BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: June 22, 2021

Title: Co9-15-04 LANDMARK TITLE TR 18109 – W. SUNSET ROAD REZONING

Introduction/Background:

The applicant requests a five-year time extension of the 77.9-acre rezoning from the SR (Suburban Ranch), SR (BZ) (Suburban Ranch - Buffer Overlay), and the SR (PR-2) (Suburban Ranch - Hillside Development Overlay - Level 2 Peaks & Ridges) to the SR-2 (Suburban Ranch Estate), SR-2 (BZ) (Suburban Ranch Estate - Buffer Overlay), and the SR-2 (PR-2) (Suburban Ranch Estate - Hillside Development Overlay - Level 2 Peaks & Ridges) zones.

Discussion:

The applicant cites the need for a five-year time extension to bring this project to completion. Work has gone into the site planning and rezoning, including the acquisition of off-site open space mitigation land. Staff supports the rezoning time extension because of the continued appropriateness of the rezoning, including the rezoning conditions and the preliminary development plan layout.

Conclusion:

The proposed cluster subdivision with open space and trail easements remains a suitable land use for the area. The recommended original and modified conditions update certain conditions to current standard language and policy treatment. The time extension will allow a total of 10 years to complete rezoning conditions.

Recommendation:

Staff recommends APPROVAL of a five-year time extension subject to original and modified standard and special conditions.

Fiscal Impact:

N/A

Board of Supervisor District:

☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ All

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

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

Department Director Signature/Date: 5/28/21

Deputy County Administrator Signature/Date: 5/28/2021

County Administrator Signature/Date: C. Durkhetaung 5/28/21

PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Sharon Bronson, Supervisor, District 3

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

DATE: June 1, 2021

SUBJECT: **Co9-15-04** **LANDMARK TITLE TR 18109 – W. SUNSET ROAD REZONING**

The above referenced **Rezoning Time Extension** is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JUNE 22, 2021** hearing.

REQUEST: A five-year **time extension** of a 77.9-acre rezoning from the SR (Suburban Ranch), SR (BZ) (Suburban Ranch – Buffer Overlay), and the SR (PR-2) (Suburban Ranch – Hillside Development Overlay - Level 2 Peaks & Ridges) zones to the SR-2 (Suburban Ranch Estate), SR-2 (BZ) (Suburban Ranch Estate – Buffer Overlay), and the SR-2 (PR-2) (Suburban Ranch Estate – Hillside Development Overlay - Level 2 Peaks & Ridges) zones located on the south side of W. Sunset Road, approximately 1,300 feet west of N. Camino De Oeste.

OWNER: Landmark Title TR 18109
Attn: Kai Sunset 80 Property LLC
PO Box 2305
Cortaro, AZ 85652-2305

AGENT: Paradigm Land Design LLC
Attn: Paul Oland
7090 N. Oracle Road #178-193
Tucson, AZ 85704

DISTRICT: 3

STAFF CONTACT: Donna Spicola, Planner

PUBLIC COMMENT TO DATE: As of June 1, 2021, staff has received no written public comments.

STAFF RECOMMENDATION: APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: Portions of the subject property are within the Maeveen Marie Behan Conservation Land System (CLS).

TD/DS
Attachments

PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: Co9-15-04

FOR TUESDAY, JUNE 22, 2021 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

Tom Drzazgowski

DATE: June 1, 2021

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING TIME EXTENSION

Co9-15-04 LANDMARK TITLE TR 18109 – W. SUNSET ROAD REZONING

Landmark Title TR 18109, represented by Paradigm Land Design LLC, requests a five-year **time extension** for an approximately 77.9-acre rezoning (Parcel Numbers 214-23-2950 through 214-23-3160) from the SR (Suburban Ranch), SR (BZ) (Suburban Ranch – Buffer Overlay), and the SR (PR-2) (Suburban Ranch – Hillside Development Overlay - Level 2 Peaks & Ridges) zones to the SR-2 (Suburban Ranch Estate), SR-2 (BZ) (Suburban Ranch Estate – Buffer Overlay), and the SR-2 (PR-2) (Suburban Ranch Estate – Hillside Development Overlay - Level 2 Peaks & Ridges) zones, located on the south side of W. Sunset Road, approximately 1,300 feet west of N. Camino De Oeste. The subject site was rezoned in 2016 and the rezoning expires on July 15, 2021. Staff recommends **APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS**.
(District 3)

STAFF RECOMMENDATION

Staff recommends **APPROVAL of a five-year time extension** to July 15, 2026 as per the applicant's request for an approximately 77.9-acre rezoning from the SR (Suburban Ranch), SR (BZ) (Suburban Ranch – Buffer Overlay), and the SR (PR-2) (Suburban Ranch – Hillside Development Overlay - Level 2 Peaks & Ridges) zones to the SR-2 (Suburban Ranch Estate), SR-2 (BZ) (Suburban Ranch Estate – Buffer Overlay), and the SR-2 (PR-2) (Suburban Ranch Estate – Hillside Development Overlay - Level 2 Peaks & Ridges) zones, subject to original and modified standard and special conditions as follows:

~~1. The owner shall:~~

~~A. Submit a development plan if determined necessary by the appropriate County agencies.~~

~~B. Record the necessary development related covenants as determined appropriate by the various County agencies.~~

~~C. Provide development related assurances as required by the appropriate agencies.~~

~~D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.~~

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

~~3~~2. The owner shall adhere to the preliminary development plan as approved at public hearing (Exhibit B), with the exception of changes in number, size, or configuration of lots due to a required provision of common area for detention basins if an alternative is not accepted by the Floodplain Administrator.

~~4~~3. Transportation conditions:

A. The property shall be limited to two access points as indicated on the preliminary development plan (Exhibit B).

B. The eastern access point shall align with the access point on the north side of Sunset Road.

C. Prior to Tentative Plan approval, written proof of coordination with the Town of Marana is required regarding traffic impacts to their roadway system and any subsequent Town of Marana requirements shall be provided to Pima County Development Services.

~~5~~4. Regional Flood Control District conditions:

A. Native riparian vegetation shall be used to enhance drainage improvements.

B. First flush retention (retention of the first ½ inch of rainfall from impervious and disturbed surfaces) shall be provided.

C. Regulatory floodplains and riparian habitat shall be within permanently identified open space through easement or dedication.

D. Development shall meet Critical Basin detention requirements.

E. Maintenance responsibility for stormwater infrastructure, including detention basins, shall be assigned to the homeowners association or other designated representative by Conditions, Covenants and Restrictions.

F. Detention basins shall be located in common area unless an alternative is proposed and accepted by the Floodplain Administrator. Placement of basins in common area may result in fewer lots or changes in size and/or configuration of lots than shown on the conceptual layout on the preliminary development plan.

G. Building envelopes shall be identified during the platting process and shall be oriented to avoid or minimize impacts to local, unregulated drainageways.

~~6~~5. Environmental Planning conditions:

A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing 52 acres as on-site natural open space (NOS) and 19 acres as off-site NOS. On-site NOS will conform to the approximate location and configuration as shown on the approved Preliminary Development Plan. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11) Conservation Lands System Mitigation Lands) and comply with all of the following:

- Off-site NOS is acceptable to the Pima County Planning Official or designee; and

- Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee.

B. The maximum amount of grading per lot shall not exceed 15,000 square feet and will occur entirely within the buildable part of the lot as demarcated on the Preliminary Development Plan by the 'No Build Line'.

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

Invasive Non-Native Plant Species Subject to Control

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

6. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County 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. The owner/developer must secure approval from the Pima County Department of Environmental Quality (PDEQ) to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
8. The property owner shall execute and record the following disclaimer regarding 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)."
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. During the development plan stage, the applicant shall contact Tucson Unified School District (TUSD) concerning the provision of adequate space for safe bus stops, bus turn-arounds and pedestrian access to the appropriate schools.
11. Structures shall be limited to a maximum height of 24 feet and shall be sited and landscaped to minimize negative visual impacts. The color of structures shall be in context with the surrounding environment.
12. In addition to the requirements of the Native Plant Preservation Ordinance, all transplantable saguaros 6 feet or less in height inside the disturbance area envelopes shall either be preserved in place or transplanted within the site.
13. The developer shall consult with the Coalition for Sonoran Desert Protection and Pima County prior to submittal of a subdivision plat to explore ways to reduce the need for large basins located along the downstream edge of the property while still meeting detention requirements. Any basins to be constructed throughout the site shall be designed using permaculture concepts and incorporate gradual slopes of natural materials in order to facilitate wildlife movement.
14. The developer shall consult with the Coalition for Sonoran Desert Protection and Pima County prior to submittal of a subdivision plat on lot configuration and placement of building envelopes, particularly those that are impacted by "flows under the regulatory threshold per the submittal, but are significant," (reference Commission staff report pg. 8) and on lots 19 and 22 where buildable area incurs into the Erosion Hazard Setback.
15. Signage indicating the prohibition of motorized vehicles shall be posted on trail easements.
16. The "Proposed Pedestrian Access Easement to TUSD School Property" shall be removed from the Preliminary Development Plan.
17. Perimeter lot fencing within the designated natural open space is prohibited.
18. All single-family dwelling units are required to be equipped with a fire sprinkler system.

