



# Zoning Examiner

## REPORT TO MAYOR AND COUNCIL

June 8, 2026

**SUBJECT:** REZONING - TP-ENT-1125-00023 E Jacaranda Way SR to RX-1 (Ward 2)

**PUBLIC HEARINGS:** April 23, and May 21, 2026

### SUMMARY OF FINDINGS

#### **Applicant's Request for Rezoning SR to RX-1**

The applicant, JAS Engineering, on behalf of the property owner, Carolyn Larabee, requests a rezoning of approximately 11.26 acres located at 8800 East Jacaranda Way (Assessor's Parcel No. 114-51-228C) from SR (Suburban Ranch) to RX-1 (Residential). The subject site is about 700 feet south of the intersection of Tanque Verde Road and Bear Canyon Road. The main objective of the request is to allow a new 12-lot single-family residential subdivision. While the site currently contains existing housing units, the proposed RX-1 zoning is intended to bring these existing uses and dwellings into conformance with the Unified Development Code (UDC). Under the proposed Preliminary Development Plan, the eastern half of the site would be subdivided into six new developable parcels for single-family dwellings, while the existing units on the western portion of the property are retained. The current proposal is designed to meet City development standards.

#### **Zoning Background Information**

**Existing Land Use:** Several scattered single-family residential structures are on the west half of the parcel.

**Zoning Descriptions:** Existing: SR (Suburban Ranch) – This zone provides for very low density, large lot, single-family, residential development and various large lot suburban ranch uses.

Proposed: RX-1 (Residential) – This zone provides for suburban, low density, single-family, residential development, agriculture and other compatible neighborhood uses.

#### **Adjacent Zones and Land Uses:**

North: C-1, Self-storage facility, service and retail on Tanque Verde Road

East: RX-1, Single-family residential  
South: RX-1, Single-family residential  
West: RX-1, Single-family residential

Previous Cases on the Property: None

Related Cases: None

### **Neighborhood Meeting – November 5, 2025**

The applicant held a neighborhood meeting on November 5, 2025, at 6:00 PM at the Ward 2 Office (7820 E. Broadway Blvd). The meeting was attended by 20 members of the public. Following a project presentation by the applicant, there was a discussion about the proposed 12-lot subdivision.

The main points raised by the attendees include the following:

**Density and Lot Configuration:** Residents questioned the density of the project, specifically the presence of two units on certain lots on the western portion of the site. The applicant's representative clarified that the existing smaller units prompted this configuration. Concerns were also raised regarding the potential for future increased density; the applicant noted that the RX-1 zoning would be tied to the Preliminary Development Plan (PDP), and any further increase in lots would require a new public process.

**Access and Road Improvements:** Discussion occurred regarding why roadway improvements were concentrated on the eastern side of the property. The applicant stated all new lots would be accessed from that point. Neighbors expressed a preference for gravel or permeable pavers to mitigate runoff. Regarding Emergency Access, concerns were raised about the dirt access on the west side; the applicant confirmed the PDP includes fire truck access as required by the Fire Department

**Building Height:** Most attendees expressed a strong preference for single-story homes to maintain the character of the existing neighborhood.

### **Infrastructure and Drainage:**

**Sewer:** Residents reported frequent pumping issues with the current area sewer system. The applicant stated that Pima County Wastewater must review and approve the capacity as part of the development process.

**Drainage:** Concerns were raised regarding the location of retention/detention basins and potential adverse impacts on adjacent properties. The applicant explained that the basins are required to satisfy First Flush and Critical Basin detention requirements. An offer was made

to meet with adjacent neighbors during the Development Package phase to refine basin design.

**Traffic and Safety:** Safety and traffic flow were primary concerns. The representative said the Department of Transportation and Mobility (DTM) would review the project, and a stop sign would likely be required for the new development.

**Environmental Concerns:** Neighbors raised concerns regarding light pollution (specifically headlights into existing homes) and the potential impact on local wildlife habitats. The applicant said the project must comply with the City's Outdoor Lighting Code and all applicable environmental and engineering standards during the formal review process.

### **Summary of Zoning Examiner Public Hearing April 23, 2026**

A rezoning request by JAS Engineering on an 11.26-acre lot from SR to RX-1 was considered on April 23, 2026, Zoning Examiner's public meeting. The request was for a 12-lot single-family residential subdivision while bringing existing accessory dwelling units (ADUs) and guest houses into zoning compliance. Staff reported that at the time of the hearing, the rezoning received 32 written protests and one written statement of approval, establishing the requirement for a supermajority vote by the Mayor and Council for final approval.

Jeff Stanley of JAS Engineering, the applicant's representative gave a presentation, detailing the site's history and the goal of using RX-1 zoning to permit existing residential structures and adding six lots to the east to complete the proposed subdivision. Proposed infrastructure improvements would include a new internal road, sidewalks, and a comprehensive drainage system comprised of several retention and detention basins.

There was significant opposition presented by the adjoining neighbors. Below is a summary of key points made by the neighborhood speakers:

**Drainage:** Residents provided testimony on existing drainage deficiencies within the Fahringer and Tanque Verde Wash watersheds that directly affect the rezoning and the surrounding properties. Neighbors expressed concern that the proposed basins would be "utility-styled," potentially lacking vegetation and posing safety or overflow risks to adjacent downstream properties. There was also information presented suggesting an approach using green infrastructure techniques would be less intrusive to the character of the neighborhood and remove concerns of a breakdown of the single point basin proposal.

**Infrastructure Capacity:** Testimony was received focused on the age and reliability of the local sewer system, with residents reporting past infrastructure failures and frequent pumping requirements.

**Neighborhood Character and Building Height:** Multiple speakers argued that the proposed density and potential for 30-foot building heights would be incompatible with the existing single-

story, low-profile character of the surrounding area. A presenter suggested a one-story building height limit of 16 feet to preserve the neighborhood character, privacy and visual impact on the adjacent neighborhood properties.

**Traffic and Safety:** Concerns were raised regarding increased trip generation on narrow neighborhood streets and the potential for subdivision traffic to use the westbound access easements as a cut-through for traffic approaching Tanque Verde Road. Further, there was concerns about safety and emergency access in the current proposal.

The property owner, Carolyn Larabee, the proposal would be the same as the zoning of the surrounding neighborhood. In addition, the request aligns with broader City planning goals for moderate, low-intensity infill. Regarding the proposed 16-foot height restriction, the speaker disagreed with the proposed one-story height limit. She added that there are existing two-story buildings in the area. The applicant reiterated a commitment to meet with adjacent neighbors to refine basin designs during the formal Development Package phase.

The Zoning Examiner noted the need for additional third-party input and objective technical data to address the substantial protests. The Examiner requested formal input for the continued hearing from the following officials and departments:

1. Subdivision Engineering: To review the impact of the proposal on stormwater management and basin design.
2. Zoning Administrator: To report on Accessory Dwelling Units (ADU) impact on an RX-1 subdivision.
3. Pima County Wastewater: To provide a definitive assessment of current sewer connection capacity.
4. Department of Transportation and Mobility (DTM): To evaluate emergency access and the necessity for traffic calming measures.

The Zoning Examiner said the public hearing will remain open for further comment until the conclusion of the May 21 meeting.

### **Summary of Zoning Examiner Public Hearing May 21, 2026**

The Zoning Examiner resumed the public hearing for the East Jacaranda Way case, which had been continued from April 23, 2026, to collect technical reports from appropriate reviewers prior to the next hearing. Planning and Development Services Department (PDSD) staff said one new protest was filed from outside the notification and said a supermajority vote by the Mayor and Council remains in effect.

The Zoning Examiner requested staff to summarize the written reports from the departments submitting reports. Staff gave the following information:

The DTM said a 12-lot single-family subdivision will generate approximately 109 daily trips. Under a hypothetical maximum density layout with an ADU on every lot (24 total units),

the network would see roughly 218 daily trips. DTM confirmed that Tanque Verde Road west of Bears Path Road operates at Level of Service (LOS) D, and eastern segments operate at LOS C. Because the City designs roads to operate at LOS D or better, the surrounding public roadway network and emergency evacuation routes possess more than adequate capacity to handle the development.

The Pima County Regional Wastewater Reclamation Department (PCRWRD) confirmed that flow meters deployed in the area reported no capacity concerns. Furthermore, a recently installed 12-inch sewer line on Woodland Road has provided substantial capacity relief to the local system. RWRD has issued formal capacity letters confirming the system can accommodate connections for both the eastern and western halves of the project. A standard requirement for a Type I capacity investigation and formal County review will be built into the rezoning conditions to govern the final construction plans.

Staff also noted that the Zoning Administrator confirmed that ADU can be the same height as a primary building and, for the RX-1 zone, two ADUs would be allowed per lot.

### **Technical Evaluation of Stormwater Run-off and Floodplain Management**

PDSB Subdivision Engineer Stephen Blood, P.E., spoke about the physical configuration and long-term maintenance of the subdivision's stormwater infrastructure is central to the review of the proposal. He pointed out that a primary guiding principle of the technical review, as articulated is that the City of Tucson enforces drainage regulations to ensure that new development projects have no adverse hydrological impacts on surrounding properties.

Topographic and watershed facts showed the site is subject to unique drainage constraints. Mr. Blood said the property is within a designated Critical Basin watershed. A Critical Basin is an area with known, documented flooding issues, which requires enhanced drainage standards for a new development. To comply with the City's *Design Standards for Stormwater Detention and Retention Manual*, the developer cannot rely on low-impact development (LID) standards alone because the subdivision's interior spine road runs along a natural ridge line, shedding water outward toward adjacent boundaries. Structural common-area detention basins are required to meet the volumetric demands of the watershed.

Mr. Blood explained the 15% Peak Flow Reduction. Because of the Critical Basin designation, the subdivision must achieve a 15% reduction in peak discharge rates below the baseline, pre-development conditions during major storm events. The subdivision engineer stated this engineering functions by detaining peak stormwater on-site, flattening the hydrograph curve. By holding back, the water and controlling its release over an extended period, the design prevents the rapid, high-velocity "gushing" flows that historically cause erosion and flooding downstream. It does not reduce the total volume of water leaving the site over the course of a day, but it structurally mitigates the peak intensity during a catastrophic event.

Regarding green infrastructure usage on the property, the applicant's engineer, Jeff Stanley, expressed a willingness to integrate localized green infrastructure and water harvesting features where feasible. While private on-site water harvesting cannot substitute for the primary critical detention facilities due to regulatory constraints in a Critical Basin, green infrastructure basins will be installed within the roadway cross-section right-of-way to capture, slow, and infiltrate immediate street runoff.

During the public meeting there was concerns expressed about how a Homeowners Association (HOA) would maintain the proposed basins. The procedures were explained by the subdivision engineer. Upon the platting of the subdivision, the Assessor's office issues distinct parcel numbers to the common areas. The HOA is recognized by the City as the official property owner of these drainage parcels, legally separating them from the individual residential lot owners.

City inspectors evaluate the basins annually to identify structural and environmental violations, including debris accumulation, heavy sediment buildup, overgrown or unmanaged vegetation, deteriorated outlet weirs, or compromised rock riprap.

If a basin is found to be non-compliant, inspectors flag the facility's status as being in "fair" or "poor" condition. If applicable, the City issues an enforcement letter to the HOA. Continued non-compliance can end up in front of judge and involve fines as well as required maintenance to be done.

The applicant's engineer discussed wastewater infrastructure status. Public infrastructure must expand concurrently with development to prevent the degraded service levels for existing residents. While neighborhood testimony detailed severe historic failures and localized strain on the aging 1965 network, the formal technical record confirms that regional improvements—specifically the recent construction of a new 12-inch sewer line in Woodland Road—have provided substantial capacity relief.

The applicant's engineer agreed to the technical conditions recommended by the Pima County Regional Wastewater Reclamation Department (PCRWRD). The developer will commit to a comprehensive wastewater agreement with Pima County. No development package or final plat will be approved until the developer completes a Type I Capacity Investigation and secures written documentation proving that downstream conveyance and treatment capacity are available. The developer bears sole financial responsibility for funding, designing, and constructing all necessary internal and external connections at no expense to the public.

To address the building height and setback concerns raised, the applicant has agreed to more restrictive zoning dimensional limits than the required RX-1 dimensions. These include 20-foot building height versus the allowed 30 feet and an increased building setback greater than the allowed 20 feet. The special condition will apply to proposed lots abutting existing residential lots.

### **Public Testimony: Neighborhood Skepticism and Infrastructure Concerns**

A significant portion of the public testimony focused on the deep-seated skepticism held by the surrounding neighborhood regarding the long-term reliability of infrastructure, computer modeling, and enforcement capabilities. For the surrounding community, this rezoning request does not represent a routine calculation on paper; rather, it introduces risks to their homes, livestock, and historical lifestyle.

### **Floodplain and Drainage Concerns**

Neighborhood testimony presented an extensive history of regional flood problems, challenging the adequacy of the technical drainage models. Residents, including a meteorologist and hydrologist with over 55 years of professional experience, identified a compounding, two-way flooding problem that severely impacts the immediate area. The project site is directly constrained by the Tanque Verde Creek floodplain, which abuts the southwest portion of the property, placing most of the adjacent downstream homes inside a high-risk flood zone. Increasing this risk, the Agua Caliente Wash flows from the Santa Catalina Mountains and merges with the Tanque Verde Wash from the Rincon Mountains on the southeastern side of the neighborhood. Peak flow conditions in recent years the speaker said have produced more frequent and severe flooding than in the past, changing the merged washes into an intense river that overflows into surrounding horse properties and residential parcels. Residents emphasized that the danger of these washes dominating and flooding into the proposed development area remains exceptionally high during major storm events.

Further, neighborhood testimony mentioned under normal conditions, natural sheet runoff across the undeveloped property sustains the local ecosystem and the neighborhood's native vegetation. However, when rainfall is heavy, extreme flooding occurs in channeled areas, causing severe property damage, soil erosion, and physical injury to local families.

Residents expressed deep skepticism regarding the proposed engineering remedies, noting that the perimeter basins—which capture less than 6,000 square feet of area—provide minimal benefit for day-to-day stormwater management and lighter rain events. While these structures may contain a portion of catastrophic flows, they fail to address the regular drainage needs of the area. Also, property owners adjacent to the largest basin stated concerns that the physical dimensions of the basins, positioned on property lines and above existing homes, will change the natural hydrology so severely that the resulting water diversion will kill off the surrounding mesquite bosque and riparian vegetation. Neighbors noted that downstream communities are already overwhelmed with stormwater due to commercial development to the north that intentionally channels water directly into the residential area, creating a highly delicate and fragile environment where any further upstream development threatens to intensify already dangerous conditions.

### **Sewer Vulnerabilities and Personal Impacts**

Neighborhood testimony differed with the technical presentation and focused on historical ground conditions and skepticism about the previous reviews. Residents mentioned past sewer infrastructure failures resulting in a home being contaminated with raw sewage, causing lasting property damage. Neighborhood speakers said the local sewer infrastructure was old and

required ongoing monitoring and maintenance. They said to keep the current lines operational, Pima County staff must perform manual scoping and flushing monthly. In the view of the residents, it is a network requiring monthly maintenance and is operating under structural strain. They said allowing a six-lot subdivision with potential secondary dwelling units onto these lines creates a serious risk of system failure.

### **Emergency Evacuation and Equestrian Safety Risks**

Speakers brought up vulnerabilities regarding emergency access, ingress, and egress throughout the entire Tanque Verde Valley corridor. Residents described a gas line incident occurring just two weeks prior to the hearing that paralyzed local traffic for hours in both directions, blocking ambulance and emergency access to the neighborhood. This safety risk occurred in one of Tucson's last functional equestrian communities. Residents, they said, must maneuver large, 30-to-40-foot horse trailers through the narrow local streets and congested intersections to access area veterinary clinics and boarding facilities.

Standard traffic studies omit the specialized turning radiuses and emergency spacing requirements necessary to transport live, heavy animals. Under current conditions, an unexpected wildfire, flood, or infrastructure failure could trap hundreds of residents and animals with no viable all-weather evacuation options. The speakers maintained that the neighborhood is at development capacity and allowing more housing without a coordinated, system-wide regional traffic and evacuation plan violates basic public safety obligations.

### **Summary of Planning Considerations**

The 2025 adopted *Plan Tucson* and the 1984 adopted *Bear Canyon Neighborhood Plan* (BCNP) are the policy framework for the rezoning. Under *Plan Tucson's Future Growth Scenarios Map*, the subject site is categorized within the Neighborhoods building block. This designation emphasizes maintaining existing residential scale while allowing for low-density infill with similar density to the surrounding existing neighborhood. Further, *the Bear Canyon Neighborhood Plan* designates the subject property as suburban residential development with a maximum density of one residence per acre which would allow a rezoning to RX-1 zone.

Both plans have a primary policy objective in protecting and stabilizing neighborhoods. The BCNP encourages high-quality infill and emphasizes single-family, owner-occupied dwellings to ensure new projects fit within existing land uses. Policies regarding neighborhood character direct that new development should remain compatible in density and use intensity with the surrounding RX-1 environment.

BCNP Policy 12 states a maximum story (2) and building height (30') is allowed. This policy mirrors the current RX-1 zone's building height regulation. *Plan Tucson* in policy Neighborhoods Policy (LT2.8.1.1) states new development in established neighborhoods should

be compatible with the scale and density of the surrounding area. Scale in this context refers to measurable features of residential buildings including building height.

Based on an inspection of the surrounding neighborhood, the established residential character is almost completely single-story. Because *Plan Tucson* Policy LT2.8.1.1 provides guidance and represents the more current policy, a rezoning condition for building height like surrounding neighborhood development is appropriate in being compatible with the scale and density of the surrounding neighborhood.

### **Transportation Policy**

Regarding infrastructure and resource management, *Plan Tucson* provides broader guidance on sustainable growth and environmental stewardship. Its transportation policies focus on maintaining a functional road network that operates at a designated acceptable level of service while completing pedestrian gaps.

Tanque Verde Road currently carries 29,200 to 31,300 vehicles per day, based on recent technical traffic counts. These volumes reflect its function as a major east-side arterial serving both local and regional travel demand.

The Zoning Examiner requested the DTM provide a background review of the rezoning and surrounding area. According to the City's transportation criteria and the Florida Department of Transportation (FDOT) multimodal LOS methodology, which is used nationally, Tanque Verde Road west of Bears Path Road operates at Level of Service (LOS) D. LOS D represents "approaching unstable flow", meaning that while traffic conditions are busy and delays are noticeable during peak periods, the road remains within the acceptable operational threshold for an urban arterial.

