IN THE SOUTHWEST PLANNING AREA FROM LOW INTENSITY URBAN 1.2 (LIU-1.2) TO LOW INTENSITY URBAN 3.0 (LIU-3.0).

IT IS RESOLVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA AS FOLLOWS:

Section 1. The Pima County Comprehensive Plan Land Use Map, Southwest Planning Area, is hereby amended to change the planned land use intensity category for approximately 68.42 acres, as referenced in P19CA00005 Mortgage Equities XVI LLC - S. Sorrel Lane Plan Amendment, located at the northeast corner of the intersection of S. Sorrel Lane and W. Hermans Road, on parcels 138-29-6820, 138-29-6830, and a portion of 138-29-002A, in Section 20, Township 15 South, Range 13 East, as shown on the map attached to this Resolution as Exhibit A and incorporated by this reference, from Low Intensity Urban 1.2 (LIU-1.2) to Low Intensity Urban 3.0 (LIU-3.0).

Section 2. The Pima County Comprehensive Plan Amendment Rezoning Policies are amended to include the following Rezoning Policy for the site described in Section 1 of this Resolution:

- A. Drainage improvements shall be enhanced with native riparian vegetation and PCRRH mitigation shall occur on-site.

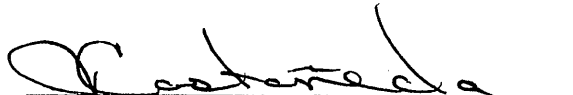
Section 3. The various County officers and employees are authorized and directed to perform all acts necessary to give effect to this Resolution.

Section 4. This Resolution shall become effective on the date of adoption.

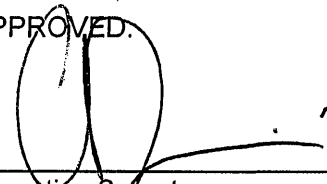
Passed and adopted, this 7th day of July, 2020.


JUL 07 2020
Chairman, Pima County Board of Supervisors

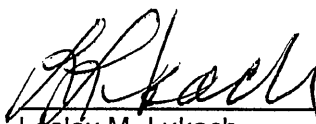
ATTEST:


Clerk of the Board

APPROVED:

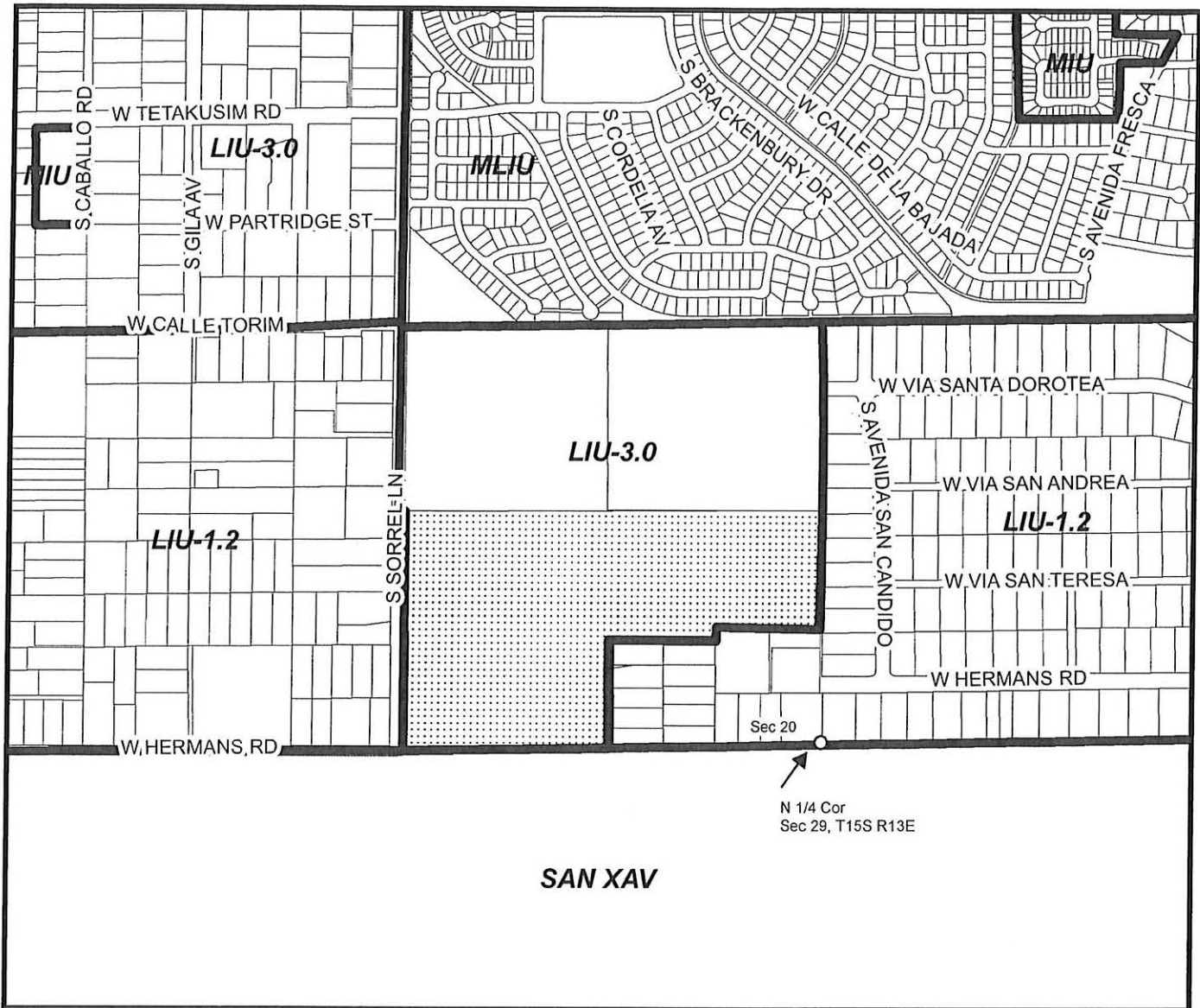

Executive Secretary
Planning and Zoning Commission

APPROVED AS TO FORM:


Lesley M. Lukach
Deputy County Attorney

COMPREHENSIVE PLAN AMENDMENT

Planned Land Use Exhibit A



0 425 850 1,700 Feet

Subject Property

Taxcodes: 138-29-6820, 138-29-6830, and portion of 138-29-002A	P19CA00005 MORTGAGE EQUITIES XVI LLC - S. SORREL LANE PLAN AMENDMENT		Districts 5
	Low Intensity Urban 1.2 (LIU-1.2) to Low Intensity Urban 3.0 (LIU-3.0) 68.42 Acres +/-		Location: Northeast corner of the intersection of S Sorrel Lane and W Hermans Road
	Southwest Planning Area under Pima Prospers Section 20, Township 15 South, Range 13 East		
	Planning and Zoning Commission Hearing: January 29, 2020	Map Scale: 1:12,000	
	Board of Supervisors Hearing: March 17, 2020	Map Date: March 19, 2020 / dms	

From: noreply@server.mailjol.net on behalf of [allForms](#)
To: [DSD Planning](#)
Subject: Application For Rezoning or Specific Plan
Date: Tuesday, October 13, 2020 11:55:20 AM
Attachments: [11497875.zip](#)

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.

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 (<http://allforms.mailjol.net/file.php?id=6f6ae9da-11497875-294e499e>)

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	MORTGAGE EQUITIES XVI LLC Gary Lane
Owner Address	PO BOX 2986
Owner City	Prescott
Owner State	AZ
Owner Zipcode	86302-2986
Owner Phone	480-474-4385
Owner_Email	Garyl@LBGdevelopment.com
Applicant Name	Chuck Martin
Applicant Address	3945 E. Ft. Lowell Rd
Applicant City	Tucson
Applicant State	AZ
Applicant Zipcode	85712
Applicant Phone	520-795-1000
Applicant_Email	cmartin@rickengineering.com
Property Address	None
Property Parcel Number	138-29-002A 138-29-6810 138-29-6820 138-29-6830
Property Acreage	139.6

Property Present Zone	GR-1
Property Proposed Zone	CR-4
Policies	LIU 3.0
FTP-Link	https://rickeng-my.sharepoint.com/:b:/p/cmartin_cp/ESDMUiNXNypLtWNs5RYWooUB4lhfQ-znroeoc4P0qzNsgg?e=Dlx04R
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	13-Oct-2020
More Information about this submission and submitter	
Submission ID	11497875
Date & Time	13th Oct 2020 11:54 AM
Form Location	https://web1.pima.gov/
IP Address	70.167.9.182
Browser info	Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/86.0.4240.75 Safari/537.36
Predicted Country	--

AUTHORIZATION

September 25, 2019

Property Owner: Mortgage Equities XVI, LLC

Property Owner Contact Information: Mitchel Medigovich, Operations Manager, Phone, 602-510-4568, Po Box 2986, Prescott, AZ 86302

Property Location – Hermans and Sorrel Road, Pima County – See attached Map

Assessor's Parcel Numbers: 138-29-002a, 6810, 6820, 6830

The above referenced property is currently under contract and in escrow wherein Mortgage Equities XVI, LLC is the Seller and LMK Investments LLC is the Buyer.

Buyer wishes to take certain actions to obtain approvals and entitlements from Pima County and/or the City of Tucson to prepare the property for development.

Seller authorizes LMK Investments and its contractor Rick Engineering to act before the appropriate commissions, boards, committees, departments and divisions of Pima County and/or the City of Tucson to pursue such measures to obtain approvals and permits suitable to Buyer.

All such measures shall be at the expense of Buyer and no cost, expense, charge or obligation shall become a liability of the Seller or an encumbrance (voluntary or involuntary) to the real property.



Mitchel Medigovich,
President
Mortgage Management Inc.,
Operations Manager
Mortgage Equities XVI, LLC