As part of the current Development Services Department standard practice, former condition #'s 1A-D are recommended for deletion to reduce redundant requirements and ease processes. For condition #1A, a development plan will be required by the zoning code if applicable. Conditions #1B and #1D requiring recorded covenants are no longer necessary. Pertaining to condition #1C, assurances are a standard requirement with approved subdivision plats.

The Department of Transportation's original conditions are renumbered as condition #'s 3A and 3B with the addition of condition #3C.

Condition #6 adds the Office of Sustainability and Conservation's Cultural Resources condition that was inadvertently omitted from the original rezoning conditions. This was an unintentional oversight with the original rezoning but proposed for correction through the time extension

The addition of condition #18 is recommended in response to Northwest Fire District, letter attached.

The recommended modifications to conditions do not constitute a substantial change which would require review by the Planning and Zoning Commission.

STAFF REPORT:

Staff supports a five-year time extension request, which if approved, will provide a total of 10 years from the original Board of Supervisors approval to complete the rezoning conditions. Because of the continued appropriateness of the Co9-15-04 rezoning, including the rezoning conditions and the preliminary development plan layout, staff supports the time extension. A five-year time extension will provide a new case expiration date of July 15, 2026.

The original 77.9-acre rezoning to SR-2, SR-2 (BZ) and SR-2 (PR-2) was approved by the Board of Supervisors on July 15, 2016 and the Board subsequently adopted ordinance 2016-64 memorializing the standard and special conditions. The subject property is located east of the Tucson Mountains, west of Camino de Oeste, on the south side of W. Sunset Road. The approved preliminary development plan shows a 45-lot, lower density, clustered subdivision (approved by the Design Review Committee case number P16VA00010) with open space and trail easements, along with off-site natural open space mitigation as part of CLS policy compliance. The site includes 46.3 acres of Special Species Management Area, 28 acres of Multiple Use Management Area and 10.6 acres of Important Riparian Area. Additionally, eight acres of a designated protected peak (Level 2) is located on the rezoning site. The high point of the peak is 2,340 feet.

Concurrency of infrastructure either exists outright or is ensured through departmental and other agency conditions. Rezoning conditions #5A-C achieves compliance with the CLS conservation guidelines for on-site and off-site open space. Condition #13 requires the developer to consult with the Coalition for Sonoran Desert Protection and Pima County prior to submittal of a subdivision plat to reduce the need for large basins while meeting detention requirements. Condition #6 that should have been part of the original rezoning is added through the time extension request for compliance with cultural resources.

The SR-2, SR-2 (BZ) and SR-2 (PR-2) rezoning is compliant with the Low Intensity Urban 0.5 (LIU-0.5) plan designation and the SR-2 (PR-2) area provides natural open space for a restricted peak. The site is subject to Special Area Policy S-8 Tucson Mountains North (TM), which suggests a maximum building height of 24 feet, located structures to minimize visual impact, and using colors in context with the surrounding environment.

Denial of the time extension will cause the site to revert to SR, SR (BZ), and the SR (PR-2) zoning, which would conform to the LIU-0.5 plan designation. The existing final plat, Desert Senna Estates Subdivision (Bk. 61 Pg. 13), would remain an active subdivision. Closure of the rezoning would not preclude the possibility of a future SR-2, SR-2 (BZ) and SR-2 (PR-2) rezoning replatting.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	SR, Town of Marana	Non-platted and platted, Residential
South:	SR, CR-1	Non-platted and platted, Residential
East:	SR-2, CR-1	Non-platted and platted, Residential
West:	SR	Non-platted, Residential

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	N/A	
PARKS AND RECREATION	Yes	No objection
WATER	Yes	No objection
SCHOOLS	Yes	No objection

TRANSPORTATION DEPARTMENT REPORT:

The subject site is directly adjacent to Sunset Road with Camino de Oeste approximately 1,300 feet to the east.

Sunset Road is a two-lane paved roadway maintained by the County with a 35 mph posted speed limit. East of the site, Sunset Road becomes Town of Marana right-of-way. Directly adjacent to the site, the existing right-of-way width of Sunset Road is 60 feet. Sunset Road is a Major Collector per the ADOT's Statewide Federal Functional System map and it is current with the Major Street Plans. The most recent traffic counts for Sunset Road adjacent to the site is 956 ADT with an approximate capacity of 9,310 ADT.

There are no concurrency concerns with this request. The Department of Transportation has no objection to this rezoning time extension and recommends the addition of condition #3C along with no modifications to renumbered conditions #3A-B.

REGIONAL FLOOD CONTROL DISTRICT REPORT:

The Pima County Regional Flood Control District has reviewed this request and has no objection subject to current conditions listed within renumbered conditions #4A-G for this time extension.

REGIONAL WASTEWATER RECLAMATION DEPARTMENT REPORT:

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed this request for a 5-year time extension and has no objection to the request. The proposed future use includes a 45-lot residential subdivision development. There is no public sewer system near the subject property. The existing wastewater condition #7, adopted in Ordinance 2016-64, does not require any revision.

ENVIRONMENTAL PLANNING REPORT
Environmental Planning has no objection to this time extension as long as the original conditions remain. The original conditions are renumbered as conditions #5A-C.

CULTURAL RESOURCES REPORT
Cultural Resources has no objection to this time extension as long as condition #6 applies to this rezoning.

UNITED STATE FISH AND WILDLIFE SERVICE REPORT:
USFWS recognizes the value of the on-site and off-site mitigation provided and support the approach. They would like to reiterate their concerns regarding the potential impacts of this development on important Sonoran desert vegetation and habitat for species over which USFWS have authority, such as the lesser long-nosed bat and cactus ferruginous pygmy-owl, both species covered under the Pima County MSCP and emphasize the importance of maintaining habitat values for species covered under Pima County's MSCP. USFSW's original and current comments are attached.

TOWN OF MARANA
The Town of Marana does not have any comments pertaining to this rezoning.

TUCSON ELECTRIC POWER
Tucson Electric Power (TEP) has no objection. The property is located within TEP's service territory and will require a new service application to extend service to the new location.

TUCSON WATER COMPANY
Staff has not received a new response to a request for comments; however, concurrency is met within the original rezoning request for comment.

SCHOOL DISTRICT REPORT
Tucson Unified School District has not responded to a request for new comments; however, concurrency is met within the original rezoning request for comments.

NORTHWEST FIRE DISTRICT
Northwest Fire District reviewed this time extension and provided these general review notes:

1. This proposed home rezoning and re-plat of the property in question exceeds the number of lots allowed on a single access road point per 2018 IFC D107.1.
2. If all homes in the development are equipped with residential fire sprinklers, an exception to the requirements will allow the construction on all lots.