Under *Plan Tucson's* Transportation Element, adopted by voters in November 2025, Policy T1 directs the City to maintain LOS D or better on arterial and collector roads during peak hours. The standard attempts to balance mobility needs with neighborhood protection and is the benchmark applied to rezoning cases such as Jacaranda Way.

The estimated 109 daily trips generated by the proposed development is a minor increase relative to existing traffic volumes. This increment does not degrade Tanque Verde Road below LOS D, nor does it trigger any operational deficiency under City policy. Thus, the current road conditions are still complying with *Plan Tucson* Policy T1, and the projected traffic associated with the Jacaranda Way rezoning does not conflict with the City's adopted transportation performance standards.

Also, the Move Tucson (2021) long-range mobility plan identifies this segment of Tanque Verde Road for future "Local Connections" to enhance pedestrian network continuity. These improvements are categorized as Tier 3, indicating long-term implementation pending funding availability.

### **Wastewater Capacity**

Reliable infrastructure stability is a key feature of *Plan Tucson*. Public Infrastructure and Facilities Policy PI1 states the City will only accommodate new growth where adequate public facilities and infrastructure are available or can be concurrently provided to support the development. To verify compliance with this guiding principle, the Zoning Examiner requested a technical report from the Pima County Regional Wastewater Reclamation Department (RWRD) regarding the localized sewer network. In their evaluation, RWRD staff confirmed that while the regional service area flow monitoring currently identifies no capacity constraints and a new line on Woodland Road has provided structural relief, the subject property itself relies on legacy septic systems that must be systematically retired. The staff report stated that no dwelling is added to the system without a capacity evaluation.

### **Stormwater Run-off and Infrastructure Policy**

Public infrastructure and facility policies mandate that adequate drainage and wastewater systems must be available and funded entirely by the developer to prevent the degradation of existing service levels for current residents.

Stormwater, environmental, and public facility policies focus on preserving natural resources, the mitigating runoff, and managing infrastructure. The *Bear Canyon Neighborhood Plan* encourages enhancing the natural environment and maintaining floodplains and local washes habitat. *Plan Tucson's* Policy GI1 (Green Infrastructure), promotes the use of Low Impact Development (LID) and green infrastructure practices to manage stormwater, protect regional watersheds, and enhance the urban canopy.

However, the technical evaluation by the subdivision engineer indicates that due to localized topographic conditions affecting the proposed rezoning—where the internal spine road runs along a natural high point—and strict Critical Basin volume mandates requiring a 15% reduction in peak discharge, distributed LID features cannot independently replace conventional infrastructure.

This rezoning may include some supplemental assistance from the City's Low Impact Development standards to assure appropriate managing of roadway runoff, but a safe and high-standard development requires full compliance with regional floodplain management regulations through structured, common-area detention basins. This aligns with *Plan Tucson* Safety Policy S1, which directs the City to restrict development in flood-prone areas and enforce strict drainage regulations to minimize risk to life and property, and Policy LT3, which promotes subdivision designs that strictly complies with development regulations to ensure structural safety and stabilize development activity in surrounding neighborhoods.

These environmental and drainage stabilization policies operate in tandem with public facility improvements. *Plan Tucson* Public Infrastructure and Facilities Policies PI1 and PI7 direct developers to provide all necessary public infrastructure at their own expense to ensure there is no degradation of service to existing residents. To satisfy these infrastructure preservation policies and address the technical realities of the site, the rezoning requires the developer to design, fund, and construct the necessary internal and external sewer connections to transition the subdivision from septic to the public system. This technical transition shifts the subdivision

to the public system without shifting the financial burden to existing area residents or compromising the surrounding environment.

### **Context of the Rezoning and Recommended Conditions**

This rezoning request involves an 11.26-acre parcel change from SR to RX-1 to allow for a 12-lot single-family subdivision. Following the public hearings on April 23, and May 21, 2026, the Zoning Examiner has reviewed input from staff, the applicant and neighborhood testimony. Further, the Zoning Examiner reviewed technical reports from departments and experts on transportation, wastewater, drainage issue addressing stormwater as well as broader floodplain management, and zoning interpretation as well as information submittals from the neighborhood.

**Conditions 8, 11 and 14** attempt to focus on clarifying review and expectations of the formal subdivision plat review processes. Also, **Conditions 12 and 13** address height and setback limits greater than the UDC.

### **Stormwater Run-off and Floodplain Management**

The physical configuration and long-term maintenance of the subdivision's stormwater infrastructure represent a critical technical issue. Formal review of the site topography and hydrology by PDSB Subdivision Engineer Stephen Blood, P.E., confirmed that a pure Low Impact Development (LID) framework cannot independently replace conventional detention infrastructure on this property.

**Topographic Constraints:** The planned interior subdivision spine road is located directly along a natural ridge line and localized high point. Stormwater naturally sheds away from this roadway toward both the northern and southern property boundaries. Because runoff flows outward from this high point, standard structural retention and detention basins are required to ensure no adverse downstream drainage impacts occur on adjacent parcels.

**Critical Basin:** The property is within a designated Critical Basin watershed. To comply with City regulations, new development within a Critical Basin must achieve a 15% reduction in peak discharge rates relative to pre-development baseline conditions during major storm events. For example, if a major 100-year storm would naturally produce a peak flow of 13.7 cubic feet per second off the property, the developer must install engineered basins that choke that peak flow down to a maximum release rate of 11.8 cubic feet per second. This engineering feature detains stormwater on-site, flattening the peak intensity of the runoff and thus preventing rapid, high-velocity erosive flows downstream.

**Integrated Mitigation Strategy:** To address neighborhood concerns regarding the visual and physical impact of deep basins, **Condition 11** requires a landscape-integrated approach. All basins must be platted as separate common-area parcels owned and maintained by a Homeowners Association (HOA), ensuring they do not encroach on adjoining private lots. To satisfy *Plan Tucson* Policy G11, the applicant's engineer has committed to install supplemental

green infrastructure basins within the roadway right-of-way to capture, slow, and infiltrate immediate street runoff. This commitment is incorporated into **Condition 11**.

**Risk Allocation and Health Protocols:** **Condition 8** requires a final plat disclaimer and hold-harmless covenant on the final recorded subdivision plat. It removes the City from future liability regarding the safety, practicability, or failure of the private drainage and stormwater infrastructure. By requiring this note, the ongoing legal and financial burden of potential flooding or surface water accumulation is permanently allocated to the property owners and their successors via the HOA.

To address vector and public health concerns raised in testimony regarding the risk of standing water and mosquito proliferation within the basins, **Condition 14** establishes a strict operational protocol requiring all facilities to be engineered with native hydro-seeded 3:1 slopes, rip-rap spillways, and low-flow drainage systems that evacuate or infiltrate "First Flush" volumetric runoff within a 24-to-36-hour window. The long-term monitoring, structural enforcement, and operational compliance with this drain-down timeline are allocated as a perpetual obligation of the HOA, stated in the subdivision covenants.

**Wastewater Capacity and Infrastructure :** *Plan Tucson* Public Infrastructure Policy PI1 states that new growth must be supported by adequate public facilities without degrading service to existing residents. While public testimony highlighted long-term infrastructure sensitivity and a history of localized sewer strain, technical reviews from the Pima County Regional Wastewater Reclamation Department (RWRD) confirm that a recently completed 12-inch sewer line in Woodland Road has provided substantial capacity relief to the local service network.

**Condition 7** requires the developer to design, fund, and construct the necessary infrastructure to transition the property from legacy septic systems to the public sewer system. Final development package approval is subject to a Type I Capacity Investigation and written capacity verification from PCRWRD, ensuring existing residents are protected from infrastructure expansion costs.

**Land Use Compatibility and Scale: Building Height and Setbacks (Condition 12 and 13):** While the 1984 *Bear Canyon Neighborhood Plan* (BCNP) allows for building heights up to two stories and 30 feet, the applicant at the May 21 public meeting agreed to a 20-foot building height for primary buildings as well as accessory dwelling units to assure zoning parity to satisfy Arizona State Statutes. The applicant also agreed to a building setback for primary buildings would apply to proposed lots directly abutting existing residential property lines, specifically affecting neighbors along the southern and eastern boundaries of the rezoning.

Evidence and testimony confirmed that the established surrounding neighborhood consists mostly of low-profile single-story homes averaging 12 feet in height. *Plan Tucson* Policy LT2.8.1.1 states that new development in established neighborhoods must be compatible with the existing "scale" of the surrounding area, a term that includes height, width, depth, and three-dimensional massing. Because *Plan Tucson* represents the more current, voter-adopted planning framework, its scale compatibility standards take precedence over the 1984 BCNP building height policy.

**Ongoing Monitoring, Neighborhood Transparency, and Maintenance Compliance**

Regarding basin maintenance by the HOA and monitoring by the City, there is no specific special condition. To address neighborhood skepticism regarding the perpetual maintenance and operational integrity of the common-area detention basins, the public record features a transparent, verifiable tracking system maintained by the City. While an HOA must be established during the subdivision platting process to serve as the legal property owner and primary point of contact for adjacent neighbors, the City does not leave maintenance accountability entirely to a private entity.

The Planning and Development Services Department (PDSD) is responsible for conducting annual basin inspections and overseeing code enforcement. Once the subdivision infrastructure is built, PDSD maps the basins into the City's geographic information system (GIS).

Any member of the public can independently monitor the status, compliance history, and ongoing maintenance tracking of the Jacaranda Way basins by using *MapTucson* the City's online public GIS portal, or *EnerGov*, the City's permitting system. These platforms require no special access or login credentials. Within *MapTucson*, an individual can navigate the map layers and activate the "Basins" layer to view data updated in real time.

This continuous, real-time public portal ensures that neighborhood stakeholders can verify that the adopted regulations are being strictly enforced, providing an objective tool to track compliance and hold the HOA accountable long after construction concludes.

**Transportation and Mobility:** There is no special rezoning condition on transportation. Because transportation was a key discussion point, below is the summarized information that applies to this proposal. The Department of Transportation and Mobility (DTM) verified that the 12-lot subdivision will generate about 109 daily trips. Under a maximum-density scenario incorporating Accessory Dwelling Units (ADUs), the network would see 218 daily trips. DTM analysis confirmed that Tanque Verde Road west of Bears Path Road operates at Level of Service (LOS) D, which complies with *Plan Tucson* Policy T1's mandate to maintain an acceptable operational threshold of LOS D or better on major city roadways. The DTM's traffic report shows that the small number of additional cars will not slow down the surrounding roads or delay emergency response times, and neighborhood concerns regarding through traffic are mitigated by the semi-circular layout of local roads which prevents cut-through routing. The neighborhood testimony showed strong concerns about the current situation needing better planning. That is a relevant concern on a larger area discussion that is greater than the current proposal.

**CONCLUSION**

The subject rezoning conforms to *Plan Tucson* and the *Bear Canyon Neighborhood Plan*. The technical reports and testimony on subdivision engineering, floodplain management, stormwater runoff, wastewater and internal and external transportation issues all state that a small subdivision can be safely allowed to develop on the Jacaranda Way property by adherence to all City and County adopted regulations for subdivision development.

However, the public hearing testimony revealed an overwhelming neighborhood opposition to the proposed rezoning to RX-1. That is an understandable position considering the testimony has revealed evidence of past flooding and sewage failure within the neighborhood. Further, the area is in a Critical Basin where future flooding will most likely occur.

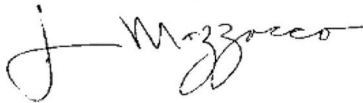
With the information available in this public process, the Zoning Examiner's recommendation is based on the conformance to adopted land use plans, the adherence to adopted regulations and the staff positions within the technical reports specific to the subject property stating if there is compliance with the policies and regulations the rezoning will not cause a public safety hazard.

The City's GIS mapping allows anyone to review on-going development and basin maintenance. While acknowledging the proposed rezoning is in an environmentally sensitive area, there is information with policy and regulatory origin to state that the adopted plans and regulations can be relied on to allow development of a small subdivision in a safe and sound manner.

## **RECOMMENDATION**

The Zoning Examiner recommends approval of the rezoning subject to the Zoning Examiner Recommended Conditions.

Sincerely,

A handwritten signature in black ink that reads "Jim Mazzocco". The signature is written in a cursive, flowing style.

Jim Mazzocco  
Zoning Examiner

## **ATTACHMENTS:**

Case Location Map  
Aerial Map  
Rezoning Case Map  
Zoning Examiner Recommended Conditions  
Public Hearing Minutes

cc: City of Tucson Mayor and Council

## ZONING EXAMINER RECOMMENDED CONDITIONS

### PROCEDURAL

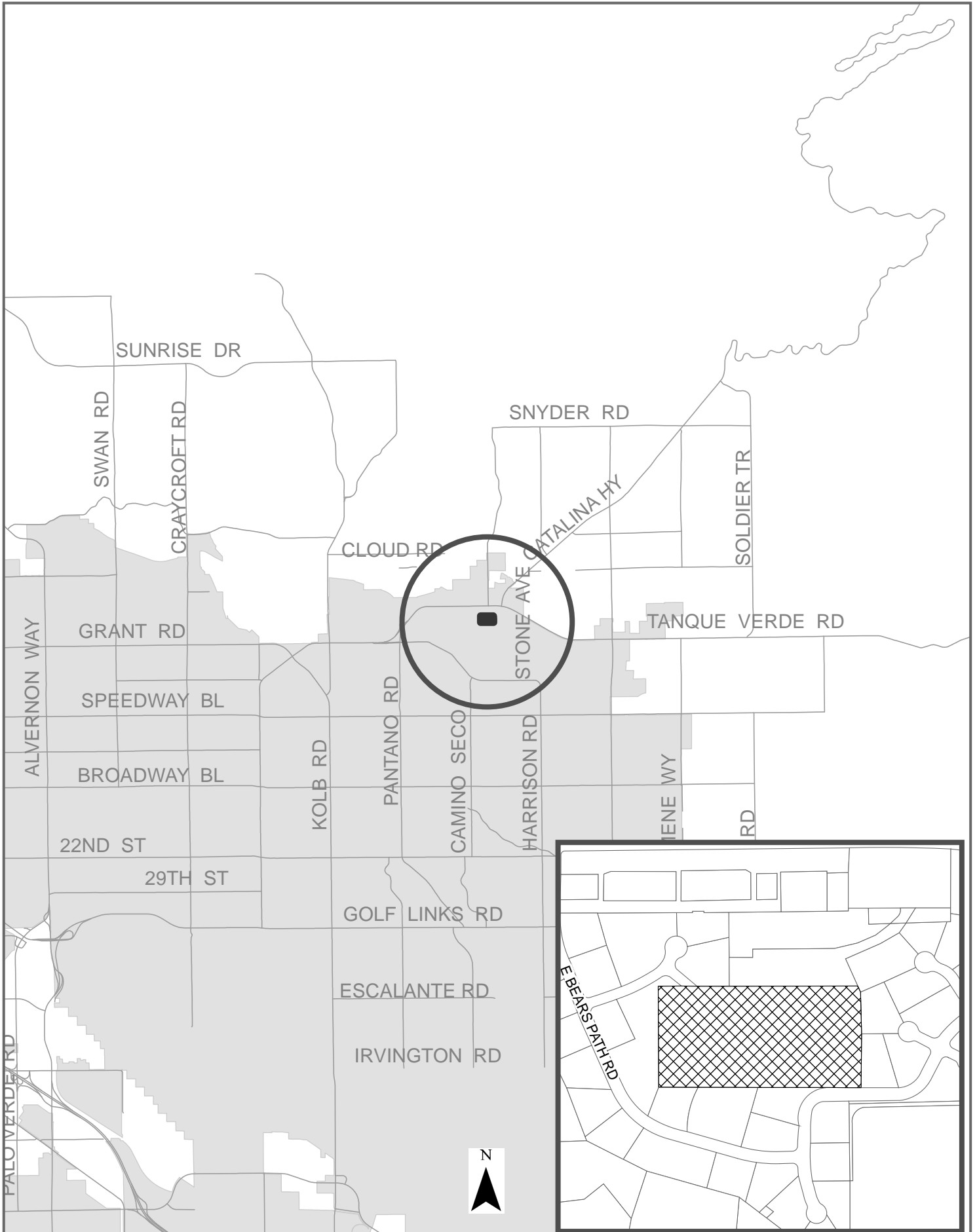
1. A development package in substantial compliance with the preliminary development plan, dated February 27, 2026, and required reports, are to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Should historic or prehistoric features, artifacts, or funerary items be discovered during grading, boring, trenching, or other ground disturbing activities, work shall cease immediately, and the Tucson Historic Preservation Office shall be contacted to assess the resource. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.
6. Technical standards will apply during the development process.
7. The applicant shall submit a Type I Capacity Investigation to Pima County Regional Wastewater Reclamation Department (RWRD) to confirm that the downstream public sewerage system can accommodate the 12-lot subdivision and any potential Accessory Dwelling Units. No development package or tentative plat shall be approved until the applicant provides written documentation from PCRWRD confirming that treatment and conveyance capacity is available. The owner shall be responsible for funding, designing, and constructing all necessary on-site and off-site sewer improvements at no expense to the public or existing area residents. All existing residential structures on the site must be properly decommissioned from septic systems and connected to the public sewer as a condition of final plat approval.
8. The Final Plat shall contain the following note: *Approval of this plat by the City of Tucson does not constitute a representation, guarantee, or warranty of any kind by the City of the practicability or safety of the land and creates no liability upon the*

*City. The Owners, their successors, and assigns hereby agree to release, indemnify, and hold harmless the City, its officers, officials, agents, and employees from any and all claims, damages, liabilities, losses, or expenses (including attorney's fees) arising in connection with or related to flooding, surface water accumulation, or the failure of any drainage and stormwater facilities located within the subdivision.*

#### LAND USE COMPATIBILITY

9. Graffiti on walls or on any other location on site shall be removed within seventy-two (72) hours of discovery.
10. No ground disturbing activities may occur until a Class III archaeological survey is conducted on the parcel by a qualified archaeologist permitted by the Arizona State Museum. If the Class III survey identifies cultural resources or the high potential of buried subsurface archaeological deposits, a plan must be made for avoidance and mitigation before any activities take place.
11. All HOA-designated common-area retention and detention basins shall be stabilized and integrated into the landscape. Basins shall be hydroseeded with native vegetation to mitigate soil erosion. Basins shall be hydroseeded and basin edges shall have slopes no steeper than 3:1. Where practicable supplemental green infrastructure basins shall be used within the roadway right-of-way to capture, slow, and infiltrate immediate street runoff.
12. A 20-foot building height limit shall apply to all primary and accessory buildings on all subdivision lots.
13. New structures shall be set back greater than 50 feet from the southern boundary of the subdivision, and greater than 50 feet from the eastern boundary of the subdivision (Designated as Lots 2, 3, 4, 9, 10, 11, and 12). If the final recorded subdivision plat uses a different lot numbering system or reconfiguration from the approved preliminary development plan, this 50-foot setback shall apply to any final platted lot or portion thereof that touches, intersects, or runs parallel to these designated southern and eastern property boundaries adjacent to the existing off-site residential lots.
14. The final engineering design submitted at the time of Development Package (DP) review must demonstrate that all retention and detention facilities are engineered to fully drain, infiltrate, or discharge the "First Flush" volumetric runoff within a 24-to-36-hour window following a storm event to eliminate standing water hazards. Perpetual maintenance and compliance with this protocol shall be enforced through recorded HOA covenants.

# TP-ENT-1125-00023

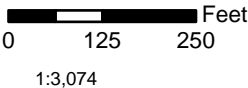


TP-ENT-1125-00023



 Area of Rezoning

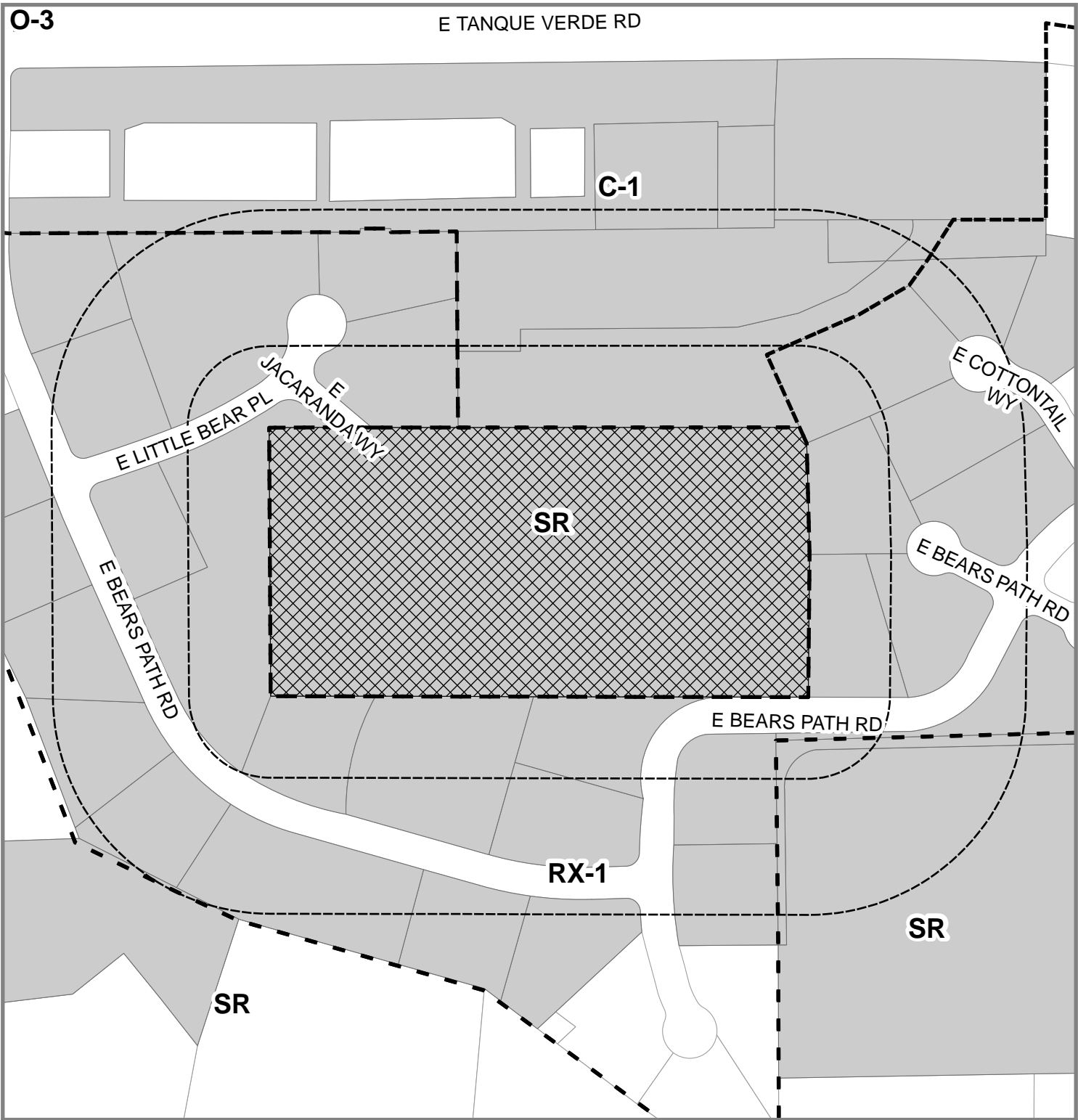
Address: 8800 E JACARANDA WY  
Base Maps: Twp. 1303 Range 1502 Sec. 34  
Ward(s): 2



TP-ENT-1125-00023

O-3

E TANQUE VERDE RD



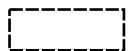
Area of Rezoning



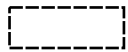
Zone Boundaries



Properties Notified

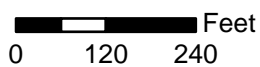


400' Notification Area



Protest Area (150 ft. Radius)

Address: 8800 E JACARANDA WY  
 Base Maps: Twp. 1303 Range 1502 Sec. 34  
 Ward(s): 2



1:3,074



CITY OF TUCSON ZONING EXAMINER  
PUBLIC HEARING

MAY 21, 2026

East Jacaranda Way (Ward 2)  
(Continued from April 23, 2026)  
(Case No. TP-ENT-1125-00023)

Town West - First Avenue (Ward 3)  
(Case No. TP-MOD-0326-000028)

**ZONING EXAMINER:**

- Jim Mazzocco

**STAFF PRESENT:**

- Gabriel Sleighter  
City of Tucson  
Planning and Development Services Department
- John Beall, Section Manager  
City of Tucson  
Planning and Development Services Department
- Stephen Blood, Section Manager  
City of Tucson Engineering and Landscape Review

**APPLICANT/AGENT PRESENT:**

- Jeff Stanley  
JAS Engineering  
200 East Yvon Drive  
Tucson, Arizona 85704
- Keri Silvyn  
Lazarus & Silvyn, P.C.  
5983 East Grant Road, Suite 290  
Tucson, Arizona 85712

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1 ZONING EXAMINER: It's 6:00 p.m. It's May 21st,  
2 2026. Welcome to tonight's Public Hearing. My name is Jim  
3 Mazzocco. I'm the Zoning Examiner for the City of Tucson. We

1 have two cases scheduled for the Public Hearing tonight, and we  
2 will take the cases as listed on the Agenda.

3 First, I'm going to make a short statement about  
4 conduct that I've been asked to make, and it goes like this:  
5 Arizona's open meeting laws provide that members of the public  
6 may attend and listen to proceedings during tonight's Zoning  
7 Examiner's Public Hearing. The rules require that no person  
8 shall interrupt the proceedings. If anyone behaves in a way that  
9 interrupts the proceedings, after a warning -- and this is that  
10 first warning -- the Zoning Examiner may direct the removal of  
11 persons from the chamber and/or recess the meeting itself. As a  
12 final note, please be aware that interfering with or preventing  
13 this lawful public meeting from being carried out in an orderly  
14 manner may violate Title 13 to the Arizona Revised Statutes. In  
15 short, persons who comply with the rules and do not interrupt the  
16 meeting will be able to attend and listen to tonight's  
17 proceedings, but persons who disrupt or interfere with the  
18 meeting are subject to removal.

19 I'll now proceed with the regular information as to the  
20 Zoning Examiner Public Hearing process. As Zoning Examiner, I  
21 conduct rezoning hearings on behalf of the Mayor and Council, and  
22 make findings of fact which I put into a written report, along  
23 with my recommendation, which I send to Mayor and Council for  
24 their consideration and for their final decision. My report will  
25 be based on the information submitted to me, which includes the

1 application, the Staff Report, all written approvals and  
2 protests, all correspondence, and testimony given at tonight's  
3 Public Hearing. I also include in the record all documents  
4 submitted to me up to the close of the Public Hearing. Tonight's  
5 proceedings are being recorded.

6 I will -- I will complete a Preliminary Report within  
7 five working days after the Public Hearing is closed. I will  
8 then prepare a Final Report which will be issued 14 days after  
9 the Public Hearing is closed. Anyone may request the application  
10 to be heard at a Public Hearing before the Mayor and Council if  
11 the request is filed with the City Clerk within 14 days after the  
12 date of the Zoning Examiner's Public Hearing or reconsider- --  
13 reconsideration Public Hearing. The Mayor and Council may also  
14 decide to conduct a Public Hearing without a special request. If  
15 a Public Hearing is requested, notice must be provided in the  
16 same manner as the notice provided for the original Public  
17 Hearing for the case.

18 If you'd like to receive a copy of any of the  
19 recommendations -- of my recommendations or reports, you're --  
20 and you're not listed as a party of record on the case -- a party  
21 of record is someone who's been notified in the mail of the case,  
22 and the Applicant -- you can send an email to Tucsonrezoning --  
23 one word -- @tucsonaz -- one word -- .gov, or call the City of  
24 Tucson Planning and Development Services Department. Copies will  
25 also be available from the Planning and Development Services

1 Department's website. The Mayor and Coun- -- after this, the  
2 Mayor and Council will then hear the item and then vote on the  
3 matter, an appeal or recommendation, based on my recommendation,  
4 along with other factors that they take into consideration.

5 So, normally during the Public Hearing -- each Public  
6 Hearing, we have the Planning and Development Service's Staff  
7 speak, then the Applicant makes a presentation, and then the  
8 public may then be called to testify, and then the Applicant may  
9 respond to issues. There are speaker cards at the podium or  
10 nearby. Fill out the card as requested. When I call you to  
11 testify, please speak clearly into the microphone, your testimony  
12 -- by stating your name and address. Try to keep your comments  
13 concise and note if a previous speaker has already made a point  
14 that -- that you've already made. I usually give around five  
15 minutes, but I usually allow a little bit more time to -- to  
16 speak to make your point. But, at some point, I'm telling you  
17 could you wrap up, that's what I'm getting at. After all parties  
18 have spoken, at this point, I will close the Public Hearing and  
19 if I see a reason to continue that case or hear further  
20 testimony.

21 So, for those who plan to speak, I request you stand  
22 and respond to the following: Do you swear to tell the truth,  
23 the whole truth and nothing but the truth? Okay. Thank you.

24 With that, let's begin. So, the first case we're going  
25 to hear is the continued case of TP-ENT-1125-00023, East

1 Jacaranda Way, and this was continued from the April 23rd, 2026,  
2 meeting. At that meeting, I had asked Staff if they would  
3 provide me with some technical reports from some of our more  
4 engineering-oriented departments, Transportation, Wastewater --  
5 who else was there? -- the Zoning Administrator. So, what I  
6 would like -- did I miss anybody? I got them all. And also the  
7 subdivision engineer I specifically wanted to hear from, and he's  
8 in the audience this evening. So, what I'm going to first do is  
9 I'm going to ask Staff to just give a summary of a couple of the  
10 Wastewater, the Zoning Administrator, and the Department of  
11 Transportation's comments.

12 And then, Mr. Stanley, you prepared a PowerPoint that  
13 has new information in it that the subdivision engineer wasn't  
14 able to look at before this meeting or just barely got to. So, I  
15 was wondering if you would be prepared to make that presentation  
16 after the Staff gives their summary. And then I can call the  
17 subdivision engineer up to give his comments in general about the  
18 project. Is that -- you're fine with that I assume? Okay.

19 So, with that, I'm going to ask Staff to give their  
20 quick overviews of the reports that we received.

21 MR. SLEIGHTER: Thank you. So, in the -- in the  
22 inter- -- in the time between the last hearing and this continued  
23 hearing, we received more information from the Department of  
24 Transportation and Mobility, Pima County Wastewater and  
25 Reclamation Department, and the Zoning Administrator, as well as

1 soliciting the assistance of one of our engineers who's here to  
2 speak.

3 The Department of Transportation and Mobility has  
4 assessed that with the proposed development, the existing roads,  
5 Tanque Verde and Bear Canyon and the neighborhood streets, are  
6 sufficient to provide an adequate level of service, and that  
7 emergency routes are unimpacted by this -- by this development.

8 Wastewater has indicated that they have flow meters in  
9 both directions of the -- the development that indicate -- that  
10 don't indicate any concerns; that in the last several years, a  
11 new 12-inch line was installed that has taken on two-thirds of  
12 the flow from one of the eight-inch lines. And the new  
13 development would still require Wastewater and Reclamation  
14 Department review and approval before anything could be  
15 construction.

16 The Zoning Administrator has identified that an RX-1  
17 zone, every lot is allowed up to ADUs per lot and each of those  
18 ADUs could be up to 1,000 square feet. They would also be  
19 limited to 75-percent of the size of the principal dwelling. So,  
20 up to 1,000 square feet, but, based on the size of the principal  
21 dwelling, it could be slightly less.

22 In the time between the last hearing and this continued  
23 hearing, we received one new protest form from a property outside  
24 the 150-foot notification area, so the super-majority  
25 requirements at Mayor and Council would still apply.

1           ZONING EXAMINER: Thank you. So, Wastewater has  
2 installed flow meters to monitor flow and they have a capacity  
3 review process is my understanding. And there is no one else in  
4 Pima County who reviews or monitors wastewater -- the wastewater  
5 system other than the Wastewater Department of Pima County?

6           MR. SLEIGHTER: That's correct. They're the  
7 responsible --

8           ZONING EXAMINER: So -- so --

9           MR. SLEIGHTER: -- party.

10          ZONING EXAMINER: -- we went to the right people  
11 to get the information. And they -- they also in their report,  
12 if I remember, they gave a recommended condition that had several  
13 points to it as to how the wastewater process -- the review  
14 process for new development is reviewed. And I would just say  
15 that's in there, that report, and we know that and that could be  
16 -- that could become a special condition of this rezoning, the  
17 more specific information that they -- and recommendations that  
18 they made in their comments.

19          MR. BEALL: Mr. Zoning Examiner, that is correct.  
20 And, typically, we -- that information they provided, those steps  
21 of further review, we usually do include that as a condition of  
22 rezoning --

23          ZONING EXAMINER: Okay.

24          MR. BEALL: -- from Wastewater.

25          ZONING EXAMINER: And the Transportation comments,

1 they're -- they're saying, if I remember correctly, Tanque Verde  
2 Road, especially the western portion of -- I think it's Bear  
3 Canyon Road -- the western portion of Bear Canyon Road is at a  
4 level of service D; and then a portion eastward of Bear -- Bear  
5 Path Road is level of service C. Now, level of service D, what  
6 that means -- and correct me if I'm wrong -- is that you can  
7 mostly drive at the speed limit, but your maneuverability is more  
8 limited during heavy traffic hours, and you could be backed up  
9 where you have to come to a stop for an incident or something  
10 that's going on that's slowing you down; that there just happens  
11 to more -- more cars than can handle whatever is happening in  
12 front of you. To me, that's what level of service D kind of  
13 represents. It's still considered acceptable, but it's the  
14 lowest level of acceptable level of service. Did I -- yeah?

15 MR. BEALL: Mr. Zoning Examiner, that's correct.  
16 The report back that they wrote was that the -- Tucson designs  
17 their roadways and intersections to operate at the level of  
18 service of D or better.

19 ZONING EXAMINER: Okay. The other piece of  
20 information that I found on my -- by myself, I looked at the Bear  
21 Canyon Neighborhood Plan, and that was done in 1984 and Tanque  
22 Verde Road was two lanes and Houghton Road hadn't been built yet  
23 with the bridge. So, we're talking 41 years into the future that  
24 we're at right now. And -- and, also, I looked at Plan Tucson  
25 and there is a condition -- a transportation condition that

1 states that level of service D is the acceptable level of service  
2 for major roadways in the city; is that what you understand?

3 MR. SLEIGHTER: Yes, that is correct.

4 ZONING EXAMINER: Okay, okay. I just want to make  
5 sure that those pieces of information were -- were available to  
6 everyone. Okay. With that, I think we've covered wastewater, to  
7 a degree transportation.

8 On the accessory dwelling units, it's my understanding  
9 that this is part of an effort by the State that -- that states  
10 that accessory dwelling units must be allowed to be the same  
11 height as the primary dwelling unit; and that -- and that you can  
12 have two on a lot of certain sizes, correct?

13 MR. SLEIGHTER: Yeah, that is correct.

14 ZONING EXAMINER: Okay. Okay. So -- so -- and --  
15 so that -- that's something that is a State requirement, not only  
16 a City requirement. The City has the same requirement because  
17 it's -- it's abiding by the State requirement.

18 MR. SLEIGHTER: That's correct. So, the City was  
19 a little ahead of the curve on the ADU adoption. And then the --  
20 the State requirements came into effect afterward, kind of  
21 superceding some of our provisions. But, yeah, we do comply with  
22 the State requirements now.

23 ZONING EXAMINER: And the person who wrote the  
24 report on the ADU as part of the package of technical reports was  
25 the Zoning Administrator, and the Zoning Administrator is an

1 official interpreter of the Zoning Code appoint- -- that is  
2 called out in State statutes.

3 MR. SLEIGHTER: Correct.

4 ZONING EXAMINER: Okay. Okay. So, I think we've  
5 covered those three.

6 Now, I'd like to switch to the subdivision review.  
7 And, Mr. Stanley, you have submitted a new PowerPoint that has  
8 new information in it. Would you be prepared to give that  
9 presentation? And then I can ask Mr. Blood to come up and talk  
10 about it.

11 MR. STANLEY: Mr. Examiner, Jeff Stanley, 200 East  
12 Yvon, Tucson. So, I -- so I put this PowerPoint together and  
13 it's going to be a little redundant because I didn't know -- you  
14 speak about sewer and traffic.

15 But, at the beginning of it, this is an aerial of the  
16 existing site and this is our -- our updated Preliminary  
17 Development Plan. We made a few changes, made a couple --  
18 basically smaller, shifted them a little bit, and you can see the  
19 sewer on there. I can point it out. But half the sewer -- half  
20 the -- the new lots to the east, the six will sewer into the  
21 existing sewer in Bears Path, and then the other six lots will go  
22 into Little Bear and they will -- on this map, they get together.