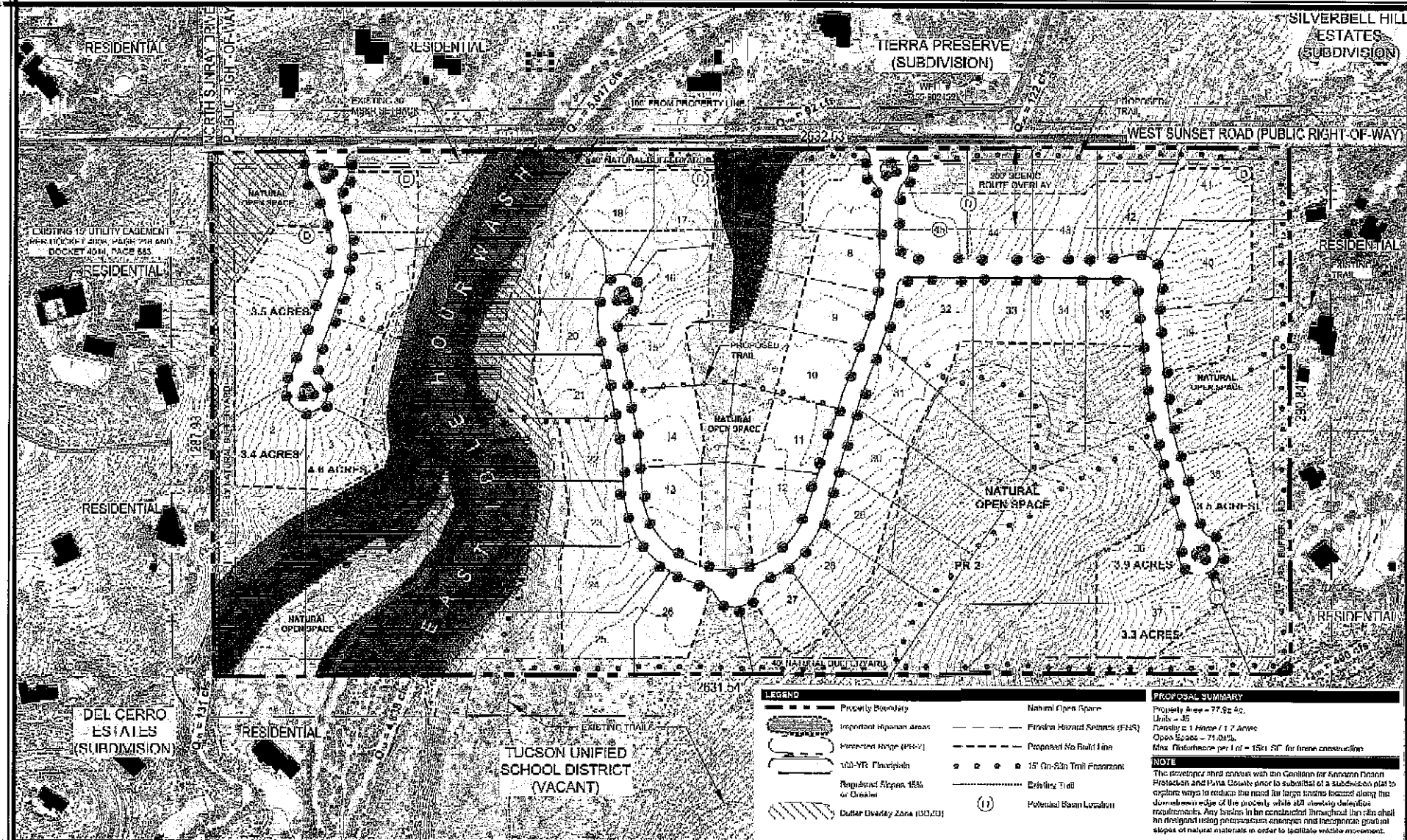
PUBLIC COMMENTS:
As of June 1, 2021, staff has received no written public comments.

TD/DS
Attachments

cc: Paradigm Land Design LLC, Attn: Paul Oland, 7090 N. Oracle Road #178-193
Tucson, AZ 85704
Tom Drzazgowski, Chief Zoning Inspector
Co9-15-04 File

EXHIBIT B

Approved preliminary development plan BOS hearing 7/15/2016



The WLB Group WLB

DESERT SENNA
PRELIMINARY CLUSTER DEVELOPMENT PLAN

Contour Interval - 2 Ft.
WLB No. 11J011-A-001

0' 100' 200' 300'

Case #: Co9-15-04
Case Name: LANDMARK TR 18109 - W. SUNSET ROAD REZONING
Tax Code(s): 214-23-2950 through 214-23-3160

Aerial Exhibit

0 285 570 1,140 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **Rezoning Time Extension**

Ref Case #: P21SA00003

Map Scale: 1:8,000

Map Date: 5/18/2021 - ds

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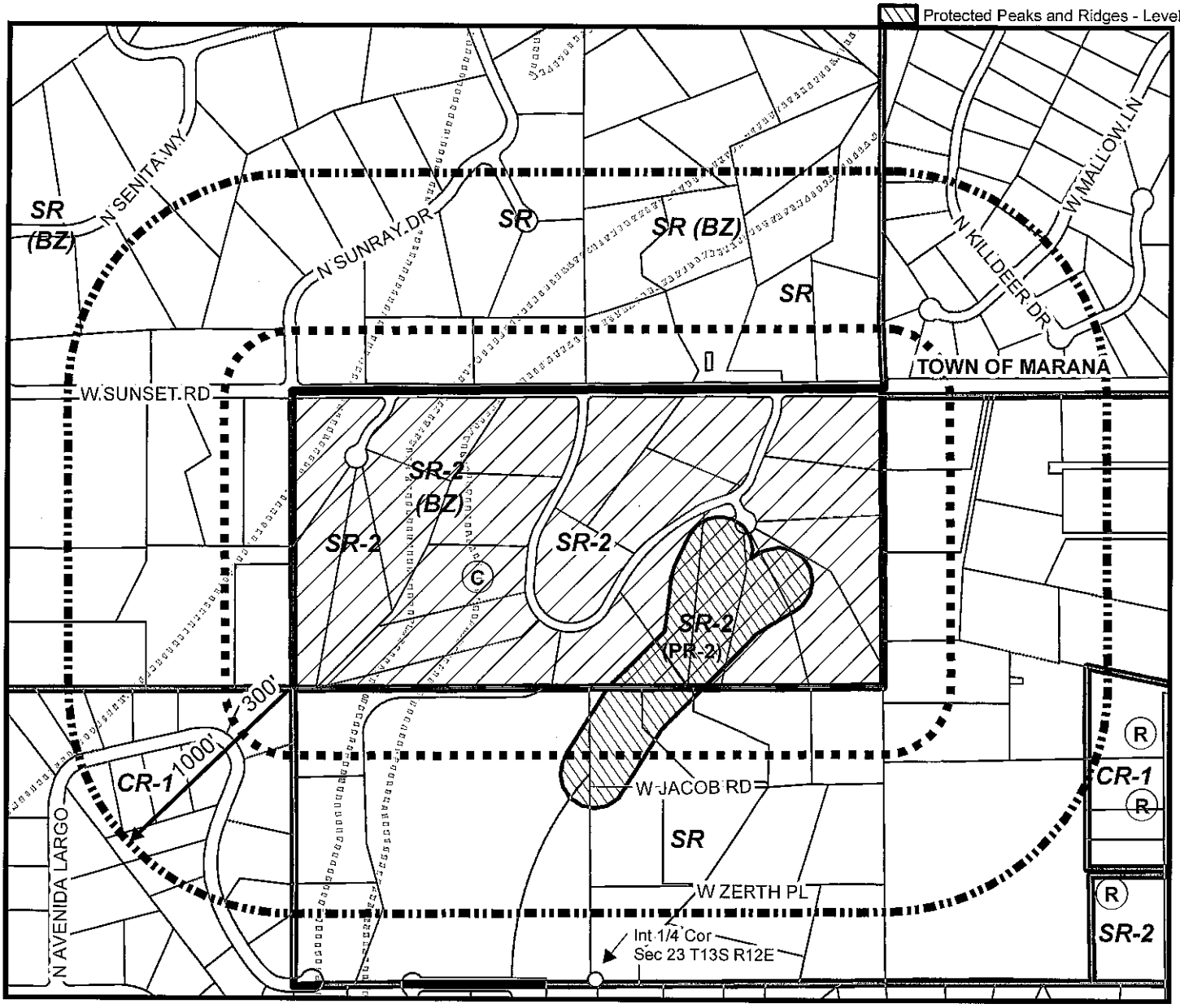
Case #: Co9-15-04
Case Name: LANDMARK TR 18109 - W. SUNSET ROAD REZONING
Tax Code(s): 214-23-2950 through 214-23-3160

1000' Notification Area
300' Notification Area
Subject Property
Buffer Overlay Zone (BZ)
Protected Peaks and Ridges - Level 2



0 285 570 1,140 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **Rezoning Time Extension**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10 / CO7-13-08

Board of Supervisors Hearing: 6/22/2021	Ref Case #: P21SA00003	
Base Map(s): 43, 44	Map Scale: 1:8,000	Map Date: 5/18/2021 - ds

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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 0.5 (LIU-0.5)

- Residential Gross Density: Minimum- none; Maximum- 0.5 RAC; 1.2 RAC with 50 percent open space; or 2.5 RAC with 65 percent open space
- Residential Gross Densities for TDR Receiving Areas: Minimum- none; Maximum- 0.5 RAC; 1 RAC with 50 percent open space

S-8 Tucson Mountains North (TM)

General location

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

Description

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

Policies

A. Structures. All structures west of Silverbell Road shall be limited to a maximum height of 24 feet, and shall be sited and landscaped to minimize negative visual impacts. All structures shall be of a color which is in context with the surrounding environment.

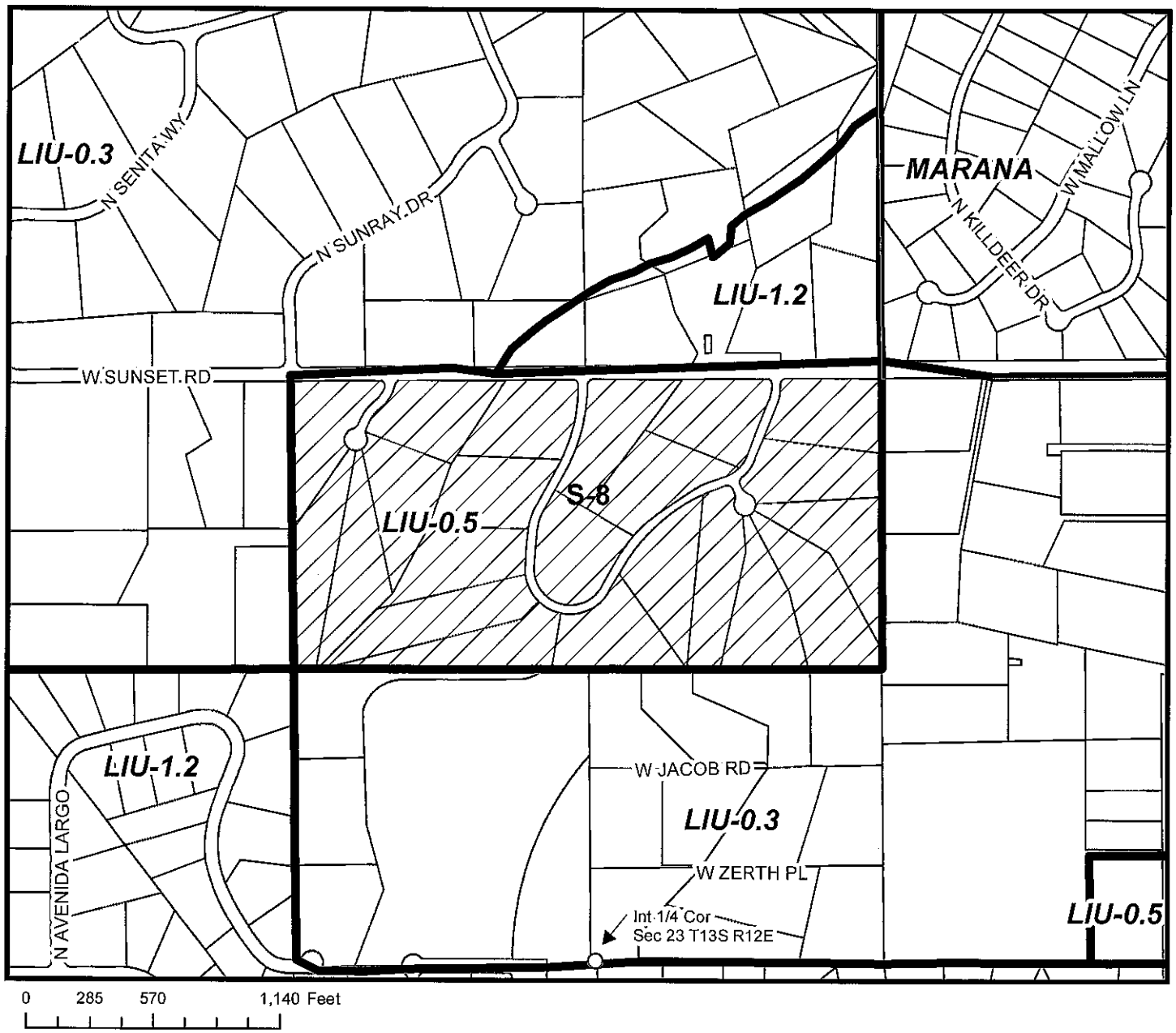
B. Open Space Dedication. Natural area designations not dedicated to and accepted by Pima County for restricted use as a perpetual open space at the time of an exchange for an allowed density increase on a given portion shall, for those parcels, provide that the property owners within 660 feet and the Tucson Mountains Association are nominal beneficiaries of the natural open space created.

C. Notwithstanding the zoning districts permitted under the Comprehensive Plan Land Use Plan Legend, SH (Suburban Homestead Zone) and RH (Rural Homestead Zone) shall not be permitted.

D. Notwithstanding the zoning districts permitted in accordance with the Major Resort Community provisions, CPI (Campus Park Industrial Zone) or TR (Transitional Zone) shall not be permitted.

Case #: Co9-15-04
Case Name: LANDMARK TR 18109 - W. SUNSET ROAD REZONING
Tax Code(s): 214-23-2950 through 214-23-3160

Comprehensive Plan Exhibit



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **Rezoning Time Extension**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10 / CO7-13-08

Ref Case #: P21SA00003

Map Scale: 1:8,000 | Map Date: 5/18/2021 - ds

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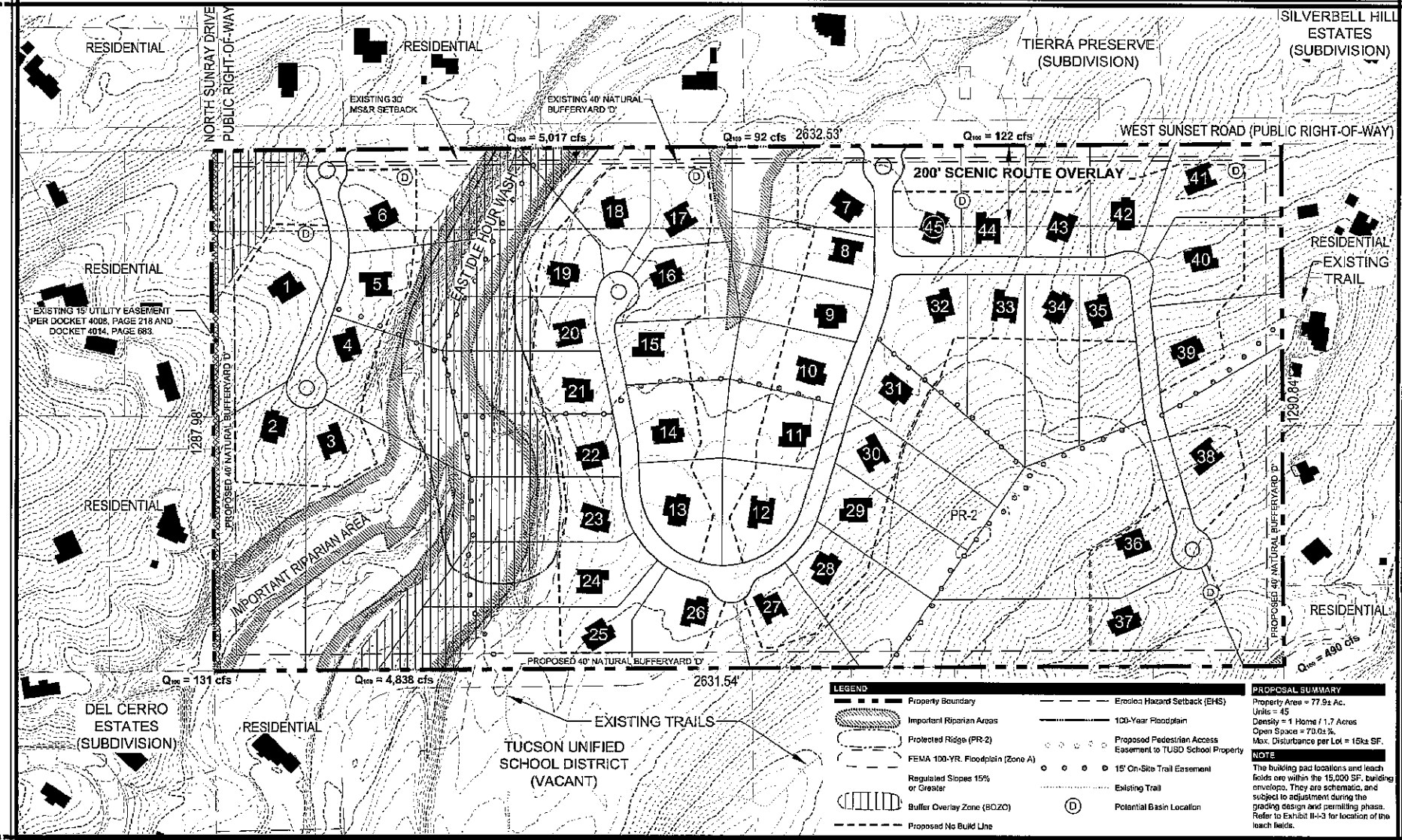


EXHIBIT II-B-1
PRELIMINARY DEVELOPMENT PLAN

PARADIGM
LAND DESIGN LLC
GPO@ParadigmLand.US • (520) 664-4304

TO:	Pima County Development Services Attn: Chris Poirier, Planning Official DSDPlanning@Pima.gov	**DATE:**	3/19/2021
PROJECT:	Desert Senna (Co9-15-04)	**PROJECT #:**	19aha01
SUBJECT:	Rezoning Extension Request		

Dear Mr. Poirier,

It is hard to believe that it has been almost five years since this rezoning case was approved. In that time the residential market has continued to improve in the Tucson region, and for the Desert Senna project interest from homebuilders has increased significantly since the Sunset Road bridge over the Santa Cruz River was completed. Much work went into the site planning and rezoning package, including the acquisition of offsite open space mitigation land that has since been granted to the County. The project's high percentage of onsite open space and other design considerations coupled with the offsite open space land garnered the support of the Sonoran Desert Coalition, the Planning Commission, and the Board of Supervisors at the time of rezoning approval.