23 You can see west of the site there's the -- where they  
24 had the problems before that Wastewater has since fixed. They  
25 redid the manholes. They repaired a line. They did the offsite

1 line you were talking about. And they have -- and they have  
2 maintenance and -- and a flow-management type schedule they work  
3 on. So, to not go any farther than that since you already talked  
4 about it. I did -- this is the letter here that was -- that we  
5 were speaking about, it says what they -- what they've done in  
6 the past. Yes, sir?

7 ZONING EXAMINER: Mr. Stanley, did you see the  
8 conditions that the technician did?

9 MR. STANLEY: Yes, sir.

10 ZONING EXAMINER: Do you have any problem with  
11 those conditions?

12 MR. STANLEY: No --

13 ZONING EXAMINER: Okay.

14 MR. STANLEY: -- they're standard. Okay.

15 So, then this is the letter. This -- these are the two  
16 capacity letters that I received from Wastewater saying that we  
17 have capacity to -- to connect to the sewer; and one them is for  
18 the west half and the other is for the east half. So, they're  
19 saying that we have -- there's capacity for the -- for our  
20 project.

21 I also looked at drainage a little more. This map kind  
22 of shows the -- the site and the larger area where the drainage  
23 is coming from. You see the big blue line on the bottom, that's  
24 the Tanque Verde Wash; that's about 1,700 feet south of the  
25 project. And then if you look closer, you can see a couple

1 washes that skirt the project site. I'll show this more in a  
2 second.

3 So, this -- this is the FEMA map for the wash that  
4 shows the extent of the -- of the floodplain for the Tanque Verde  
5 Wash. You can see on that red dot that's where our project is,  
6 and it just skirts the southwest corner of our project. And if  
7 you look, all the houses that are south of the project, except  
8 for -- for Laura Harsh's house, are inside that floodplain and  
9 that floodplain does cross her property.

10 Then we have two local washes. This is -- these green  
11 lines on there are the watershed boundaries. Those are the areas  
12 that show where the -- where the drainage comes from and there's  
13 two there. The one -- the larger one is to the north, that's the  
14 Fahringer Wash and that has 115 acres of drainage to it, and it  
15 has 555 CFS that pass the site. There's also a smaller wash to  
16 the south, 42 acres, and it drains near the site, it crosses  
17 Bears Path just south of our project just at Ms. Harsh's property  
18 line. So, that's got 221 CFS that crosses there.

19 This is just another map trying to give the -- you can  
20 see the blue lines. The blue line on the top is the Fahringer  
21 Wash; that's the County's way of showing flood -- I mean, washes  
22 on their website. And then on the south you can see the other  
23 local wash. This is even a little closer. You can see the  
24 Fahringer Wash crosses over north of the site, crosses the  
25 northwest corner of our site. And the one to the south, the

1 local wash crosses to the -- on the southwest corner. Basically,  
2 it drains in the same area that the Tanque Verde floodplain is.  
3 So, again, there's a 115-acre watershed to the north and 42 acres  
4 to the south and our site also drains into those.

5 This is just an aerial. Again, the same thing, showing  
6 the blue lines or the washes. Fahringer Wash to the north and  
7 the local wash to the south.

8 Here's our Development Plan -- our revised Preliminary  
9 Development Plan. One thing to note is the basins are all in  
10 common areas. I think that wasn't clear before. They're not  
11 part of the lot, they're in -- they're in a common area so that  
12 each will have to take care of those.

13 After -- after our last meeting, I met with Laura Harsh  
14 out at her property which is just to the -- just to the south of  
15 the big basin kind of in there. Do I need to point that out or  
16 were you -- are you okay?

17 ZONING EXAMINER: I can see it.

18 MR. STANLEY: Okay. So, her con- -- her concerns  
19 were the size of the basin and the water coming out of the basin,  
20 and the watering of her -- she has mesquite trees west of her  
21 house that she likes to get the water to. I understand that.  
22 So, she was concerned with that. So, since then, after -- after  
23 meeting with her, I went back and I was able to reduce the size  
24 of that basin and I -- I moved it over to the west a little bit.  
25 I also moved the basin east of her house to the -- to the east a

1 little bit. And then -- I'll talk a little bit more about that  
2 in a second, better basins.

3 This map shows -- the dark lines are the watershed  
4 boundaries of the project. So, in between those is where it  
5 drains out. So, we have four basins going to the south and two  
6 going to the north. So, those are the -- the values on that map  
7 are the existing conditions, flow rates. For instance, watershed  
8 2 there with the circle, the cubic is 13.7, cue 10 is 5.6, and  
9 cue 2 is 1.8. So, those numbers are pretty small compared to the  
10 555 CFS in the Fahringer and the 221 to the south. So, those --  
11 those are the -- the numbers we have to start with.

12 And then this map shows the developed condition rates.  
13 So, the watersheds are essentially the same except for a little  
14 change at the roadway and it has the values on there of what we  
15 have to match. Those are those -- those new values are 15-  
16 percent less than the existing values. Those are -- those are  
17 target values.

18 ZONING EXAMINER: Mr. Stanley, could I ask a  
19 question?

20 MR. STANLEY: Yeah.

21 ZONING EXAMINER: So, the placement of the basins  
22 is -- is not haphazard, it is dependent on the topography and how  
23 the property naturally drains; is that how it works?

24 MR. STANLEY: Correct.

25 ZONING EXAMINER: So, that's why you picked these

1 particular sites; is that correct?

2 MR. STANLEY: Right.

3 ZONING EXAMINER: But -- but the actual size and  
4 shape of them, that level of detail needs to be decided at a  
5 later date when you're getting more into the engineering of them  
6 and design of them; is that correct?

7 MR. STANLEY: Essentially -- I have actually a  
8 report over there that's -- that I have actually gone through the  
9 -- the -- the design of those basins, how much was in there and  
10 how much comes out with the target goal of, you know, 15-percent  
11 less.

12 ZONING EXAMINER: So, what you have right now is  
13 pretty close to what you would be presenting to the City when you  
14 submit your paperwork for review?

15 MR. STANLEY: Pretty close. I'm going to --

16 ZONING EXAMINER: Pretty close.

17 MR. STANLEY: -- take another -- I've only looked  
18 at the one basin. So, I'm going to look at the others and see  
19 how I can shrink those as well.

20 ZONING EXAMINER: Okay.

21 MR. STANLEY: Again, the numbers on there, like  
22 for watershed 2, it's 11.8 in 100 years, that's 15-percent less  
23 than the 13.7 that came in. So, all those numbers on there for  
24 the target discharge is per our requirements.

25 There seemed to be a question last time as to what

1 these basins --

2 ZONING EXAMINER: Could -- could you -- could you  
3 explain for a lay person, when you're saying "target discharges,"  
4 what does that -- what does that mean?

5 MR. STANLEY: Well, that's the -- that's the --  
6 that's the flow rate that I have to hit that'd be 15-percent  
7 less.

8 ZONING EXAMINER: Okay. And that 15-percent less  
9 means there is a number set, a baseline set for how the property  
10 drains in its natural state, correct?

11 MR. STANLEY: Correct.

12 ZONING EXAMINER: So, that 15-percent you have to  
13 be 15-percent more efficient than the natural drainage that's  
14 occurring right now; is that -- is that right?

15 MR. STANLEY: Essentially efficient or whatever,  
16 that's -- that's the -- that's what we're allowed, that's what  
17 we're mandated to --

18 ZONING EXAMINER: So, that's a City --

19 MR. STANLEY: -- to discharge.

20 ZONING EXAMINER: -- that's a City regulation?

21 MR. STANLEY: Right.

22 ZONING EXAMINER: Okay.

23 MR. STANLEY: For this particular area, it's what  
24 they call a "critical basin," so a critical basin, you have to  
25 reduce the flow.

1                   ZONING EXAMINER: Okay. Thank you.

2                   MR. STANLEY: All right. So, there was -- seemed  
3 to be a question of -- with everybody for what these look like.  
4 And -- and they're -- they're earthen basins, feeder slopes, and  
5 they do not -- they have -- typically have a riprap spillway,  
6 something to control the flow against erosion on the basin. So,  
7 that -- that -- like I said, three-to-one sides. And we have to  
8 -- we're -- by landscaping -- when we do the development and  
9 stuff, we have to hydroseed those basins. So, this -- this slide  
10 shows a hydroseed mix that was typical in landscape and on the  
11 basin and then the -- on the right side is the plants themselves,  
12 what they look like.

13                  ZONING EXAMINER: Mr. Stanley --

14                  MR. STANLEY: Yes.

15                  ZONING EXAMINER: -- does -- is there any kind of  
16 area of the basins that are just plain concrete?

17                  MR. STANLEY: The only -- there's no just plain  
18 concrete, there's -- and I'll show you in a second on -- in a  
19 couple slides. We have to -- we have to control where the water  
20 comes out of that. So, the water would build it and it goes over  
21 a spillway or something and that will be -- that has to be fixed  
22 with gravel riprap or -- typically we use gravel riprap,  
23 something that won't erode away.

24                  ZONING EXAMINER: And riprap refers to a kind of  
25 rock that's bound by metal; is that --

1 MR. STANLEY: No, that would be gabion. Riprap  
2 would be just grouted in -- concrete grouted in --

3 ZONING EXAMINER: Okay.

4 MR. STANLEY: -- place.

5 ZONING EXAMINER: Okay.

6 MR. STANLEY: That's one of the options anyway.

7 This is my attempt to make this -- to kind of show what  
8 it looks like. The top one is a planned view of that basin and  
9 -- with plants scattered around it for -- I tried to simulate  
10 what it would be when the -- when the hydroseed takes place. So,  
11 how it is when it rains and the plants grow, that's what it's  
12 going to look like.

13 The bottom is a profile of -- of that outlet weir that  
14 -- in this case, there's a berm right there and so we have to  
15 fill that up. You could see in the middle the little U-shaped  
16 area, that's where the riprap is there to control the flow so the  
17 water comes out there and then -- and then we have a splash pad.

18 In this case -- typically, in -- in these basins, we  
19 have to -- we're required to store what they call the "first  
20 flush," which is the first half inch of rainfall. And the basin  
21 typically will hold nine inches of water, so it -- after it ponds  
22 nine inches, it raises up, then it starts coming out that  
23 spillway. So, after a rain period then there would be  
24 potentially nine inches of rain there.

25 In -- in response to my meeting with -- with Laura, she

1 would like -- she wants that rainfall to help -- you know, she's  
2 doing some water harvesting and the mesquite trees around there,  
3 she wants to take that -- she wants that water for that. So, in  
4 my meeting with Mr. Blood and -- the other day, he agreed that I  
5 could put a low-flow pipe in there so that whatever -- the nine  
6 inches will pond, but then there's a pipe there that the water  
7 will -- will bleed out. So, the pipe -- the basin won't -- won't  
8 stay full, it'll -- it'll drain out. And then Laura can take  
9 that water and direct it to where she wants to on her -- her  
10 little water harvesting tree wells and stuff like that. So, that  
11 limits -- basically limits the amount of time that water is going  
12 to stand there.

13 This next one is just -- I tried to put it over an  
14 aerial, it's a little difficult to see, but it's just the same --  
15 the same slide, but you got aerial. We got, you know, on the  
16 sides, the hydroseeded plants and then a couple of mesquite trees  
17 in the middle of it.

18 Upon my meeting with Laura, she sent me this green  
19 infrastructure manual. I looked through that and -- and I -- I  
20 talked with Mr. Blood about it as far as the -- kind of goal was  
21 to see if we can do some water harvesting on the lots above her.  
22 And we basically can't use that -- we can't use water that's  
23 ponding on private property towards our -- our -- our basin  
24 requirements. So, in other words, the hope was that that would  
25 reduce the size of the basin, but that part it can't work by

1 code.

2 So, we did take part of this, though, and on the  
3 roadway cross-section, we're going to put -- inside the right-of-  
4 way, we're going to have little water-harvesting basins. So, the  
5 water will run off the road and collect in -- in the -- the  
6 little swale there to help reduce some runoff. That's basically  
7 one of the -- one of the -- in this green infrastructure, that's  
8 one of the -- one of the ways they do it. You see a lot of that  
9 in the city.

10 And these are just basically reiterating the drainage  
11 requirements. You got to capture the first half inch. We got to  
12 -- we can only pond up to nine inches in the basins for  
13 retention. And then we have to reduce the flow by 15-percent for  
14 the critical basin.

15 This is before I knew you guys were going to talk about  
16 it, that letter they were discussing regarding traffic and -- and  
17 some drainage stuff, so I think we already spoke about that. So,  
18 that's what I have, sir.

19 ZONING EXAMINER: Okay. Thank you very much, Mr.  
20 Stanley. We're going to ask Mr. Blood to come up now and maybe  
21 we can keep the PowerPoint up if he wants to use it or not.

22 MR. BLOOD: Stephen Blood, I'm the Section Manager  
23 of Engineering and Landscape Review at the City of Tucson.

24 ZONING EXAMINER: I can't hear you.

25 MR. BLOOD: Can you hear me now? All right.

1 Sorry. Stephen Blood, I'm the Section Manager of Engineering and  
2 Landscape Review at the City of Tucson. So, a couple of things  
3 that I -- you know, I reviewed a lot of this with -- with the  
4 designer, with Jeff, and a couple of key points he kind of  
5 pointed out I just wanted to reiterate, maybe elaborate on.

6 So, the site, as you -- as you saw, he depicted the  
7 watersheds. They're -- they're all relatively small. And the  
8 spine road of the -- of the proposed development kind of goes up  
9 the -- up the ridge to a high point, and that's why he has the  
10 location of the basins where they are; the topography of the site  
11 kind of dictates that. The water is going to drain downhill, be  
12 collected in the basin before it leaves the site.

13 And when it comes to drainage design, what the City  
14 requires is that the developer come up with a solution that --  
15 what we call -- doesn't adversely impact any of the neighbors,  
16 any of the surrounding properties, because what we want to see is  
17 something that is not going to create flooding or erosion or any  
18 other type of adverse impacts to the surrounding properties. And  
19 so -- and the fact -- and he -- and he mentioned this also, that  
20 that the whole area is in what we call a "critical basin" area,  
21 which is an area designated by the City that we know that there's  
22 known flooding issues, and so we require new development to not  
23 only meet the balance basin detention requirement, but also an  
24 additional 15-percent reduction and he kind of touched on that.  
25 But that's basically saying the normal balance basin is that the

1 peak discharges that leave the site, which just means during your  
2 major storm event, you have -- you know, there's a -- there's a  
3 period of that storm event where you're going to have your peak  
4 flow flowing off of an area, right? And so we're concerned about  
5 that peak flow because that's what causes flooding and erosion  
6 and, you know, bad things happening. And so we look at that peak  
7 flow discharge and when it's in a critical basin, we require that  
8 to be reduced by 15-percent. So, that's what the critical basin  
9 is.

10 And so his basins -- and, you know, we'll look at that  
11 when he submits his drainage report that has the hydrology of  
12 existing conditions, and then the hydraulics of what's going to  
13 happen after development has been proposed and -- and put in  
14 place. But all that drainage will come down, go into these  
15 basins that he's designed, and detain that water long enough to  
16 slow it down to flatten that hydrograph curve of peak discharge;  
17 which means that he's basically holding it, detaining it long  
18 enough, and slowly letting it out so that you don't have a gush  
19 -- large amount of water leaving the site causing flooding,  
20 causing erosion. And so that's our basic criteria, that's our  
21 design, that's what we require. And from what I've seen so far,  
22 it looks like that's what is being proposed.

23 ZONING EXAMINER: Mr. Blood, the care of the -- of  
24 the basins, how they're -- how they're working and whether  
25 they're being taken care of, how does that work?

1 MR. BLOOD: Right, that's a good -- good point.

2 So, what we require is anytime there's a proposed detention or  
3 retention basin on a project, we require that those basins, in a  
4 subdivision like this, they would need to be -- they're required  
5 to be outside of private property. It needs to be in a common  
6 area that's owned and maintained by an association. So -- so we  
7 have an entity that we can be in contact with to ensure that it's  
8 being maintained, because if those basins were to fail, then  
9 there's nothing stopping, you know, that adverse impact from  
10 happening. And so not only do we have a requirement that the  
11 basins are owned and maintained by an association, but also that  
12 we have annual inspections on those basins by the City of Tucson.  
13 So, they're actually -- they're actually mapped and -- mapped GIS  
14 from the City of Tucson and there's annual inspections tagged to  
15 them.

16 So, every year we'll send out an inspector. They'll go  
17 and take a look at the basin. If -- if there's debris in there,  
18 if there's sediment buildup, if there's, you know, weeds  
19 overgrown or trees, you know, blocking flows, that kind of stuff,  
20 if the weir is broken or the riprap is -- has deteriorated, we  
21 will note it, and we will flag it as either poor or fair. And we  
22 give the association -- we send them a letter and we give them so  
23 many days, depending on the condition, to repair them and fix  
24 them, and then we'll -- we'll schedule a reinspection and we'll  
25 go back out there and check to make sure it's happened. Because,

1 like I said, if those basins aren't functioning, then that  
2 drainage design doesn't work.

3 ZONING EXAMINER: So, let's say a basin doesn't  
4 function or it fails or something like that, the responsibility  
5 of that -- and if it affects an adjoining property, how does --  
6 how is that structured into the subdivision process?

7 MR. BLOOD: Well, it would just -- it would --  
8 because it's owned and maintained by the association, it'd fall  
9 back onto the HOA as -- as being, you know, responsible legally,  
10 and so --

11 ZONING EXAMINER: So, the City is not respons- --  
12 the City is not held responsible for a failure of a basin?

13 MR. BLOOD: No, all plats have a hold-harmless  
14 clause that we put on it so that we're -- we're not tied to that.  
15 We're in charge of the inspections and ensuring that, you know,  
16 we reach out and make sure that they're maintaining these basins,  
17 but if something were to happen, it would fall back on that  
18 association.

19 ZONING EXAMINER: Okay. Well, thank you. You've  
20 done a great job, Mr. Blood, in answering my questions. And I  
21 think -- Mr. Stanley, do you have anything that you want to say  
22 that -- you wanted to add reference to what Mr. -- Mr. Blood  
23 said or you're good with that? Okay. Okay. Mr. Blood, I hope  
24 you stay for a little bit longer in case we have other questions.

25 MR. BLOOD: Sure.

1                   ZONING EXAMINER: But, at this point, we've had a  
2 Staff Report. We've had the Applicant give a present. And we've  
3 had kind of an overview of some of the technical reviews that I  
4 requested from Staff to bring to this particular case.

5                   With that, we'll go to the public to speak. And let me  
6 see if I have my list here. Okay. First -- first, is there  
7 anybody representing a neighborhood association, like a president  
8 or someone like that, would you mind being the first speaker?