We respectfully request an extension of the rezoning approval to allow us to bring this project to completion. It is our understanding that the associated cluster subdivision DRC approval (P16VA00010) does not expire, but please let me know if that approval also needs to be extended.

Owner/Applicant: Landmark Title Trust 18109
Attn: Kai Sunset 80 Property LLC (Sole Beneficiary)
PO Box 2305
Cortaro, AZ 85652
James Kai (520-791-2409 / James.Kai@KaiEnterprises.com)

Property Size: 77.9 Acres

Thank you for your consideration of this request.

Sincerely,

Paul Oland

Attachments: Assessor Parcel Numbers List
Letter of Authorization
Site Plan

March 16, 2021

Pima County Development Services
201 N. Stone Ave.
Tucson, AZ 85701

Re: Desert Senna (Co9-15-04)
Rezoning Extension Request

To Whom it May Concern:

This letter shall serve as authorization for Paradigm Land Design LLC to represent Landmark Title Trust 18109 in the application for a rezoning extension affecting the property referenced above.

Landmark Title Assurance Agency of Arizona, LLC, as Trustee under Trust No. 18109, as Trustee and not otherwise

Signature:

Brenda Carrillo, as Trust Officer

ENTITY INFORMATION

Search Date and Time: 5/3/2021 12:48:10 PM

Entity Details

Entity Name:	KAI SUNSET 80 PROPERTY, L.L.C.	Entity ID:	L10785985
Entity Type:	Domestic LLC	Entity Status:	Active
Formation Date:	5/21/2003	Reason for Status:	In Good Standing
Approval Date:	6/20/2003	Status Date:	
Original Incorporation Date:	5/21/2003	Life Period:	12/31/2050
Business Type:		Last Annual Report Filed:	
Domicile State:	Arizona	Annual Report Due Date:	
		Years Due:	
Original Publish Date:	7/22/2003		

Statutory Agent Information

Name:	SIDNEY LEX FELKER	Appointed Status:	Active
Attention:			
Address:	7440 N ORACLE RD BLDG 2 , TUCSON, AZ 85704, USA		
Agent Last Updated:	6/24/2003	E-mail:	
Attention:		Mailing Address:	7440 N ORACLE RD BLDG 2 , TUCSON, AZ 85704, USA
County:			

Principal Information

Title	Name	Attention	Address	Date of Taking Office	Last Updated
Manager	HERBERT KAI		2305 W RUTHRAUFF RD, TUCSON, AZ, 85705, USA	5/21/2003	6/24/2003
Manager	JOHN KAI JR		2305 W RUTHRAUFF RD, TUCSON, AZ, 85705, USA	5/21/2003	6/24/2003
Manager	SIDNEY LEX FELKER		7440 N ORACLE RD BLDG 2, TUCSON, AZ, 85704, USA	5/21/2003	6/24/2003
Member	AVRA PLANTATION INC		2305 W RUTHRAUFF RD, TUCSON, AZ, 85705, USA	5/21/2003	6/24/2003
Member	KAI FAMILY TRUST		JOHN/HERBERT KAI SIDNEY FELKER TRUSTEE 7440 N ORACLE RD BLDG 2, TUCSON, AZ, 85704, USA	5/21/2003	6/24/2003

Page 1 of 1, records 1 to 5 of 5

Address

Attention:	Address: 7440 N ORACLE RD BLDG 2, TUCSON, AZ, 85704, USA	County: Pima	Last Updated:

Entity Principal Office Address

Attention:	Address:	County:	Last Updated:

PIMA COUNTY

DEVELOPMENT SERVICES

201 N. Stone Avenue, Tucson, AZ 85701
(520) 724-9000
www.pima.gov/developmentservices

BIOLOGICAL IMPACT REPORT

(Not applicable for rezonings that require a site analysis)

The Biological Impact Report assists staff in assessing a proposed project's potential to impact sensitive biological resources and is required by the Pima County Zoning Code Chapter 18.91. A project's design should conserve these important resources.

The report will include information provided by both Pima County Planning staff (Part I) and the Applicant (Part II).

INSTRUCTIONS FOR SAVING FORM: 1) Download form to computer. 2) Fill out form as applicable. 3) Save completed form to computer. 4) Submit completed form to Pima County Development Services. **If you fill out the form before you download it, the info you entered will not be saved.**

Project ID *(case no., APN no., address, or other identifying info)*:

See attached APN list.

Part I. Information Provided by Pima County Staff

Pima County Planning staff will provide the following information for the project site, as applicable:

1. Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? (Hold SHIFT for multiple selections) NA

   Important Riparian Area
   Biological Core
   Multi-Use Management Area

2. Is the project within a CLS Special Species Management Area? Yes
3. Is the project in the vicinity of any of the six Critical Landscape Linkages? Yes
4. Is the project designated for acquisition as a Habitat Protection or Community Open Space property? No
5. Is the project located within a Priority Conservation Area for any of the following species?
   a. Cactus ferruginous pygmy-owl: Yes
   b. Western burrowing owl: No
   c. Pima pineapple cactus: No
   d. Needle-spined pineapple cactus: No

Part II. Information Provided by the Applicant

The Applicant will provide the following information to the best of their knowledge, as applicable:

1. Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property? No
   If yes, provide a summary of those communications:

2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

Species	Ever found on project site?	If yes, date of last observation/survey?	Future surveys planned?
Cactus ferruginous pygmy owl	No		No
Western burrowing owl	No		No
Pima pineapple cactus	No		No
Needle-spined pineapple cactus	No		No

Questions about this form?
Contact the Office of Sustainability and Conservation at (520) 724-6940.

DESERT SENNA REZONING EXTENSION: SUBJECT TAX PARCELS						
Parcel ID	Situs Address	Owner Info 1	Owner Info 2	Owner Info 3	Owner Info 4	ZIP Code
214-23-2950	5567 N SUNFISH PL	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-2960	5547 N SUNFISH PL	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-2970	5546 N SUNFISH PL	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-2980	5556 N SUNFISH PL	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-2990	5566 N SUNFISH PL	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-3000	5559 N SUNBOW LP	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-3010	5551 N SUNBOW LP	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-3020	5543 N SUNBOW LP	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-3030	5535 N SUNBOW LP	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-3040	5527 N SUNBOW LP	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-3050	5519 N SUNBOW LP	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-3060	5511 N SUNBOW LP	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-3070	5487 N SUNBOW LP	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-3080	5483 N SUNBOW LP	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-3090	5479 N SUNBOW LP	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-3100	5475 N SUNBOW LP	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-3110	5471 N SUNBOW LP	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-3120	5463 N SUNBOW LP	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-3130	5464 N SUNBOW LP	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-3140	5506 N SUNBOW LP	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-3150	5536 N SUNBOW LP	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652
214-23-3160	5556 N SUNBOW LP	LANDMARK TITLE TR 18109	ATTN: KAI SUNSET 80 PROPERTY LLC	PO BOX 2305	CORTARO AZ	85652

ORDINANCE 2016- 64

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO ZONING; REZONING APPROXIMATELY 77.9 ACRES OF PROPERTY FROM THE SR (SUBURBAN RANCH) ZONE, SR (BZ) (SUBURBAN RANCH – BUFFER OVERLAY) ZONE, AND SR (PR-2) SUBURBAN RANCH – HILLSIDE DEVELOPMENT OVERLAY (LEVEL 2 PEAKS & RIDGES)) ZONE TO THE SR-2 (SUBURBAN RANCH ESTATE) ZONE, SR-2 (BZ) (SUBURBAN RANCH ESTATE – BUFFER OVERLAY) ZONE, AND SR-2 (PR-2) (SUBURBAN RANCH ESTATE – HILLSIDE DEVELOPMENT OVERLAY (LEVEL 2 PEAKS & RIDGES)) ZONE IN CASE CO9-15-04 LANDMARK TITLE TR 18109 – WEST SUNSET ROAD REZONING, ON PROPERTY LOCATED ON THE SOUTH SIDE OF W. SUNSET ROAD, APPROXIMATELY 1,300 FEET WEST OF N. CAMINO DE OESTE, AMENDING PIMA COUNTY ZONING MAPS NO. 43 AND 44.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The 77.9 acres of land located on the south side of W. Sunset Road, approximately 1,300 feet west of N. Camino de Oeste and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Maps No. 43 and 44, is rezoned from the SR (Suburban Ranch) zone, SR (BZ) (Suburban Ranch – Buffer Overlay) zone, and SR (PR-2) (Suburban Ranch – Hillside Development Overlay (Level 2 Peaks & Ridges)) zone to the SR-2 (Suburban Ranch Estate) zone, SR-2 (BZ) Suburban Ranch Estate – Buffer Overlay) zone, and SR-2 (PR-2) Suburban Ranch Estate – Hillside Development Overlay (Level 2 Peaks & Ridges)) zone subject to the conditions in this ordinance.

Section 2. Rezoning Conditions.

1. The owner shall:

   A. Submit a development plan if determined necessary by the appropriate County agencies.

   B. Record the necessary development related covenants as determined appropriate by the various County agencies.

   C. Provide development related assurances as required by the appropriate agencies.

   D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.

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

3. The owner shall adhere to the preliminary development plan as approved at public hearing (Exhibit B), with the exception of changes in number, size, or configuration of lots due to a required provision of common area for detention basins if an alternative is not accepted by the Floodplain Administrator.

4. Transportation conditions:

   A. The property shall be limited to two access points as indicated on the preliminary development plan (Exhibit B).

   B. The eastern access point shall align with the access point on the north side of Sunset Road.

5. Flood Control conditions:

   A. Native riparian vegetation shall be used to enhance drainage improvements.

   B. First flush retention (retention of the first ½ inch of rainfall from impervious and disturbed surfaces) shall be provided.

   C. Regulatory floodplains and riparian habitat shall be within permanently identified open space through easement or dedication.

   D. Development shall meet Critical Basin detention requirements.

   E. Maintenance responsibility for stormwater infrastructure, including detention basins, shall be assigned to the homeowners association or other designated representative by Conditions, Covenants and Restrictions.

   F. Detention basins shall be located in common area unless an alternative is proposed and accepted by the Floodplain Administrator. Placement of basins in common area may result in fewer lots or changes in size and/or configuration of lots than shown on the conceptual layout on the preliminary development plan.

   G. Building envelopes shall be identified during the platting process and shall be oriented to avoid or minimize impacts to local, unregulated drainageways.

6. Environmental Planning conditions:

   A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing 52 acres as on-site natural open space (NOS) and 19 acres as off-site NOS. On-site NOS will conform to the approximate location and configuration as shown on the approved Preliminary Development Plan. Off-site NOS must conform to the CLS

Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11) Conservation Lands System Mitigation Lands) and comply with all of the following:

- Off-site NOS is acceptable to the Pima County Planning Official or designee; and
- Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee.

B. The maximum amount of grading per lot shall not exceed 15,000 square feet and will occur entirely within the buildable part of the lot as demarcated on the Preliminary Development Plan by the 'No Build Line'.

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

<u>Invasive Non-Native Plant Species Subject to Control</u>

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

Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

7. The owner/developer must secure approval from the Pima County Department of Environmental Quality (PDEQ) to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.

8. The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. §12-1134(I)."

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. During the development plan stage, the applicant shall contact Tucson Unified School District (TUSD) concerning the provision of adequate space for safe bus stops, bus turn- arounds and pedestrian access to the appropriate schools.

11. Structures shall be limited to a maximum height of 24 feet and shall be sited and landscaped to minimize negative visual impacts. The color of structures shall be in context with the surrounding environment.

12. In addition to the requirements of the Native Plant Preservation Ordinance, all transplantable saguaros 6 ft or less in height inside the disturbance area envelopes shall either be preserved in place or transplanted within the site.

13. The developer shall consult with the Coalition for Sonoran Desert Protection and Pima County prior to submittal of a subdivision plat to explore ways to reduce the need for large basins located along the downstream edge of the property while still meeting detention requirements. Any basins to be constructed throughout the site shall be designed using permaculture concepts and incorporate gradual slopes of natural materials in order to facilitate wildlife movement.

14. The developer shall consult with the Coalition for Sonoran Desert Protection and Pima County prior to submittal of a subdivision plat on lot configuration and placement of building envelopes, particularly those that are impacted by "flows under the regulatory threshold per the submittal, but are significant," (reference Commission staff report pg. 8) and on lots 19 and 22 where buildable area incurs into the Erosion Hazard Setback.

15. Signage indicating the prohibition of motorized vehicles shall be posted on trail easements.

16. The "Proposed Pedestrian Access Easement to TUSD School Property" shall be removed from the Preliminary Development Plan.

17. Perimeter lot fencing within the designated natural open space is prohibited.

Section 3. Time limits of conditions. Conditions 1 through 17 of Section 2 shall be completed no later than July 5, 2021.

Section 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 5. The effective date of this Ordinance is the date the Chair of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this 13th day of December, 2016.

Sharon Bronson
Chair, Pima County Board of Supervisors

ATTEST:

Robin Brigode
Clerk, Board of Supervisors

Approved As To Form:

11/4/16
Deputy County Attorney
Lesley M. Lukach

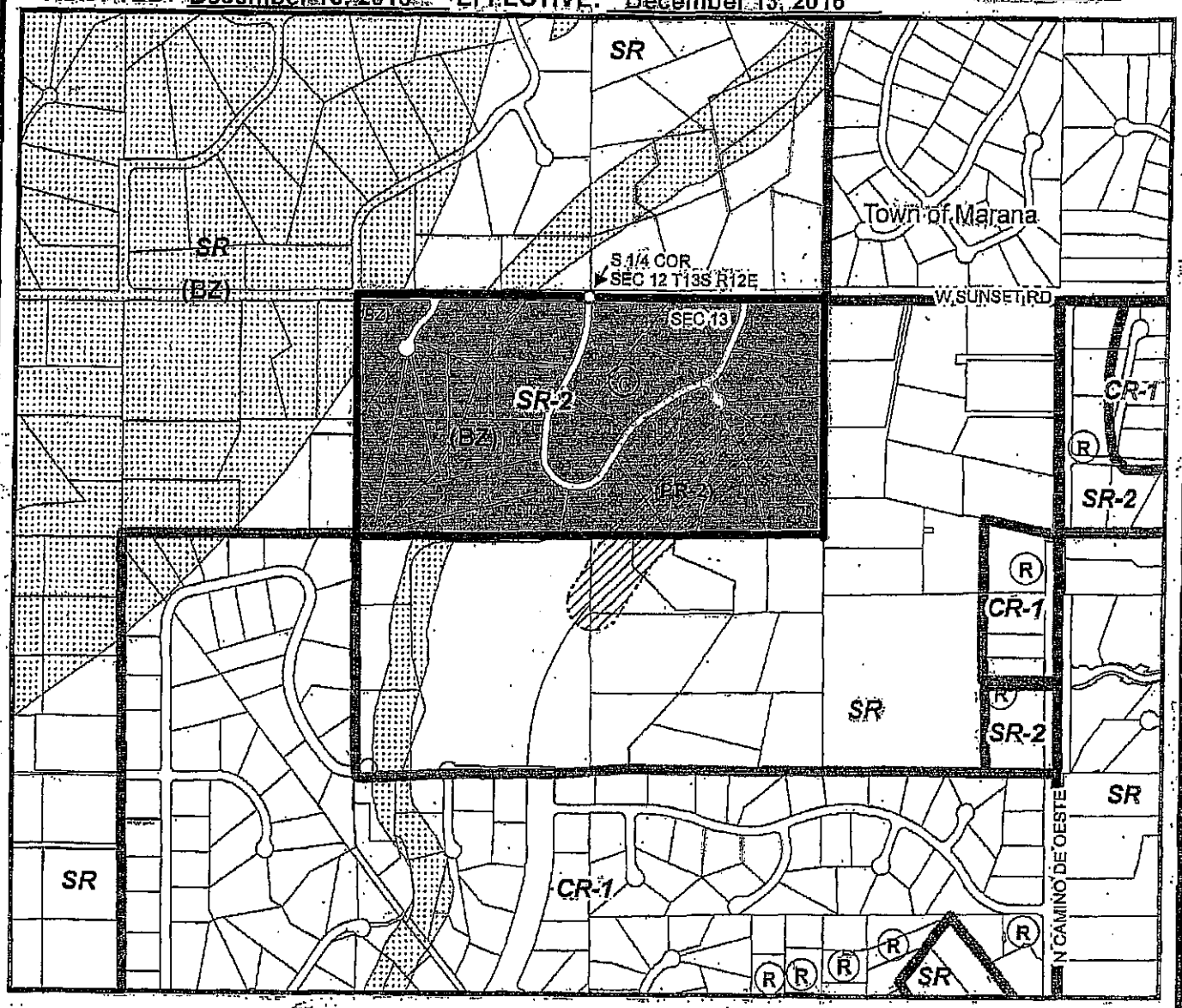
Approved

11-23-16
Executive Secretary,
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 9,66 BY ORDINANCE NO. 2016-064
TO PIMA COUNTY ZONING MAP NO. 43,44 TUCSON AZ.
LOTS 1 THRU 22 OF DESERT SENNA ESTATES BEING A PART OF THE N 1/2 OF SEC 13, T13S R12E.