9                   MR. ADANG: Thank you, sir. My name is Tom Adang.  
10 I spoke last month. I am the President of the Bear Canyon  
11 Neighborhood Association and -- living at 2449 North Lightning A  
12 Drive in Tucson.

13                   A couple of additional points that -- to make tonight  
14 that I -- I did not make last month because of some information  
15 and -- excuse me -- here let me start with the first -- my first  
16 concern. Very interesting that I'm hearing this now from Mr.  
17 Blood on the responsibility for basins. So, I'm trying to get  
18 this straight and let me understand. The developer goes and  
19 builds these retention basins for a development opposed by this  
20 large number of homeowners. Then it's built and then the  
21 responsibility for cleaning these is given over to an HOA or a  
22 neighborhood association; is that right? That does not sound  
23 right to me at all. That's the first time I've ever heard of  
24 that.

25                   ZONING EXAMINER: Mr. Blood, do you want to

1 respond to that question?

2 MR. BLOOD: Yes. So, that -- that's -- the  
3 question is: Is that the process? When a -- when a subdivision  
4 is proposed and there's retention or detention basins proposed,  
5 yes, they're owned and maintained by the association that's  
6 formed as the plat is being platted. And so --

7 MR. ADANG: Even when the association speaks to  
8 the Zoning Examiner, potentially to Mayor and Council, saying  
9 we're opposed to this for these reasons, you still -- you turn  
10 them over and then it becomes the -- the HOA responsibility.  
11 That just does not sound logical to my mind.

12 MR. BLOOD: Wait, what -- what HOA is opposed -- I  
13 mean, the HOA hasn't been formed yet.

14 MR. ADANG: Still in the area of the Bear Canyon  
15 Neighborhood Association's associations and HOAs --

16 MR. BLOOD: Okay. So, you're talking about the  
17 surrounding --

18 MR. ADANG: -- in this area, Bear Canyon, Bear  
19 Path --

20 ZONING EXAMINER: Excuse me. Can you speak in --  
21 I'm sorry, I have two people, so you both still have to use the  
22 microphone.

23 MR. ADANG: Yes, the Bear -- Bear Path community,  
24 they're speaking here today as one of 12 communities, some HOAs,  
25 some not HOAs, they're part of the broader Bear Canyon

1 Neighborhood Association.

2 As the Zoning Examiner mentioned as -- a Bear Canyon  
3 Neighborhood Plan formed in -- actually signed with the City in  
4 November of 1984. And since that time, especially in the last  
5 four years, there were very little changes that were done prior  
6 to the last four years. In that time, there have been a  
7 substantial number of efforts to -- to take a normally suburban  
8 community and turn it into urban sprawl and put a whole lot more  
9 non-suburban effort into this area where the association is also  
10 abutted to a scenic highway. So, we've gone from urban,  
11 suburban, scenic highway, to urban -- urban light, scenic  
12 highway. That's my view. And this is just one -- something else  
13 because this -- this becomes something -- this does not make any  
14 sense.

15 ZONING EXAMINER: Could I -- I --

16 MR. ADANG: Sure.

17 ZONING EXAMINER: Mr. Blood, if -- if you could  
18 see if I'm getting this right. The HOA you're referring to is a  
19 prop- -- is treated like a property owner. The prop- -- the  
20 subdivision has two kinds of property owners, each lot is owned  
21 by a property owner and the common areas are owned by the HOA.  
22 They each are given a parcel number, just like the individual  
23 properties have a parcel number, under the Assessor's Office.  
24 So, the Assessor's Office sees the HOA as the property owner of  
25 the common areas; and the individual lots, those property owners

1 have an Assessor's number and they're the property owners of  
2 their property. Did I say anything incorrect there?

3 MR. BLOOD: No, that's correct. And it's that  
4 owner, that association, that would be liable and -- and  
5 maintaining those -- those basins.

6 ZONING EXAMINER: Right. And they have to hire  
7 the contractors to come in and clean the basins. They have to  
8 hire the attorneys, or whomever if there is a failure, to handle  
9 the case. They're treated just like a regular property owner.

10 MR. BLOOD: That is correct.

11 ZONING EXAMINER: Okay. Thank you.

12 MR. ADANG: I'll have -- I'll have more to say  
13 outside this community at -- at another time.

14 The next concern that I have has to do with flooding.  
15 The developer talked about the -- the flood -- the floodplain and  
16 -- and the challenges that can come with -- with this community.  
17 He talked about the drainage and all. But there's a two-way  
18 flood problem with this community. You do have drainage that  
19 comes from the Fahringer Wash to the north, but you -- and as was  
20 described by the developer, you have part of the floodplain from  
21 the Tanque Verde Creek that actually crosses the southwest  
22 portion of Ms. Larabee's property very close to where this -- the  
23 rest of this development is going to be.

24 And the biggest challenge that I have -- and my  
25 background is I'm a degreed meteorologist. I have been looking

1 at this for -- I mean, the whole process here in -- in northeast  
2 Tucson for ten years, but I've been doing this business between  
3 meteorologist and hydrologist for -- for over 55 years. I have  
4 looked at the -- the -- the flood zones and the challenges we  
5 have in this part of the city. You have the Agua Caliente Wash  
6 that comes down from the Catalinas. You have the Tanque Verde  
7 Wash that comes in from the Santa -- from the Rincons. And they  
8 merge on the south -- southeastern side of Bear Canyon  
9 Neighborhood Association, and when they merge they have a lot  
10 more flow coming in that area. And where is the strongest flow  
11 coming? To the south of Lakes at Castle Rock and right to the  
12 south of Bears Path here. It's an accelerated flow. And when we  
13 have peak flow and we have the types of floods that we've had,  
14 substantially more in the last five years than we've had in the  
15 past -- and I can list a number of those -- the danger of the --  
16 of that -- of that wash, then a roaring river, overflowing and  
17 coming into this area is very high. So, that needs to be looked  
18 at as a double flood problem and the impact that can be done  
19 there.

20 And most of these people already have or will need  
21 flood insurance. I've seen the FIRM maps, flood insurance rate  
22 map, the FIRM maps, because they haven't done an update and  
23 they're not -- it's not been necessary unless typically you have  
24 a letter -- a conditional letter of map revision, a CLOMR, when  
25 you have to do that. Probably not necessary here, but if you had

1 to do a FIRM -- a FIRM, flood rate insurance map would -- would  
2 be done -- a flood insurance rate map. And so that is a problem  
3 that still -- I've not heard a good solution to that. And the  
4 risk of flooding in this area, I would rate that as high.

5 Now, the -- the -- that leads to a third item because  
6 -- having worked -- worked with the City to understand better the  
7 challenges at Casita Village on the -- on the east side of Bear  
8 Canyon Neighborhood Association. In that area, close to,  
9 adjacent to or in a floodplain, Trinity Westlands conducted a  
10 normal -- in fact, a ten-month study of assessing the presence of  
11 Native American remains, and it's a very lengthy effort for  
12 Casita Village. This -- this area, in my mind -- and Casita  
13 Village about 19 acres -- this area of development about 11  
14 acres. My question is: Has there been any -- any plan, an  
15 assessment, to get someone like Trinity Westlands who the City  
16 used for the -- to look at this here?

17 ZONING EXAMINER: Could I -- could I Staff that  
18 question?

19 MR. ADANG: Sure.

20 ZONING EXAMINER: Staff, you have prepared a set  
21 of conditions, is there any condition that takes this into  
22 consideration, finding of artifacts and remains?

23 MR. SLEIGHTER: Yes. So, there is a standard  
24 condition on rezonings as far as contacting the Historic  
25 Preservation Office if any artifacts are found; and contacting

1 the Arizona State Museum if there are any discovered human  
2 remains.

3 ZONING EXAMINER: Okay.

4 MR. SLEIGHTER: So, that is -- the historic review  
5 is part of the development process.

6 ZONING EXAMINER: Okay. As -- if -- if this goes  
7 forward as a subdivision plat, they would -- that would be  
8 something that would be addressed at some point.

9 MR. SLEIGHTER: Correct.

10 ZONING EXAMINER: Okay. Thank you.

11 MR. ADANG: Okay. That's -- that's the answer I  
12 was hoping I would hear, because that's a condition that I  
13 would've expected given the similarity in -- in these -- in these  
14 two areas.

15 And I'll get to the last one on that -- and the last is  
16 the traffic study and this goes to the concerns that I've been  
17 dealing with since -- since the time I first worked with Bear  
18 Canyon Neighborhood Association and then became the President.  
19 And that is I see individual traffic studies, but I don't see a  
20 system traffic study. If you -- if any of you today drive from  
21 Adobe Vet east on -- on Tanque Verde -- on Tanque Verde and go to  
22 Houghton and turn south -- and turn south and go down to  
23 Speedway, there are a number of traffic studies that have  
24 probably been done individually. In the last five months, we've  
25 had the work of all the sewage lines being -- being done on the

1 north side of Tanque Verde to just east of the Tanque Verde  
2 Lutheran Church, and then the sewer lines going up to the Mason  
3 Ranch Apartments, which really are more in the county than they  
4 are city, but they have substantially impacted the traffic in the  
5 Bear Canyon Neighborhood Association. That was, again, supposed  
6 to have been completed in March and then to May and it's supposed  
7 to be completed by Memorial Day, the last Monday, and it's not  
8 going to be done then.

9           At the same time, they started building Mister Car  
10 Wash, which was approved two years ago this coming August, and  
11 they're already starting to development. And then we -- we  
12 already had Circle K who is building their -- their -- their --  
13 one of five different developments or destructions within the  
14 Bear Canyon Neighborhood Association or just south. Circle K,  
15 that development on the corner of Tanque Verde and Houghton is  
16 already well underway.

17           And then if you go another development that is proposed  
18 and has been heard by the Zoning -- the Zoning Examiner before  
19 and that's La Roca Vista. That is a five-acre lot just on the  
20 east side of Tanque Verde Acres, which is the one we've had a  
21 discussion -- I've had a discussion about a deceleration if you  
22 have to do that.

23           And then shortly Circle K is -- is applying for another  
24 Circle K at the intersection of Tanque Verde and Catalina  
25 Highway, and then with the intention of closing down the -- the

1 Circle K at Tanque Verde and Bear Canyon. And then there's also  
2 the one -- the Circle K they want to take down by Tanque Verde  
3 Loop and to use those gas pumps at -- at the one on Catalina  
4 Highway. Then you go south, not only did you have the traffic  
5 study for Circle K at Tanque Verde and Houghton, then you have  
6 the traffic study for the Casitas at La Mariposa. Then you go  
7 down to the Circle K at -- at Speedway and Houghton, and then  
8 they said, oh, we're going to close that down but we're not going  
9 to do it for three years. That whole less-than-three-mile-  
10 stretch is going to be under a tremendous amount of -- of  
11 traffic, not to include anything that has to do with the -- with  
12 the schools getting out at Sabino -- at Sabino High School and  
13 the rest of the normal road. A tremendous amount of -- of  
14 traffic. I've not seen any traffic study that addresses that in  
15 toto, it's all individual pieces. And I think from -- as a  
16 systems engineer as well, that hurts my head. I would look to  
17 the City to look at that in total and do the studies at the peak  
18 --

19 ZONING EXAMINER: I'm going to ask you to start  
20 winding up. We have a lot of --

21 MR. ADANG: Sure.

22 ZONING EXAMINER: -- speakers yet.

23 MR. ADANG: I'm -- I'm addressing the major  
24 points.

25 ZONING EXAMINER: Okay.

1 MR. ADANG: You asked me to come up and speak as a  
2 --

3 ZONING EXAMINER: Sure.

4 MR. ADANG: -- president, those are the ones --

5 ZONING EXAMINER: Sure.

6 MR. ADANG: -- you're going to hear, specifics on  
7 the others, but those are the big ones that I see taking a look  
8 at the totality of Bear Canyon Neighborhood Association and one  
9 of our 12 communities within that. Thank you very much for your  
10 time.

11 ZONING EXAMINER: Okay. Thank you for coming  
12 forth.

13 The next speaker is Laura Harsh. I hope I pronounced  
14 that correct.

15 MS. HARSH: Hi. Thank you. I'm Laura Harsh. I  
16 reside at 8951 East Bears Path Road. I just want to thank you,  
17 Mr. Zoning Examiner, for extending the hearing so you could  
18 better understand our concerns. We really do appreciate your  
19 complete thoroughness on this.

20 You know, last night I was thinking about what I was  
21 going to speak on, and I think you -- you've heard a lot about  
22 the flooding. You've heard a lot about the traffic, you've --  
23 the basins, the nonconformity, all of those things. And, you  
24 know, I was trying to think of what I would speak on and I was  
25 feeling kind of down because of a conversation I had had earlier

1 yesterday with a City official who, when I was asking about the  
2 possibility -- separate even from what's happening with the  
3 rezoning -- the possibility of getting a flashing crosswalk at --  
4 across Tanque Verde between Bears Path Road and the Casitas  
5 across the street from us, because there's an elementary school  
6 boy over there that has to cross Tanque Verde every day to catch  
7 the bus in our neighborhood.

8           The response that I got from him was we don't want to  
9 install flashing crosswalks because that encourages people to  
10 walk out into traffic. And I was kind of shocked by that  
11 response, because, A, people are going to walk anyways. But this  
12 was a child, I'm like -- and the child doesn't have a choice  
13 about crossing Tanque Verde to get to the bus. But that was the  
14 response and it's just -- it -- it made me realize that that is  
15 kind of the same sort of pat responses that we're getting for  
16 traffic reports, for the sewer status, like any of those sorts of  
17 things. It's just we've done our calculations and everything  
18 should be A-okay. Like the number of cars that are being added  
19 is a small number and it's not going to affect anything. Like  
20 we're -- we're aware of that. We know there's construction going  
21 on. We know there's traffic in the area and the traffic is going  
22 to be heavy.

23           But all -- I feel like all of these officials with all  
24 of these reports are missing the point, like completely missing  
25 the point. We have no emergency access, ingress or egress out of

1 our neighborhood. And not only in case of a catastrophic  
2 emergency, but like two weeks ago when the gas line was hit,  
3 traffic was stopped for hours in both directions. They never  
4 would've been able to get an ambulance into our neighborhood if  
5 that were -- if that were needed. Like Chuck Baumgard (ph.) down  
6 the street from us who died last year, the ambulance came monthly  
7 for him and that would not have been able to happen. So, those  
8 are the things that we're talking about. It's not, oh, there's  
9 going to be 51 more trips or however many coming out of the  
10 neighborhood. It's -- there's no way to get in and out.

11 The sewer still is a problem. They would not come and  
12 monitor it at all of those spots monthly if it were not a  
13 problem. It's clearly a problem. The Browns still have sewer  
14 backing up into their recessed tubs in their house that's two  
15 doors down from me. So, there's clearly still issues that are  
16 happening, but I feel like it's just being dismissed because  
17 somebody is sitting at their computer looking at something and  
18 doing some calculations. They're working at this 30,000-foot  
19 level and not coming down to really where we are and seeing  
20 what's happening.

21 The basins, yes, I'm sure they're great and will  
22 capture water, but that is mainly sheet runoff that comes off of  
23 that property that is sustaining all of us. There are flooding  
24 issues in some definite -- like channeled areas where it comes  
25 through when the rain is super-heavy, but when it's not, it's

1 coming as a sheet and sustaining the entire neighborhood. If  
2 we're putting in basins that are capturing like less than 6,000  
3 square feet now -- thank you for looking at that, I appreciate  
4 that -- but still it's capturing water that now is not going to  
5 come to us. So, it'll help when there's that catastrophic event,  
6 but not just on the regular day-to-day.

7           You know, I think -- I was feeling kind of despondent  
8 about all this trying to figure out what I would do and, like, at  
9 that same time like the nighthawks started coming up. I don't  
10 know if you know what nighthawks are, but they're birds that nest  
11 on the ground and they come out at night and they -- they hunt at  
12 night. And they nest in open spaces like on Ms. Larabee's  
13 property. I'm sure you've seen them. They're -- they're  
14 amazing. They're beautiful. They come out -- they're very  
15 acrobatic and catch bugs. And I was reminded that this is a very  
16 strong riparian zone and, you know, we get birds all the time.  
17 We had an oriole at our feeder just the other morning. Blue  
18 birds. We've had a blue footed booby come through our -- our  
19 yard, you know. Hawks, so many varieties of hawks, including  
20 like a prairie hawk, which is extremely rare in this area, and it  
21 comes regularly. There's all of that that's just going to be  
22 gone.

23           And when I was sitting here thinking about all of this  
24 like -- all I could think was like why? This is for six houses.  
25 Why would we risk flooding of our neighborhood, risk damage to

1 our property, risk all of our -- you know, many of our mesquites  
2 and our bosques dying from the water not arriving to it anymore.  
3 Why would we put neighbors that have gone through crazy PTSD  
4 about flooding from sewers, flooding from -- from the shopping  
5 center above us, like they're still dealing with that years into  
6 this. And to have an HOA take care of a basin, that's great in  
7 theory, but we've been trying to deal with that with the shopping  
8 center for decades. It's just -- like there's nobody to take  
9 care of these things. And you can send a letter all you want to  
10 an HOA, but it doesn't do anything if there's no teeth behind it.  
11 So, I mean, I just -- I don't understand. I can't -- I can't  
12 understand the -- why we would do this for six houses. It's 12  
13 parcels. She's only planning to sell six of them. Like this is  
14 something that could be potentially catastrophic to our  
15 neighborhood, to the character of our neighborhood, to our  
16 properties for six houses. I just -- it makes no sense to me.

17 So, I just -- I really -- you know, previously when I  
18 was like I think can get around this, get my head around it if we  
19 have some conditions, I just -- I can't anymore. And this --  
20 again, I really appreciate you looking at the basins, but I  
21 really request that you please do not approve this rezoning. It  
22 just has so much potential for so much catastrophic events in our  
23 neighborhood and we just -- we'd like to not have that anymore.  
24 So, thank you for your consideration.

25 ZONING EXAMINER: Thank you. Okay. This

1 gentleman lives at 1352 East King Road. I know his first name's  
2 Thomas, but I can't read the last name. I'm sorry?

3 (Inaudible; not using microphone.)

4 ZONING EXAMINER: Oh, oh, oh, sorry. Okay.

5 Lisa Irvin?

6 MS. IRVIN: Good evening. My name's Lisa Irvin.  
7 I live at 8741 East Little Bear. The area I live in is  
8 northwest, adjacent to where they're going to try to rezone.  
9 Hmm? Sure. Is that better? Okay.