ADOPTED: December 13, 2016 EFFECTIVE: December 13, 2016



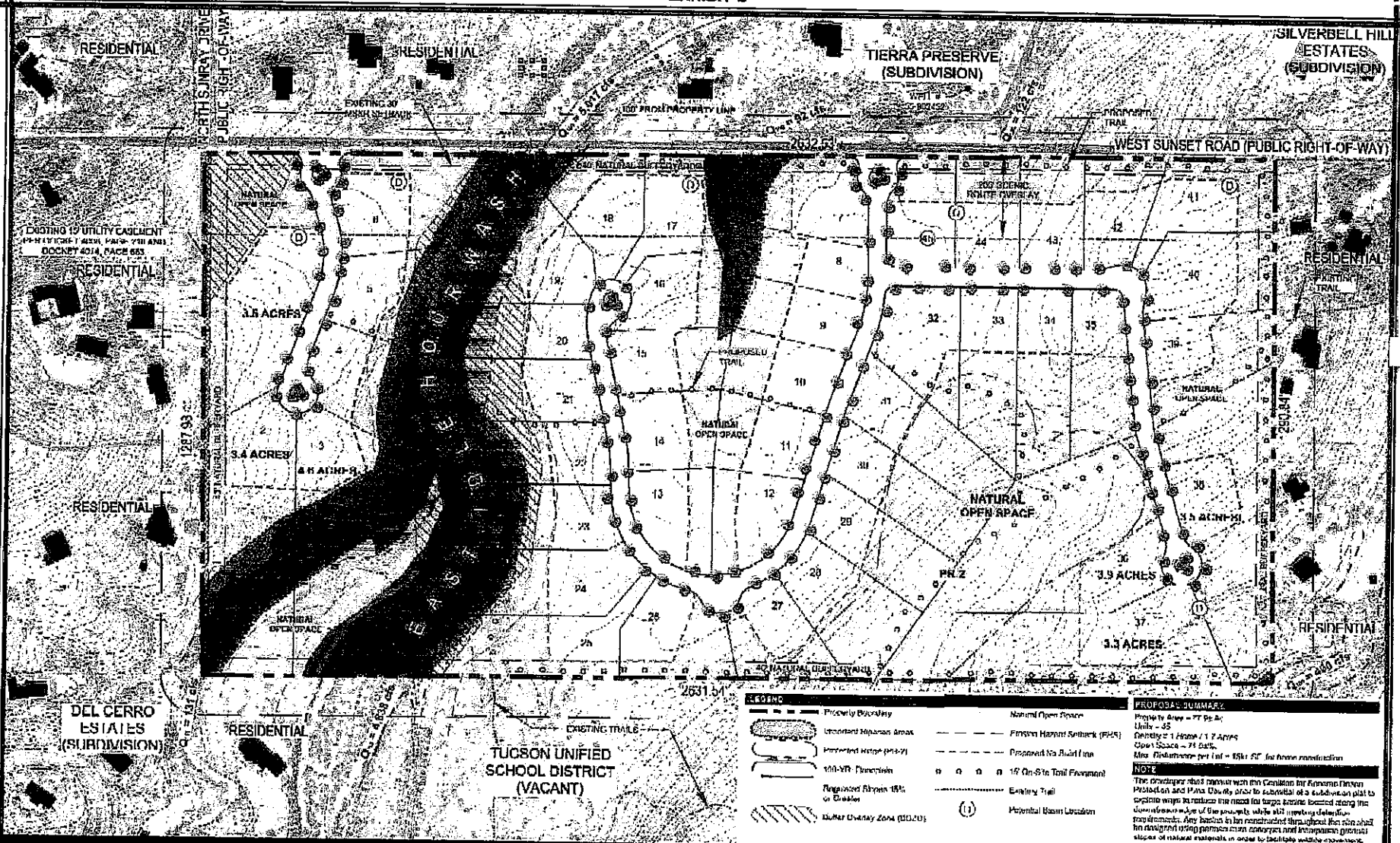
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

(C) NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR, SR (BZ), and SR (PR-2) 77.9 ac
ds-October 20, 2016

CO9-15-04
CO7-13-10
214-23-2950 thru 3160

PIMA COUNTY
DEVELOPMENT SERVICES

EXHIBIT B



WLB

Page 7 of 7

DESERT SENNA
PRELIMINARY CLUSTER DEVELOPMENT PLAN

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Carroll, seconded by Supervisor Valadez and carried by a 4-0 vote, Supervisor Miller not present for the vote, to close the public hearing and approve P16CU00004, subject to standard and special conditions.

21. **Hearing – Rezoning**

Co9-15-04, LANDMARK TITLE TR 18109 - W. SUNSET ROAD REZONING
Request of Landmark Title TR 18109, represented by The WLB Group, for a rezoning of approximately 77.9 acres from the SR (Suburban Ranch) zone, SR (BZ) (Suburban Ranch - Buffer Overlay) zone, and SR (PR-2) (Suburban Ranch - Hillside Development Overlay (Level 2 Peaks & Ridges)) zone to the SR-2 (Suburban Ranch Estate) zone, SR-2 (BZ) (Suburban Ranch Estate - Buffer Overlay) zone, and SR-2 (PR-2) (Suburban Ranch Estate - Hillside Development Overlay (Level 2 Peaks & Ridges)) zone, on property located on the south side of W. Sunset Road, approximately 1,300 feet west of N. Camino de Oeste. The proposed rezoning conforms to the Pima County Comprehensive Plan Co7-13-10. On motion, the Planning and Zoning Commission voted 5-2-1 (Commissioners Matter and Membrila voted Nay, Commissioner Mangold abstained, and Commissioners Cook and Neeley were not present) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 3)

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

1. The owner shall:
   - A. Submit a development plan if determined necessary by the appropriate County agencies.
   - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
   - C. Provide development related assurances as required by the appropriate agencies.
   - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. The owner shall adhere to the preliminary development plan as approved at public hearing, with the exception of changes in number, size, or configuration of lots due to a required provision of common area for detention basins if an alternative is not accepted by the Floodplain Administrator.
4. Transportation conditions:
   - A. The property shall be limited to two access points as indicated on the preliminary development plan.
   - B. The eastern access point shall align with the access point on the north side of Sunset Road.
5. Flood Control conditions:
   - A. Native riparian vegetation shall be used to enhance drainage improvements.
   - B. First flush retention (retention of the first ½ inch of rainfall from impervious and disturbed surfaces) shall be provided.
   - C. Regulatory floodplains and riparian habitat shall be within permanently identified open space through easement or dedication.

D. Development shall meet Critical Basin detention requirements.

E. Maintenance responsibility for stormwater infrastructure, including detention basins, shall be assigned to the homeowners association or other designated representative by Conditions, Covenants and Restrictions.

F. Detention basins shall be located in common area unless an alternative is proposed and accepted by the Floodplain Administrator. Placement of basins in common area may result in fewer lots or changes in size and/or configuration of lots than shown on the conceptual layout on the preliminary development plan.

G. Building envelopes shall be identified during the platting process and shall be oriented to avoid or minimize impacts to local, unregulated drainageways.

6. Environmental Planning conditions:

A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing 52 acres as on-site natural open space (NOS) and 19 acres as off-site NOS. On-site NOS will conform to the approximate location and configuration as shown on the approved Preliminary Development Plan. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11) Conservation Lands System Mitigation Lands) and comply with all of the following:

- Off-site NOS is acceptable to the Pima County Planning Official or designee; and
- Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee.

B. The maximum amount of grading per lot shall not exceed 15,000 square feet and will occur entirely within the buildable part of the lot as demarcated on the Preliminary Development Plan by the 'No Build Line'.