10 So, I am concerned over the basins. Again, I -- I feel  
11 like -- what Laura mentioned about, you know, them being properly  
12 designed and maintained. If they do fail, there's a good chance  
13 that it will flood my -- the wash. The wash is on my property.  
14 And last year the -- it was up to maximum capacity. And if  
15 there, you know, continues to be more of an issue of this going  
16 on, it can -- it will -- and they fail, they will flood the wash  
17 and into my property and into my house. So, that's a big concern  
18 of mine, of course.

19 As Laura mentioned, the sewer systems, every time I  
20 take my dog for a walk just around the corner near Nancy's house,  
21 there is a sewer smell consistently. And as Nancy mentioned,  
22 they had just last -- was it last month or two months ago? Yeah,  
23 that she had sewage backing up into her shower and bath. And  
24 these are things that, in our neighborhood, need to be remedied  
25 before we add to the problem.

1           And I -- you know, I agree with Laura. For some  
2 reason, I'm not sure why, but the City thinks that we need to  
3 have a Circle K and a Mister Car Wash within every, like, three  
4 blocks and you're -- you know, you're -- you're adding to the  
5 light pollution of the city, you know. You're degrading the  
6 beauty of Tanque Verde, you know. The -- right into -- Tucson  
7 has everything you need, but they keep wanting to build out and  
8 out. The traffic is horrible. Trying to get across there is  
9 just -- it's always scary trying to get to work in the mornings.  
10 Trying to get out, you have to pull in the middle, especially  
11 with the construction it's worse, and you just keep adding and  
12 adding to the problem.

13           So, these are basically -- kind of the concerns that I  
14 have is the additional flooding and the degrading of the beauty  
15 of the property. And also the two-story homes that have been  
16 brought up as far as being a possibility that won't fit within  
17 the neighborhood that we have and I would just find that  
18 unfortunate. And I guess that's about all I'd like to add.  
19 Thank you for your time.

20           ZONING EXAMINER: Thank you. It's 8800 Jacaranda  
21 -- Jacaranda Way, but I can't read your name. It could be  
22 Christina. I'm not sure. Do you know who I'm getting at?

23           MS. TREVOR: Katrina maybe.

24           ZONING EXAMINER: Katrina? Oh, okay.

25           MS. TREVOR: Yeah.

1 ZONING EXAMINER: Yeah.

2 MS. TREVOR: It's there.

3 ZONING EXAMINER: Okay. We don't have to discuss  
4 this, actually you can come up and speak, you know.

5 MS. TREVOR: Oh.

6 ZONING EXAMINER: And you can state your name and  
7 that's even better, because then I don't have to --

8 MS. TREVOR: I just --

9 ZONING EXAMINER: -- read it.

10 MS. TREVOR: We were so late and I was like --  
11 anyway, sorry to -- hi. Thank you so much. My name's Katrina  
12 Trevor, and my spouse and I live at 8755 East Bears Path Road,  
13 within 150 feet of the Larabee property. We've been there 16  
14 years.

15 We moved to this area believing that the BCNP agreement  
16 would hold and that -- that it would be respected. And this has  
17 to do with encouraging and stabilizing the character of our  
18 neighborhood. And so I -- I did leave my -- I had some figures  
19 that I wanted to show you. This is really about preserving the  
20 one-story character of our neighborhood, and this is a promise --  
21 or basically what we felt like was a promise when we were -- when  
22 we originally bought into this area.

23 And this -- what I show you on the first figure is a  
24 figure of all the one-story homes in our area. If you look at  
25 this, there's the Jacaranda property, all the casitas on the

1 Jacaranda property are one story, every home in this area is one  
2 story. And you can see all the way down to -- there's the guest  
3 ranch off of Woodland, it is low-profile. The commercial  
4 property is low-profile. The -- the casitas across the road on  
5 Tanque Verde, they are all one story. And so we are asking,  
6 again, that we have a 16-foot limit to the height.

7 And on the next figure that I show you is actually a  
8 representation of what it looks like -- it's Figure 2 -- of me  
9 standing next to my 11-foot-high house, and me standing next to a  
10 telephone pole that's right there on the property. And you can  
11 see 30 feet is huge. These homes are going to be monstrous.  
12 They're going to dwarf the rest of the neighborhood. So, again,  
13 we're asking --

14 ZONING EXAMINER: Can I ask you a question?

15 MS. TREVOR: Yes.

16 ZONING EXAMINER: Why did you pick 16 feet, was  
17 there a particular reason?

18 MS. TREVOR: No, we kind of discussed 16 to 20  
19 feet, something like that, but to keep it as a one-story. And,  
20 when you consider that the ADUs can also be 30 feet, you're  
21 looking at monstrous homes that are basically dwarfing all the  
22 houses around it. I might add -- it's on the map, the building  
23 map -- all the houses around it are 12 feet. There is one house  
24 that's a little bit of a bi-level that's not too far away, but  
25 it's -- from the front of house, it's definitely one story.

1           ZONING EXAMINER: Do you know how tall the tallest  
2 one- -- one-story house is in your neighborhood by any chance?

3           MS. TREVOR: Yeah.

4           ZONING EXAMINER: Someone's going to speak to  
5 that?

6           MS. TREVOR: So, I think he's going to speak to  
7 that.

8           ZONING EXAMINER: Okay.

9           MS. TREVOR: But I just wanted to give you a sense  
10 of what 30 feet looks like around -- surrounded by all these --  
11 classic one-story Tucson neighborhood that we have.

12           I would like to address a couple of things -- and I  
13 think we've already talked about this -- but my issue is whether  
14 we can trust the City and trust an HOA to care -- take care of  
15 these basins. These -- these basins are huge. And I have  
16 another figure there -- I think it's on Figure 2 -- Figure 2 that  
17 kind of shows what the waterflow is like in our neighborhood;  
18 it's the one with the blue arrows.

19           And the concern is that we're already overwhelmed with  
20 water in our neighborhood. During a storm, it is pretty  
21 outrageous what happens. So, you not only have -- this is our  
22 concern about City design, et cetera. If you look at the  
23 commercial hardscape, you can see water flows -- it's designed --  
24 virtually designed to pour onto Bear Canyon, to pour onto Bears  
25 Path Road. It's also designed to come down into people's

1 property. There's been a lot of damage in that area of -- of --  
2 behind people's homes. Then all the water comes down Bears Path,  
3 it also comes down East Little -- East Little Bear, down the  
4 Fahringer Wash, and you have all this water gathering at the base  
5 of the Fahringer Wash in front of some people's homes actually.  
6 So, if you look at the Jacaranda property, and if you stand there  
7 in -- in our neighbor's backyard and look up, it literally goes  
8 up. So, this water is pouring -- has a potential to pour off  
9 this property and pour down and, again, heads toward East Little  
10 Bears Path Road. So, we're really ask that -- that there is  
11 consideration and some stipulations made about these basins.  
12 We've talked about the -- what we felt was inadequate design;  
13 who's responsible for it.

14 We've also had issues with Ms. Larabee regarding her  
15 property. There have been numerous complaints about maintenance,  
16 et cetera. The question is: Who's going to maintain the basins  
17 on the property that she will retain? And that's an issue.

18 Mosquito control is huge. We all know this in our  
19 area. So, we're going to have these seven huge basins around the  
20 perimeter of this property that's going to have mosquitos. We  
21 also might add, as some of -- some of us have been discussing,  
22 the El Nino this year is supposed to be really bad. There is  
23 going to be a lot of wet -- wetness throughout the southwest, so  
24 we have to be concerned about that.

25 We also want to make sure that we understand there's a

1 need for -- and I think this was discussed a bit by -- by Jeff --  
2 regarding semipermeable hardscape. If we're going to have  
3 hardscape there, it needs to be gravel or something else.

4 The other thing is the sewers and we've already kind of  
5 talked about this. But, in terms of the prop- -- the Jacaranda  
6 property, there's a six-inch line up in the northwest corner and  
7 an eight-inch line in the southeast corner that this is to feed  
8 into. So, we're on an eight-inch line and there's the other six-  
9 inch line. The Larabee property I understand is going to add  
10 some individual residences to that sewer system and it's going to  
11 -- and we're going to add the other six homes that are going to  
12 be on the other side. So, we feel that we are at capacity and so  
13 I don't need to belabor that, but we've talked about it. These  
14 lines are from 1965. We had a horrendous tragic accident, or  
15 whatever, in 2001, that huge amount of litigation around that.  
16 We also still have litigation -- and it's what Laura said -- all  
17 the water coming off the hardscape from the commercial property.  
18 So, we believe we have to look at -- we have to have some  
19 guarantee about the sewer capacity before rezoning takes place.

20 The traffic impact -- and I understand and I sort of  
21 looked at this from -- this is a handbook from the Florida DOT  
22 that's used by a lot of cities I assume, where they have all  
23 sorts of calculations and a way to figure these things -- sort of  
24 things out. But LOS D, this really means we're pretty much at a  
25 maximum.

1           But the other thing that -- that this -- this handbook  
2 talks about is managing the intersections and the ability to  
3 access. So, if you look at -- I think my third figure on there  
4 -- is that the biggest issue here is the intersection at Bear  
5 Canyon and Tanque Verde. We've already talked about we have  
6 casitas across the way. We have Mister Car Wash going in. We  
7 have a gas station actually on the corner at Bear Canyon Road  
8 right there. We have the Mason Ranch properties, you know, the  
9 apartments there. So, we're -- this whole intersection is an  
10 absolute mess already. We can't get out. People can't get in.  
11 And we've had accidents; unfortunately, fatalities. So, we've  
12 really got to think about how we're going to design and what  
13 we're going to do about this, because we can't get in and we  
14 can't get out. And this is a huge issue and I don't have to  
15 belabor it any more. So, thank you so much for listening.  
16 Appreciate it.

17           ZONING EXAMINER: Thank you. This is the same  
18 name you've got. So, there -- there's two Katrina -- Katrinas  
19 here.

20           MS. RENNER: One is a couple of neighbors have  
21 asked us to read letters. Can we do that?

22           ZONING EXAMINER: I can't hear you.

23           MS. RENNER: Oh, two of the neighbors have asked  
24 if we'd read letters for them. Can we do that?

25           ZONING EXAMINER: Sure.

1 MS. RENNER: This is from (inaudible; not at  
2 microphone) neighborhood.

3 ZONING EXAMINER: So, you still have to identify  
4 yourself.

5 MS. RENNER: Sure. My name is Stacy Renner, and I  
6 reside at 8755 East Bears Path Road.

7 And I'm reading -- our neighbor had a little tragedy  
8 with one of her horses and she wasn't able to attend tonight.

9 ZONING EXAMINER: Okay.

10 MS. RENNER: So, she asked if we could read this  
11 letter for her --

12 ZONING EXAMINER: Okay.

13 MS. RENNER: -- all right?

14 "My name is Julie Tabor, and I am a  
15 resident and property owner in the Bears Path  
16 and Tanque Verde equestrian area. I  
17 appreciate the opportunity to speak today  
18 because this rezoning is not just about  
19 density numbers on paper, it is about safety,  
20 character and survival of one of the last  
21 truly rural equine communities in this part  
22 of Tucson. This area is unique. Families  
23 here have invested decades preserving horse  
24 properties, maintaining wash corridors,  
25 caring for livestock, and protecting the

1 open, rural character that defines Tanque  
2 Verde."

3 And if ever get a chance to go down there, it's  
4 beautiful. All right. That was my opinion.

5 ZONING EXAMINER: Okay.

6 MS. RENNER: "Many of us did not move here for  
7 suburban density. We moved here because this  
8 is one of the few remaining places where  
9 horses, livestock, and rural living still  
10 coexist with the natural desert environment.

11 "What concerns me most is that  
12 infrastructure and emergency access in this  
13 area are already falling under existing  
14 conditions. The sewer system serving the  
15 neighborhood is outdated and vulnerable. My  
16 concern is not hypothetical. My family  
17 personally experienced a catastrophic sewer  
18 failure when approximately 15,000 gallons of  
19 raw sewage entered our home. We suffered  
20 severe contamination, property damage, and  
21 lasting impacts from the event. That failure  
22 with -- that failure occurred with the  
23 current density levels. I have been in  
24 communication with the Pima County Regional  
25 Wastewater Reclamation Department and believe

1 their response is in theory, and I -- their  
2 response is in theory, and I remain  
3 unconvinced since the three eight-inch lines  
4 that flow into one eight-inch line where the  
5 failure occurred is unchanged. If they are  
6 certain the system can handle the additional  
7 capacity, why do they continue to scope and  
8 flush? They do that about every month.

9 "Equally important is the floodplain and  
10 evacuation concern. Our neighborhood sits  
11 within the FEMA floodplain, and during major  
12 storm events, our exits become impassable.  
13 Residents here are not only evacuating cars,  
14 we are responsible for horses, livestock,  
15 livestock trailers, elderly animals, therapy  
16 horses, and, in many cases, multi-area  
17 properties with limited maneuverability.  
18 When washes rise, we become trapped. There's  
19 currently no reliable all-weather evacuation  
20 route for this equine community. That means  
21 if there's a flood emergency, wildfire or  
22 infrastructure failure, hundreds of animals  
23 and residents could be left with no safe  
24 exit. And I think the gas line was proof of  
25 that recently.

1            "This community is also home to  
2            Therapeutic Riding of Tucson, where therapy  
3            horses are boarded and cared for. These are  
4            not disposable properties or empty parcels.  
5            This is a living equestrian community with  
6            real people, animals, responsibilities that  
7            cannot simply be evacuated in minutes.

8            "Under Tucson Code § 26-1.4, the City  
9            has a duty to avoid approving uses that  
10           create hazards to public safety. I do not  
11           believe increasing density is a trapped -- I  
12           do not believe" -- sorry, it went silent on  
13           me -- "I do not believe that increasing  
14           density" -- I lost my place, I'm sorry -- "in  
15           a trapped floodplain area without a formal  
16           evacuation and egress plan is consistent with  
17           that obligation.

18           "There's also the daily safety reality  
19           of Tanque Verde Road. Residents towing horse  
20           trailers already struggle to safely enter and  
21           exit traffic. The roadway is becoming  
22           increasingly dangerous because of the  
23           cumulative high-density projects throughout  
24           the corridor, combined with commercial  
25           development and constant heavy construction

1 traffic. The issue is not just the single  
2 rezoning application in isolation, it is the  
3 cumulative impact of repeated density  
4 increases on infrastructure that was never  
5 designed for this level of urbanization.

6 "Residents in this area have worked hard  
7 to preserve one of Tucson's remaining  
8 equestrian corridors. Once this corridor --  
9 once this character is lost, it cannot be  
10 recreated. High-density rezoning may benefit  
11 developers financially, but the long-term  
12 burden falls on the existent resident --  
13 existing residents who absorb the flooding  
14 risks, traffic dangers, infrastructure  
15 failures, and the loss of rural safety. I  
16 respectfully ask that the rezoning be denied.

17 Best regards, Julie Tabor."

18 MR. BEALL: Staff would just like to make a quick  
19 announcement that the -- just to note that the El Presidio Garage  
20 closes at 8:00, so in case anybody's parked in there.

21 ZONING EXAMINER: Okay. Going to the -- I think  
22 this is the last speaker. It's again the same -- same -- is  
23 there another letter you want to read? What is -- what is the  
24 last name again because I just can't read it.

25 MS. TREVOR: Trevor.

1                   ZONING EXAMINER: Trev- -- okay.

2                   MS. TREVOR: Trevor, Trevor. I know, that's --  
3 that's the problem with being a doctor, your handwriting is an  
4 issue. Okay.

5                   This is a letter by Ella Tabor:

6                   "Dear Zoning Commissioners: I am  
7 revising my initial letter of protest to  
8 include the flood maps with an alert system  
9 that clearly shows that the washes that flow  
10 through my home and surrounding horse  
11 properties. I formally oppose the Case TP-  
12 ENT-1125-00023 -- got it -- regarding the  
13 proposed rezoning of the 8800 East Jacaranda  
14 Way from Suburban Ranch to -- from SR to RX-  
15 1. As a resident of 8760 East Bears Path  
16 Road, the University of Arizona -- a  
17 University of Arizona student pursuing a  
18 career in equine veterinary medicine, and a  
19 local horse owner actively involved in  
20 Tucson's equestrian community, I strongly  
21 object to this proposal and respectfully urge  
22 its denial. Even the proposed 12-lot  
23 division represents an overdevelopment  
24 incompatible with the rural character,  
25 infrastructure limitation, flood risks, and

1 equestrian lifestyle that define the Tanque  
2 Verde Valley.

3 "Traffic and public safety are already  
4 major concerns in this area." I think you've  
5 heard that a few times today. "According to  
6 the Applicant's own traffic analysis, Tanque  
7 Verde Road west of Bears Path Road currently  
8 carries more than 31,000 vehicles per day and  
9 operates at a borderline level of service D.  
10 Additional residential density will increase  
11 congestion and create even greater safety  
12 hazards along the only practical route in and  
13 out of this community. These impacts are  
14 especially serious for residents involved in  
15 equestrian and veterinary operations.

16 "In both my personal and professional  
17 life, I -- I routinely haul horses from my  
18 home to Bandalero and other equestrian  
19 facilities, as well to the Adobe Veterinary  
20 Clinic which is up the road on Tanque Verde.  
21 Maneuvering a 30-to-40-foot horse trailer,  
22 though already congested, high-speed traffic  
23 is dangerous under current conditions --  
24 would be dangerous under current conditions.  
25 Standard traffic studies fail to account for

1 the spacing, turning radius and safety  
2 considerations regarded for large live --  
3 live animal trailers, particularly when  
4 transporting injured or distressed horses.  
5 Recent road closures have already  
6 demonstrated how vulnerable the area is.  
7 During one closure, residents completely lost  
8 access to Bandalero and surrounding  
9 facilities. Had I been transporting horses  
10 at that moment, I would've been stranded with  
11 a live animal trailer and no alternative  
12 evacuation route available. There is  
13 currently no realistic evacuation plan for  
14 the equestrian community, despite the  
15 concentration of horses, boarding operations,  
16 therapeutic riding facilities, ranches,  
17 veterinary-related services in this corridor.

18 "The flooding concerns in this area make  
19 these evacuation limitations even more  
20 alarming. In a major storm event, evacuating  
21 hundreds of horses and livestock from  
22 ranches, boarding facilities, therapeutic  
23 riding centers and private properties would  
24 be an enormous logistical challenge.

25 Increased density and additional traffic

1 congestion would only worsen these conditions  
2 and would create devastating consequences for  
3 both the residents and animals during the  
4 emergency situation.

5 "This area is home to some of the finest  
6 equine facilities in Tucson, including  
7 veterinary services, therapeutic riding  
8 programs, horse-training operations, boarding  
9 facilities that serve the broader community.  
10 These longstanding agriculture and equestrian  
11 resources are part of what makes the Tanque  
12 Verde Valley unique and valuable. They  
13 deserve to be respected and prioritized  
14 rather than gradually displaced by  
15 incompatible higher-density development.

16 "I am also deeply concerned about the  
17 flood -- worsening flood risk and stormwater  
18 impacts. The Tanque Verde Valley Creek  
19 corridor and surrounding washes already  
20 present serious damage, serious drainage and  
21 flood hazards that's reflected in the current  
22 -- the county floodplain and flood alert  
23 mapping. Continued upstream development and  
24 the loss of open land increase runoff,  
25 erosion and downstream pressure on the

1 existing properties. My family has already  
2 experienced these consequences firsthand. We  
3 have sustained substantial property damage,  
4 erosion and physical injury related to the  
5 flooding storm impacts in this area. During  
6 one incident, my father fell and cracked his  
7 head open. These are not hypothetical  
8 concerns to our family, they're -- they're  
9 real for those of us who live here.

10 Continued higher-density development upstream  
11 threatens the intensity of already dangerous  
12 conditions and places existent homes,  
13 residents, livestock and infrastructure at  
14 greater risk. Given the documented flood  
15 hazards in this corridor, approved additional  
16 density appears inconsistent with responsible  
17 floodplain and stormwater management.

18 Existing residents should not bear the  
19 consequences of increased runoff, evacuation  
20 limitations, and infrastructure strain caused  
21 by continued overdevelopment.

22 "Finally, this rezoning undermines the  
23 purpose of the Suburban Ranch zoning which  
24 was intended to preserve the rural,  
25 agricultural and equestrian character of the

1 Tanque Verde Valley. Incrementally replacing  
2 SR zoning with higher-density residential  
3 development erodes the environment necessary  
4 to -- to sustain Tucson's equine community  
5 and future veterinary professionals who  
6 depend on it. I respectfully ask that you  
7 prioritize public safety, flood realities,  
8 evacuation limitations and presentation (sic)  
9 of the Tanque Verde's rural and equestrian --  
10 by recommending denial of this case.

11 Sincerely submitted, Ella Tabor."

12 Can I -- can I say one thing? I would like to add too  
13 that --

14 ZONING EXAMINER: Go ahead.

15 MS. TREVOR: -- I -- I really want to just say I  
16 think all of us who live in that area aren't against the  
17 building. We're just -- we would like people to stay within the  
18 zoning regulations currently there and not, you know, make this  
19 bigger than it has to be, to support us so that we can continue  
20 being that prize or that jewel of Tucson. So, I hope that you  
21 hear what we're saying. Thank you.

22 ZONING EXAMINER: Thank you. There was a question  
23 that I asked earlier -- not to you --

24 MS. TREVOR: Oh.

25 ZONING EXAMINER: -- you can sit down -- and it

1 had to do with building height. And the gentleman in the black  
2 shirt, I don't have you as a card, but -- but if you would --

3 UNIDENTIFIED MALE: (Inaudible; not at  
4 microphone.) I signed up to speak on the (inaudible). It's  
5 here.

6 ZONING EXAMINER: Okay. Is there anybody else who  
7 signed up by email that I haven't called? Okay. You and -- and  
8 just you. Okay. Okay.

9 So, Mr. Korf (ph.), go ahead and --

10 MR. KORF: Hi, my name is Aaron Korf. My name is  
11 Aaron Korf. I live at 8951 East Bears Path with my wife. I have  
12 two decks here for your consideration that speak to the -- the  
13 height and character of our neighborhood. My name is Aaron Korf.  
14 My wife and I live at 8951 East Bears Path Road. We live  
15 directly south of the Jacaranda property and are opposed to the  
16 rezoning of the parcel to RX-1.

17 The page that I've turned it to shows the character of  
18 the Bear Canyon Woods Neighborhood. All of the existing homes on  
19 the 46 parcels within Bear Canyon Woods are single-story homes,  
20 approximately 12 feet -- 12 feet in height, with the exception of  
21 the two pictured below. They are technically two-story homes but  
22 are still in character with the rest of the neighborhood and are  
23 far lower than the 30-foot-high permitted in RX-1 rezoning. The  
24 one at 9040 East Bears Path Road measures 17 feet, 10 inches, and  
25 the other one is just under 16 feet. We are requesting -- and we

1 still consistently ask for a height limitation as a -- as a  
2 condition of rezoning.

3 To my point -- my main point is -- I have -- I have two  
4 questions before we move on, Mr. Mazzocco and Mr. Blood. One  
5 pertinent question is: Does the Zoning Examiner have the  
6 authority to mandate a homeowners -- homeowners association as a  
7 condition of rezoning?

8 ZONING EXAMINER: I don't believe so. Well, that  
9 all -- that all depends. But I think in this case -- and Mr.  
10 Blood has made this clear -- when you have common area as part of  
11 the design of the subdivision, the common area has to have an  
12 owner, and it can't be the property owner where the common area  
13 is located, if it's located within a private lot, that has to be  
14 the homeowners association. So, that just goes with how  
15 subdivisions are approved in just about any jurisdiction. When  
16 you have a common area, somebody has to own it and it has its own  
17 assessor's number and parcel number.

18 MR. KORF: So, what guarantee is there that a  
19 homeowners association will be formed for maintenance of these --  
20 of the erosion -- of the hydrology basins; is that -- will that  
21 be mandated in the -- in the permitting process?

22 ZONING EXAMINER: They won't be given -- their --  
23 their plat won't be approved unless they have that formed. But,  
24 Mr. Blood probably knows better than I how to answer that  
25 question; if you would, Mr. --

1 MR. KORF: That's very critical for us, because in  
2 times past -- we understand that the City is held without harm in  
3 approving any of these designs. The maintenance has been a  
4 perennial problem. We've seen -- with the example of a couple of  
5 neighbors of ours that live below the commercial properties at  
6 Tanque Verde and Bears Canyon -- that the -- even though approved  
7 -- erosion control was approved during the permitting process,  
8 maintenance has been a perennial issue, requiring in the case of  
9 Judy Dax's (ph.) property remediation that took over eight years.  
10 So, maintenance and the guarantee of a -- of a homeowners --

11 ZONING EXAMINER: Okay. Why don't we --

12 MR. KORF: -- association --

13 ZONING EXAMINER: -- have Mr. Blood -- okay, I  
14 think we understand the problem that you're talking about -- the  
15 basic problem. Mr. Blood, could you just say what is the City's  
16 standard operating procedure for homeowners associations in  
17 subdivisions and common areas.

18 MR. BLOOD: So -- so as you pointed out, that it  
19 -- it is true. So, the plat itself is a recorded document  
20 through the County, approved by the City, and it's a legal  
21 binding document that doesn't happen until, like you said, the  
22 homeowners -- homeowners association is formed and it's -- and  
23 it's -- and it's there.

24 When it comes to the maintenance of it, yes, they are  
25 liable. We do inspect it. When maintenance is not happening, we

1 don't just send letter after letter and hope that it happens. We  
2 have follow-up inspections depending on the severity of the basin  
3 at the time of the inspection. And we have -- if there's no  
4 response within that 60 days after we send the letter out, or  
5 after we come back to inspect it again, then we -- we get Code  
6 Enforcement involved and so it's not just an empty thing.

7 Now, has -- is every single basin in the city perfectly  
8 maintained? No, but, you know, we're -- we do the best we can as  
9 far as ensuring that the homeowners association, the businesses,  
10 whoever owns and maintains those basins are informed when they're  
11 inadequate and we hold them to accountability as best we can.

12 ZONING EXAMINER: So, when you say "Code  
13 Enforcement gets involved," the City standards -- or Code  
14 Enforcement, they can take it before a judge I believe.

15 MR. BLOOD: That is correct.

16 ZONING EXAMINER: And the judge can make a fine or  
17 even -- even jail time I -- I think in very rare cases.

18 MR. BLOOD: Yes.

19 ZONING EXAMINER: Okay, okay. So, that's your  
20 answer.

21 MR. KORF: Thank you for that clarification. We  
22 still -- we still express our concern about maintenance of any  
23 issues that would -- that would impact downstream effects onto  
24 properties adjacent to the Jacaranda property.

25 May I say that I and 14 neighbors bordering the

1 Jacaranda property assembled a petition of opposition and  
2 submitted it to the Zoning Examiner for the April 23rd meeting.  
3 Since then, we've continued as a neighborhood to work through  
4 issues with engineer Jeff Stanley and Carolyn Larabee about our  
5 concerns.

6 We had Jeff over to our house on April 28th to look at  
7 what he had proposed. We walked the property line. We pointed  
8 out two of the proposed -- of the seven proposed retention basins  
9 that sit directly on our property line and above our structures.  
10 These basins originally measured a staggering 95 feet wide by 67  
11 feet high, and 67-by-20 feet.

12 We pointed out how his design would change the  
13 landscape. We counted the mesquite trees that would be pulled  
14 out for construction. We repeatedly asked Jeff if he could see a  
15 better solution to the hydrology problem than putting enormous  
16 basins directly on our property line. In the end, he deferred  
17 any suggestions until now, stating that his design was just  
18 trying to meet the calculations required for the rezoning  
19 proposal, and that those basins did what was needed. I think  
20 this drastically misses the point of this hearing. You cannot  
21 undo such a significant rezoning.

22 This hearing and the Zoning Examiner's recommendation  
23 has a monumental responsibility that shouldn't be taken lightly.  
24 Changing the zoning from Suburban Ranch cannot be undone. This  
25 area has significant concern that we've already raised.

1 Hydrology, sewer, and traffic infrastructure are already  
2 critically stressed. And given the developments -- the  
3 developments of Mason Ranch to our north and the Casitas at -- at  
4 Mariposa to the east, we've yet to understand how these changes  
5 -- what these changes will do to the area on all fronts. On the  
6 one hand, we have assurances from the City Department of  
7 Transportation that traffic plans are adequate. We have  
8 assurances from Jeff Stanley that erosion planning is adequate.  
9 We have assurances from Pima County Wastewater that current sewer  
10 is adequate. This all misses the point. You can't undo such a  
11 significant rezoning.

12 Yesterday we had City Council Member Paul Cunningham  
13 over to see the proposed rezoning with about ten of our  
14 neighbors. We raised all of these concerns, the criticality of  
15 the hydrology, infrastructure, and emergency access. And he  
16 agreed with our concerns. He told us point blank that he would  
17 not consider rezoning of this parcel to RX-1, saying there are  
18 too many projects going on in the area right now to consider  
19 another one right now. We agree. This area is too delicate,  
20 currently too fragile and with too many questions left  
21 unanswered. You cannot put this genie back in the bottle after  
22 it is let out. We vehemently oppose the rezoning to RX-1.

23 ZONING EXAMINER: I think we have one last  
24 speaker. Okay.

25 MR. SMITH: I'm Steve Smith. My wife and I, Ann,

1 we live at 8900 East Bears Path. All these people who are  
2 abutting up against these drainage basins -- well, we're across  
3 the street and we get to watch the river going down Bears Path.

4 A lot of my issues have been answered. So, I'll ask  
5 Mr. Blood -- I was -- my big thing -- about the maintenance. We  
6 heard Ms. Larabee say they'll form an HOA and apparently it is  
7 required. My wife, Ann, pointed out -- you know, a lot of  
8 people, there are HOAs, there's 40 residences, 80, 120, whatever  
9 -- as I understand this, Ms. Larabee, she rents all her others.  
10 So, these six, plus her, that's an HOA of seven people and that  
11 is a hell of a small thing to spread out maintenance. So, what's  
12 our guarantee? We've lived here 33 years and we just touched  
13 upon -- we get assurances and assurances and assurances it'll be  
14 fine. And when there's a problem, that developer's long gone or  
15 the person from the City of Tucson is gone.

16 So, I think that what happens ten, 15, five, whatever  
17 it is, when the basins require maintenance, those six other  
18 people, they just said we ain't paying it. Now, apparently the  
19 City will come and pimp them. Is anybody going to be put in  
20 handcuffs? Is anything -- assets to be garnished, you know, to  
21 pay for it? To force them? Or is it going to be a strongly-  
22 worded letter? Or is it going to take 18 months of litigation  
23 and then appeals? So, we have real concerns on this that -- oh,  
24 what happens to the HOA when it finally hits the fan? They say  
25 -- some say they answer us. I wouldn't put much past Ms.

1 Larabee. Oh, we dissolved our HOA two years ago. What's the  
2 City going to do? So, those are our concerns. I don't think  
3 those seven people are going to be thrilled about paying for all  
4 that maintenance. Thank you.

5 ZONING EXAMINER: Okay. Thank you. So, we don't  
6 have anymore speakers? No more -- no, no, no, if you're first  
7 time, yeah, but we're not going to seconds around. If you -- so  
8 what's your name, ma'am?

9 MS. FAHRINGER: (Inaudible; not at microphone.)

10 ZONING EXAMINER: Okay. Go ahead.

11 MS. FAHRINGER: I didn't -- I didn't intend to  
12 speak because the people in our neighborhood are united, so very  
13 strongly opposed to this development. But I have lived -- my  
14 name is Nancy Fahringer and it's the Fahringer Wash.

15 ZONING EXAMINER: Okay.

16 MS. FAHRINGER: I've lived -- I'm 90 -- I've lived  
17 there for more than 50 years, 55 years, so we've seen a lot of  
18 changes over the years, both to Tanque Verde and to Bears Path.  
19 And we have -- if there's a rectangle of the proposed  
20 development, we are completely on one side of the development  
21 from top to bottom, about three -- a little less than three  
22 acres. It's just wooded and we've had horses.

23 But what I wanted to say is it's very hard to describe  
24 our neighborhood adequately, but I just was -- I happened to  
25 bring with me some photographs of the floods that we've had.

1 We've had many floods over the years. I don't know whether I --  
2 I could see that this seemed to work. Would you like to see a  
3 picture or two of the floods or does it matter really?

4 ZONING EXAMINER: Do you have large pictures?

5 MS. FAHRINGER: Yeah, they're pretty large.

6 ZONING EXAMINER: Okay. Yeah, if -- Gabriel will  
7 come down and --

8 MS. FAHRINGER: Okay.

9 MR. SLEIGHTER: (Inaudible; not at microphone.)

10 MS. FAHRINGER: Eventually, doesn't --

11 MR. SLEIGHTER: Okay.

12 ZONING EXAMINER: I'll just -- okay, you're done.  
13 So, I'm just going to take a quick look here. And, Mr. Stanley,  
14 or Mrs. Larabee, if you both want to make a comment, I think  
15 we've had everybody else speak. So, the Applicant has an  
16 opportunity to -- to speak again. You're not going to? Okay. I  
17 kind of get the picture. And thank you. Thank you for showing  
18 your pictures.

19 I have a couple questions, though, for you; if I could  
20 ask? And then maybe this is something you can think about. So  
21 -- so my understanding is this is under the Bear Canyon  
22 Neighborhood Plan, and the only reason this has come forward as a  
23 rezoning is it -- it was compatible with the Bear Canyon  
24 Neighborhood Plan; am I correct, Staff?

25 MR. BEALL: That is correct. It's the same

1 zoning.

2 ZONING EXAMINER: So, this particular property in  
3 the Bear Canyon Neighborhood Plan would allow RX-1 zoning as --  
4 as a proposal?

5 MR. BEALL: Yes, that is -- yes, that is correct.

6 ZONING EXAMINER: Okay. And you can't bring a  
7 case forward because of state statutes, they say you can only  
8 bring a rezoning that complies with the -- the plan that applies  
9 to it?

10 MR. BEALL: Yes, that is correct. Originally, the  
11 Applicant was thinking about an RX-2 possibility and would have  
12 to go through a concurrent amendment for that plan, but then  
13 decided not to go through that amendment and do the RX-1.

14 ZONING EXAMINER: So, all these lots being -- in  
15 this proposal would meet the RX-1 lot size, and some are slightly  
16 larger than the 36,000 square feet.

17 MR. STANLEY: Correct.

18 ZONING EXAMINER: And you currently have SR on the  
19 lot. If you take out the six western lots, how many lots -- if  
20 you just were developing and this is SR, would you be able to  
21 develop two -- two lots?

22 MR. STANLEY: I think maybe two. I don't know.  
23 What's the SR size?

24 ZONING EXAMINER: I'm sorry. I didn't hear that.

25 MR. STANLEY: I'm not sure. The SR --

1 ZONING EXAMINER: SR is 144,000 square feet.

2 MR. STANLEY: Okay. That is -- yeah, two I think.

3 ZONING EXAMINER: That's about two.

4 MR. STANLEY: Yeah.

5 ZONING EXAMINER: Okay. So --

6 MR. STANLEY: There's 11- -- 11.2 acres total  
7 right now so --

8 ZONING EXAMINER: Yeah, and if you throw on two  
9 more ADUs per lot, you get six -- six units, two -- two minor  
10 units and one primary unit. Okay.

11 This issue of height. The last time -- we talked at  
12 the last hearing. Ms. Larabee said absolutely not on 16 feet;  
13 that you wanted to keep the 30 foot as the height limit on this  
14 proposal. Mrs. Larabee, do you want to say something?

15 MS. LARABEE: (Inaudible; not at microphone.)

16 ZONING EXAMINER: Okay. Okay. Okay. Okay.

17 MS. LARABEE: (Inaudible; not at microphone.)

18 ZONING EXAMINER: Oh, you know, it's better if you  
19 speak up here rather than there 'cause this is -- this is all  
20 being recorded. So -- so I -- I heard what you said. You're  
21 willing to go to 20 feet.

22 MS. LARABEE: The 20 feet is fine. And I think  
23 that's a middle ground for me and them. And there are other two-  
24 story homes in the area. There is one right there on Bears Path,  
25 not even a block from me. There's another -- looks to be a tri-

1 level from the pictures I took.

2 ZONING EXAMINER: Okay. Could you just give your  
3 name and address for the record so --

4 MS. LARABEE: Oh, okay. My name is Carolyn  
5 Larabee, and I am the owner of the property at 8800 East  
6 Jacaranda Way.

7 ZONING EXAMINER: Okay.

8 MS. LARABEE: And, also, I went and took pictures  
9 of two -- three other two-story homes on Woodland. So, there are  
10 other two-story homes.

11 Now, the 20 feet, that's okay. I --

12 ZONING EXAMINER: Okay.

13 MS. LARABEE: -- I -- I don't think that'll hurt.

14 ZONING EXAMINER: Okay. The setbacks for RX-1 --  
15 and I'm going to ask Staff this -- on the side yards and the rear  
16 yards that would impact the adjoining properties, what is the  
17 current setback for RX-1? (Inaudible response.) Okay. The  
18 answer's 20 feet.