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

Invasive Non-Native Plant Species Subject to Control

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
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Centaurea solstitalis	Yellow starthistle
Cortaderia spp.	Pampas grass
Cynodon dactylon	Bermuda grass (excluding sod hybrid)
Digitaria spp.	Crabgrass
Elaeagnus angustifolia	Russian olive
Eragrostis spp.	Lovegrass (excluding E. intermedia, plains lovegrass)
Melinis repens	Natal grass
Mesembryanthemum spp.	Iceplant
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle

Schinus spp. Pepper tree
Schismus arabicus Arabian grass
Schismus barbatus Mediterranean grass
Sorghum halepense Johnson grass
Tamarix spp. Tamarisk

7. The owner/developer must secure approval from the Pima County Department of Environmental Quality (PDEQ) to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
8. The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. §12-1134(I)."
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. During the development plan stage, the applicant shall contact Tucson Unified School District (TUSD) concerning the provision of adequate space for safe bus stops, bus turn-arounds and pedestrian access to the appropriate schools.
11. Structures shall be limited to a maximum height of 24 feet and shall be sited and landscaped to minimize negative visual impacts. The color of structures shall be in context with the surrounding environment
12. **In addition to the requirements of the Native Plant Preservation Ordinance, all transplantable saguaros 6 ft or less in height inside the disturbance area envelopes shall either be preserved in place or transplanted within the site.**
13. **The developer shall consult with the Coalition for Sonoran Desert Protection and Pima County prior to submittal of a subdivision plat to explore ways to reduce the need for large basins located along the downstream edge of the property while still meeting detention requirements. Any basins to be constructed throughout the site shall be designed using permaculture concepts and incorporate gradual slopes of natural materials in order to facilitate wildlife movement.**
14. **The developer shall consult with the Coalition for Sonoran Desert Protection and Pima County prior to submittal of a subdivision plat on lot configuration and placement of building envelopes, particularly those that are impacted by "flows under the regulatory threshold per the submittal, but are significant," (reference Commission staff report pg. 8) and on lots 19 and 22 where buildable area incurs into the Erosion Hazard Setback.**
15. **Signage indicating the prohibition of motorized vehicles shall be posted on trail easements.**
16. **The "Proposed Pedestrian Access Easement to TUSD School Property" shall be removed from the Preliminary Development Plan.**
17. **Perimeter lot fencing within the designated natural open space is prohibited.**

The following speakers addressed the Board in opposition:

- Skipper Haggard
- Barbara Dewitt
- Charles Shumway
- Alex Byron
- Rebecca Dawson
- Marie Gaskill

- Jason Foundas

They offered the following comments:

- Rezoning would impact the quality and hope for a different lifestyle.
- It would diminish the resale values in the area.
- Saguaros in the areas would be impacted.
- It would violate the character and the spirit of the neighborhood.
- The damage to the ecosystem would be devastating.
- Concerned with placement of the detention basins.
- Concerned with safety.

The following speakers addressed the Board in support:

- Carolyn Campbell
- John "BJ" Bjelland

They offered the following comments:

- Riparian areas on site would be protected with additional conditions.
- Would build a better and more controlled neighborhood.

The following submitted speaker cards in opposition but did not speak:

- Charlene Pesquiera
- Amy Triphan

It was moved by Supervisor Elías, seconded by Supervisor Carroll, to close the public hearing and approve CO9-15-04, subject to standard and special conditions and the additional conditions Nos. 12-17 as suggested by the Coalition for Sonoran Desert Protection. No vote was taken at this time.

Supervisor Elías and Chair Bronson agreed that approval of this plan provided for more open space and offsite mitigation than the plat that currently existed.

Upon the vote, the motion carried 4-0, Supervisor Miller not present for the vote.

22. **Hearing - Zoning Code Text Amendment**

Co8-15-03, COMPREHENSIVE PLAN TERMS AND PROCEDURES
Proposal to amend by ordinance the Pima County Zoning Code Title 18, Chapter 18.89 (Comprehensive Plan) to revise Chapter 18.89 consistent with the recently updated Pima County Comprehensive Plan by amending Section 18.89.010 (Purpose); amending Section 18.89.020.A adding new definitions of "comprehensive plan amendment program", "element", "goal" and "non-major plan amendment"; amending existing definitions including "comprehensive plan", "land use intensity legend", "major plan amendment" to increase the site area to 640 acres and add criteria, and "plan policy". The proposal will amend Sections 18.89.030 (Plan components) and 18.89.031 (Plan elements) to repeal the requirement of permitted zoning districts in all land use intensity legend categories, to add plan goals as a required component, and to add "health" and "economic

MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION

DATE: April 1, 2021

TO: United States Fish and Wildlife Service
201 N. Bonita Ave., Suite 141
Tucson, AZ 85745

FROM: Donna Spicola, Planner

SUBJECT: Rezoning Time Extension for your review and comments
Case: Co9-15-04 Landmark Title Tr. 18109 – W. Sunset Road Rezoning

==========

USFWS

Reviewer: Scott Richardson
Address: 201 N. Bonita Ave., Suite 141 Tucson, AZ 85745
Phone: (520) 670-6144 x 242
E-mail: Scott_Richardson@fws.gov

[ ] No Concerns relating to the subject property

[XX] Yes Concerns relating to the subject property

Description of species impacted, concerns and suggested mitigation measures:

Thank you for the opportunity to respond to this rezoning time extension. While we recognize the value of the on-site and off-site mitigation provided and support this approach, we just want to reiterate the concerns we have regarding the potential impacts of this development on important Sonoran desert vegetation and habitat for species over which we have authority, such as the lesser long-nosed bat and cactus ferruginous pygmy-owl, both species covered under the Pima County MSCP. I am attaching our previous comments on this rezoning and emphasize the importance of maintaining habitat values for species covered under Pima County's MSCP. Thank you for your consideration.

MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION

DATE: February 16, 2016

TO: United States Fish and Wildlife Service
201 N. Bonita Ave., Suite 141
Tucson, AZ 85745

FROM: Janet Emel, Senior Planner

SUBJECT: New Rezoning Application Transmittal for your review and comments
Case: Co9-15-04 Landmark Title Tr. 18109 – W. Sunset Road Rezoning

==========

USFWS

Reviewer: Scott Richardson
Address: 201 N. Bonita Ave., Suite 141 Tucson, AZ 85745
Phone: (520) 670-6144 x 242
E-mail: Scott_Richardson@fws.gov

[ ] No Concerns relating to the subject property

[XX] Yes Concerns relating to the subject property

Description of species impacted, concerns and suggested mitigation measures:

We are concerned about potential impacts to foraging resources for the lesser long-nosed bat, a species listed as endangered under the Endangered Species Act. The new development proposal for the project will impact 355 saguaros, an important forage resource for the lesser long-nosed bat. Lesser long-nosed bats have been documented foraging in the vicinity of the proposed project by an ongoing citizen-science hummingbird feeder monitoring project where citizens document the use of hummingbird feeders by nectar-feeding bats. While we understand some saguaros will not be impacted by the project and that some of the impacted saguaros will be relocated within the project boundaries, there will be a substantial loss of potential forage resources as a result of the proposed project. Page II-8 and II-9 appear to indicate that the project proponents will also conserve some off-site mitigation land (19.2 acres) to comply with Pima County policies. It refers the reader to Appendix G for a description of these lands but no Appendix G was included in the materials we received to review. It is, therefore, not possible to know if the proposed off-site lands will provide saguaros as forage resources for lesser long-nosed bats in the region.

Given the scope of potential impacts to the lesser long-nosed bat forage resources, we recommend that Pima County require a more quantified documentation of the number of saguaros that will remain on site following the completion of the proposed development. We also recommend that Pima County ensure that the off-site mitigation lands provided by the project proponents provide adequate saguaro resources to reasonably offset the on-site impacts to saguaros. It does not appear that this project will require a Clean Water Act 404 permit, but if it does or if there is any other sort of Federal nexus with this project, we suggest that, due to the magnitude of impacts to saguaros, section 7 consultation with the Federal action agency may be required. The Federal action agency, if any, will make

a determination of whether section 7 consultation is needed.

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

NORTHWEST FIRE DISTRICT

ISO CLASS 1 ★ INTERNATIONALLY ACCREDITED
5225 W. Massingale Rd. | Tucson, AZ 85743
(520) 887-1010 | www.NorthwestFire.org
@NorthwestFire | /NorthwestFireDistrict

April 7, 2021

Development Services Department
Planning Division
Attn: Donna Spicola
201 North Stone, First Floor
Tucson, Az 85701

Reference: Rezoning Time Extension for Co9-15-04 Landmark Title Tr 18109 – W. Sunset Road Rezoning; Tax Parcel 214-23-2950- 3160, Northwest Fire District 1st review.

Northwest Fire District has reviewed the referenced project for compliance with the minimum internationally recognized codes and standards of the 2018 International Fire Code with amendments.

General Review Notes:

1. This proposed home rezoning and replat of the property in question exceeds the number of lots allowed on a single access road point per 2018 IFC D107.1.
2. If all homes in the development are equipped with residential fire sprinklers, an exception to the requirements will allow the construction on all lots.

Northwest Fire District looks forward successful completion of this project. In the event you have questions or concerns please feel free to contact me.

In Safety,

In Safety,

Frederick Durham
Frederick Durham
Northwest Fire District
Fire Code Official
520-887-1010 ext. 5018
fdurham@northwestfire.org