19 MS. LARABEE: Twenty feet, yeah.

20 ZONING EXAMINER: Twenty feet. And would you  
21 increase that setback where it adjoins the adjoining property  
22 lines?

23 MS. LARABEE: Yeah, I don't have a problem with  
24 that.

25 ZONING EXAMINER: Okay.

1 MS. LARABEE: Nobody's going to build their home  
2 on the very back of the land anyway.

3 ZONING EXAMINER: Okay. So -- so you're -- you're  
4 willing for some lessening of height and -- and -- and increasing  
5 of building setback from the property lines of the adjoining  
6 properties?

7 MS. LARABEE: Yes.

8 ZONING EXAMINER: Okay. Okay. This is a question  
9 for Mr. Blood: Are you aware of this area being this major flood  
10 area that happens on some sort of regular basis?

11 MR. BLOOD: Yes. So, the whole area surrounding  
12 this parcel, as everybody's talked about, is -- you know, there  
13 is major flooding in the Fahringer Wash and, you know, a lot of  
14 the surrounding washes around in the area are -- are major  
15 concerns. And that's -- that's why this area is in what we  
16 called a critical basin designation and this development would  
17 require a reduction in -- in -- in flows offsite so that -- to  
18 mitigate, not solve the problem, but not make it worse.

19 ZONING EXAMINER: So, the -- the -- the one thing  
20 that you said about this property, if it were divided into a  
21 subdivision -- at its current state it has a baseline drainage  
22 off the property into surrounding properties and onto the roads  
23 or wherever it goes. But, if it were developed as a subdivision,  
24 that baseline would be reduced by 15-percent -- it would contain  
25 15-percent of the runoff that normally would run off; am I

1 getting that right?

2 MR. BLOOD: Well, yes and no.

3 ZONING EXAMINER: Okay.

4 MR. BLOOD: It -- it reduces the peak discharge  
5 and that's what causes flooding, is during your -- during your  
6 storm event you have your peak discharge and that's where your  
7 flood waters come up high, you know. The storm lasts a long time  
8 and water flows a long time after the storm is completely done,  
9 right? And so, you know, you have -- there's a time in the  
10 middle where you've got your peak flows at any given point of  
11 that watershed and it's -- it's -- that is what we're looking at.

12 When it comes in terms of the amount of water leaving  
13 the property, that's going to remain pretty much the same, it's  
14 just going to be stretched out and, you know, detained on the  
15 site. Stretched out so that it's not flooding anybody or  
16 increasing the flooding that's already happening in the  
17 surrounding area. There is a portion of this site that is in the  
18 flood -- 100-year floodplain and any development in that -- or  
19 near that area would be highly regulated by -- by floodplain  
20 ordinance from the City. But, yes, the majority of this parcel  
21 is out of that floodplain and would only be contributing to those  
22 major washes and flooding areas. And so it's our job to -- to  
23 make sure any new development coming in is not making things  
24 worse and so --

25 ZONING EXAMINER: And -- and a lot of the

1 testimony tonight was this property and this development with  
2 this number of units is going to make things worse on -- on many  
3 issues, but the focal point here I'm talking about is the  
4 flooding. Do you think that is a true statement? Is that  
5 something that you would make as a -- you know, a City official?

6 MR. BLOOD: Well, that -- that's -- that's our job  
7 is to analyze both the existing and proposed hydrology for the  
8 site and to make sure that that's not happening. And so I would  
9 say, given the reports that I've looked at so far and that I'm  
10 going to look at in the future, that's -- that's my job, to make  
11 sure that that's not happening --

12 ZONING EXAMINER: Okay.

13 MR. BLOOD: -- because that -- that is the  
14 concern.

15 ZONING EXAMINER: Okay. Well, I understand there  
16 are other issues with transportation of the surrounding area and  
17 I think the position of the City has been, yes, it's at level of  
18 service D, and whether this goes in or doesn't go in, it's still  
19 going to be level of service D, and that's a problem that the  
20 City has to figure out in the future for that entire area. And  
21 this -- this is not the breaking point, the straw that breaks the  
22 camel's back, which is kind of what I'm hearing is -- that this  
23 is just the point where it's all going to be coming apart. You  
24 would -- you -- would you agree with the City official that said,  
25 yes, it's level of service D with or without this development?

1 MR. BLOOD: I can't speak to that.

2 ZONING EXAMINER: Okay.

3 MR. BLOOD: I look at grading and drainage and  
4 that's about it.

5 ZONING EXAMINER: Okay, okay. That's enough.  
6 Good --

7 MR. BLOOD: Sorry.

8 ZONING EXAMINER: -- good, good. Okay. I -- I  
9 think that would be what they would so. So, okay, I won't  
10 torture you any more, Mr. Blood. You've been more than helpful  
11 in this hearing.

12 So, I think I've heard just about everybody. I don't  
13 do, you know, second -- second rounds. I think I've heard a lot  
14 from the two particular Public Hearings. You live in a beautiful  
15 area. I -- I was able to visit it and I -- I experienced your  
16 problems, at least a couple of them, so I -- I understand that.  
17 And I -- I understand the other side, too. So, this is something  
18 that I have to, you know, take into consideration and I'll do my  
19 best.

20 And I thank you all for coming and this Public Hearing  
21 is closed for the Jacaranda Way rezoning. Thank you all for  
22 coming.

23 And we'll take a five-minute break.

24 (Recess.)

25 ZONING EXAMINER: Okay. The folks from Jacaranda

1 Way, you may want to go outside and speak. We're going to  
2 continue the hearing here. So, let's see, our next case -- where  
3 is it? This one. Okay. The case is TP-MOD-0326-000028, Town  
4 West, First Avenue.

5 Staff report?

6 MR. SLEIGHTER: Thank you. So, this is a request  
7 by Lazarus & Silvyn on behalf of the property owner to -- for a  
8 major change to the Preliminary Development Plan and conditions  
9 for rezoning Case C9-19-03. The Applicant seeks to revise a  
10 Preliminary Development Plan to modify some conditions allowing  
11 one overnight delivery to a proposed Aldi grocery store and  
12 future restaurant, with some additional conditions requiring  
13 onsite uses to close by 10:00, and implementing design features  
14 in the Aldi kind of loading dock area to mitigate any kind of  
15 light or noise trespass from that overnight delivery.

16 The proposal conforms to Plan Tucson and the North  
17 Stone Area Plan, and is appropriate for this location and  
18 compatible with surrounding land uses. Subject to compliance  
19 with attached Preliminary Conditions, as well as an additional  
20 condition that the Applicant has proposed after communication  
21 with Ward 3 regarding plant pallets, approval of the modified  
22 conditions and Preliminary Development Plan is recommended by  
23 Staff.

24 For this case, we have received four approvals and a  
25 protest from one property. None of those approvals or protests

1 were within the notification area.

2 ZONING EXAMINER: Okay. Thank you. The  
3 Applicant?

4 MS. SILVYN: Good evening. Keri Silvyn with  
5 Lazarus & Silvyn. I'm going to introduce a few -- thank you --  
6 I'm going to introduce a few of the people who are here today. I  
7 would like for Matthew Baca from Aldi to -- to address you, and  
8 then I am going to try and go very quickly after he's done on the  
9 PowerPoint. And if there's anything I need to slow down on, you  
10 can let me know, but I think it's all pretty self-explanatory. I  
11 just wanted to highlight a couple of things.

12 So, again, I'm Keri Silvyn. With me tonight are Toby  
13 Horvath and Josie Larger from Town West Reality which is the  
14 property owner. Matthew Baca is here from Aldi who will speak in  
15 a minute. And Jackson Cassidy from -- from my office. And, with  
16 that, I'm going to ask Matthew to come up for a couple minutes,  
17 and then I will try and scream through the presentation.

18 MR. BACA: Good evening, Mr. Examiner. Thank you  
19 for having us here tonight. My name is Matthew Baca. I am the  
20 Director of Real Estate for Aldi.

21 Would love to give you a full spiel about Aldi, but  
22 I'll keep it -- keep it very simple this evening. We are a small  
23 form- -- small format, selected assortment grocery store focused  
24 on providing great value to the communities which we serve. We  
25 are planning to enter the Tucson market once we open our Arizona

1 distribution facility which will be sometime in the next several  
2 years. Once that gets under construction, we'll be able to more  
3 directly pinpoint our opening date. But we are in the process of  
4 acquiring some sites in the City of Tucson and the surrounding  
5 areas to build out a network of stores. We do already have one  
6 approved and purchased which we own in the City of Tucson, and  
7 we're looking to add this and several others.

8           If you have any questions about Aldi, our operations, I  
9 was -- this was 12 years ago -- on the operations side, but I  
10 have been in real estate since then and certainly happy to answer  
11 any questions about how we operate or who we are if you've not  
12 experienced us elsewhere in the country or in one of our -- I  
13 think we're closing in on about 20 stores in Arizona, including  
14 -- we just opened our second store in Mesa, Arizona, today. And  
15 the closest store to Tucson is in Casa Grande just up the road.  
16 Well, I little bit far for a grocery trip, but hopefully you get  
17 a chance to experience us soon once we open here in Tucson.

18           ZONING EXAMINER: Thank you. And I have been to  
19 an Aldi in another state, so I kind of know what they're about.

20           MR. BACA: Thank you.

21           MS. SILVYN: Okay. I'm not going to go through  
22 this slide. You know where the property's located, what's around  
23 it. The only thing that I would add is that there is a pretty  
24 significant transportation project that's coming down the  
25 pipeline at First and it'll come down Limberlost a little bit,

1 and we have been working very closely with DTM on that to make  
2 sure that we're -- we are all aligned as the project moves  
3 forward.

4 The zoning background is very well outlined in the  
5 Staff Report. There was a lot of history even before 2019 --  
6 2019 are the zoning conditions that we're asking to be amended.  
7 We got as far -- in 2024 with a modification at that time to the  
8 zoning conditions, including a full-blown development package  
9 approval for a Salad and Go, and then Salad and Go started to  
10 pull back in the market and never pulled the building permit.  
11 So, the history, there was -- it was great because at the  
12 neighborhood meeting there was -- there were a lot of questions  
13 and just understanding that history, and Staff was very helpful  
14 in -- in helping us figure that out so that we could explain  
15 everything that was going on. The bottom line is, is that both  
16 the original rezoning, 2024 rezoning, all had conditions that  
17 were right-size for those projects. So, what we're here before  
18 you requesting is a modification to the existing conditions to  
19 right-size it for -- for this project and having worked with the  
20 neighbors.

21 I want to focus on this slide for -- for just a minute,  
22 which is the Preliminary Development Plan. You know the proposal  
23 is the Aldi's, as well as a potential -- a restaurant with a  
24 potential drive-thru. A couple of things -- and the reasons that  
25 we are requesting the -- the changes that we are. There's a

1 little bit of a different architecture with the Aldi's than there  
2 was before. There's a rezoning condition that conditions the  
3 height at 18 feet, and architectural treatments up to 24 feet.  
4 We are requesting 19 feet, and then to increase the 24 to 29. I  
5 will show you elevations in just a minute. Aldi's very much is  
6 able to keep their costs low because their -- their stores are  
7 formatted in a way where they -- it's just -- it's easier when  
8 it's a similar format. So, inside -- because of the way that  
9 they need to format themselves inside for both the consumer, as  
10 well as the operations, they need the -- the outside roof needs  
11 to be -- or building height needs to be 19 feet. Again, it's the  
12 difference between 18 feet and 19 feet, and -- and we spoke very  
13 honestly with the neighbors about that need, along with the  
14 architectural treatment.

15 The loading is another one. So, there's a condition on  
16 the zoning that -- that says no overnight deliveries. Aldi's, in  
17 order to bring forward any of their -- their stores, they need  
18 one overnight delivery, that is to bring in fresh produce. They  
19 are very sensitive to being in and around neighborhoods, so they  
20 operate where it's -- the loading is going to come in off of  
21 Limberlost, come around the building, and then there's a  
22 depressed dock that you'll see -- that you see in that -- oh, it  
23 never works, sorry -- in the area over on the -- on the south  
24 side of the building. The -- the truck backs up -- we're turning  
25 off the back-up beepers -- and it locks into the building and all

1 engines and refrigeration will be turned off. There's also the  
2 four-foot CMU wall. So, in addition to going down and being  
3 depressed, there's also the wall there on the south side. All of  
4 that is their regular design and, again, it's -- Aldi's goes into  
5 areas of high population and -- and knows how they need to  
6 operate.

7 We were initially requesting that the condition be  
8 completely deleted; that we just be allowed to have overnight  
9 deliveries, not have that restriction in place. When we put in  
10 the application, we went ahead and right-sized that language to  
11 acknowledge a lot of what I just told you, as well as some  
12 additional conditions and Staff's condition, which we're  
13 comfortable with, that really locks that -- locks that all up in  
14 the conditions.

15 One of the things that we had not addressed until after  
16 the neighborhood meeting was the restaurant loading and that --  
17 because, per code, we don't have to have a loading area, most of  
18 those trucks are a lot smaller, and the owner has tried to  
19 attract a breakfast-type place, which the neighbors are -- are  
20 interested in, there does need to be a sort of off-hours  
21 overnight -- at least one delivery. So, in working with the  
22 neighbors, as well as the Ward 3 office, we talked about  
23 modifying that condition so that each of the uses is allowed one  
24 overnight delivery, and both uses have to comply with the no  
25 back-up beeper and all engines and refrigeration be turned off.

1 And, again, that's all in the -- in the conditions and we've --  
2 we've agreed to those. The loading area for the restaurant, the  
3 front door is in the north -- northeast corner of the -- of the  
4 restaurant, and that is where the loading would take place. So,  
5 it's as far away from the neighbors as possible.

6 For the landscape and screening, there is an existing  
7 condition that we are not asking be modified that increased the  
8 landscaping along -- adjacent to the neighbors along the west to  
9 15 feet and requires a six-foot CMU wall. We are providing that.  
10 And the neighbor particularly to the west was happy to see that  
11 we were -- we were complying with that.

12 The other thing we worked with Staff on shortly before  
13 -- a few weeks before the -- this hearing -- and want to thank  
14 Gabriel and engineering was very helpful -- that western edge,  
15 it's a one-way that -- for -- and it's going to be loading trucks  
16 only. So, on that -- yes?

17 ZONING EXAMINER: Would you just orient me here?  
18 The bottom of the screen is what?

19 MS. SILVYN: Yeah, I know. The -- the top of the  
20 screen is not north. The bottom of the screen -- so that the  
21 north arrow is to your right. The bottom of the screen is  
22 actually east. The top is west and the left --

23 ZONING EXAMINER: Okay, okay.

24 MS. SILVYN: -- yeah.

25 ZONING EXAMINER: That's what I thought, but I

1 just wanted to make sure. Okay.

2 MS. SILVYN: It didn't work very well on a  
3 PowerPoint anyway.

4 ZONING EXAMINER: And the long part that's on the  
5 left side of the -- the site plan, what is -- is that the  
6 restaurant?

7 MS. SILVYN: Yes, that's the 2,400-square-foot  
8 restaurant that's kind of in that corner. It's directly adjacent  
9 to Calle Arizona and there is no access to Calle Arizona.

10 ZONING EXAMINER: Okay.

11 MS. SILVYN: So, our only access is to First  
12 Avenue, which is on the bottom, and then Limberlost which is over  
13 on the --

14 ZONING EXAMINER: Okay. Got it, got it, got it.  
15 Okay.

16 MS. SILVYN: I apologize. I should've done that.

17 ZONING EXAMINER: It's okay.

18 MS. SILVYN: Talked about the landscaping, the  
19 loading, the access. Aldi's -- I'll just add this as one  
20 operational point. Aldi's grocery carts -- 'cause this came up  
21 at the neighborhood meeting -- it's a quarter system -- and, no,  
22 that's not a basketball term. You have to actually put in a  
23 quarter to get your -- your grocery cart and then you get your  
24 quarter back if you take it back to the grocery; otherwise, you  
25 don't get your quarter back. And Aldi's experience is that works

1 phenomenally well, because people want their quarter back,  
2 especially today. So, that is how they operate. One of the  
3 questions was making sure that, you know, the grocery carts don't  
4 come off the property and are found in our washes and other  
5 places, and so that's -- that's their operational -- I joke that  
6 that's how you'll know an Aldi customer, 'cause they'll be --

7 ZONING EXAMINER: Does Aldi provide quarters that  
8 you can get?

9 MS. SILVYN: No, you have to come with your own  
10 quarters. That's how you know the Aldi's customers, 'cause  
11 they're the ones walking around with the quarters.

12 ZONING EXAMINER: Who still has quarters?

13 MS. SILVYN: Not many.

14 ZONING EXAMINER: Okay, okay, okay.

15 MS. SILVYN: I think that's everything. This is  
16 just examples of the architecture and this is on the First Avenue  
17 side. So, you can see it's -- 19 foot is the -- is the roof  
18 line. It is the Aldi's architecture that comes up. The 29 feet  
19 is at the very -- is at the very corner and that is at the  
20 intersection. So, this is all stepping away. You can see,  
21 because it's an elevation that the -- the mechanical equipment is  
22 all in the middle of the roof and it will all be completely  
23 screened. So, as an elevation, we're showing it -- I mean, as  
24 you know, when it's more of perspective and you're further away  
25 and down, when that's in the middle of the building, you won't be

1 able to see the -- the mechanical equipment. And we can come  
2 back to any of these. This is over on the -- we did the -- we  
3 did the -- the elevations from the two roadways, so this is now  
4 from -- from Limberlost. So, you can see the other part of the  
5 entry into the Aldi's. And, again, this was to show the  
6 neighbors, too, the difference between 18 and 19 feet is de  
7 minimis, and then the 29 feet is at the corner of the  
8 intersection.

9 The next slides just run through the change of  
10 condition. So, DP, the Preliminary Development Plan date. I  
11 mentioned we wanted to completely delete the -- the delivery  
12 hours, but we went ahead and put in the language with all of  
13 those commitments. We can come back to any of these.

14 The architectural changes. We requested the addition  
15 of the closing to the public by 10:00; that also came from the  
16 neighborhood meeting. Aldi's closes -- closes at 9:00 o'clock to  
17 the public, and their employees probably take about another hour  
18 to -- to get everything squared away and leave.

19 With the restaurant, if it is something that stays open  
20 for dinner, we'd like it open to the public until 10:00. And  
21 they appreciated that we were putting hours of operation; that  
22 wasn't actually on the original set of 2019 conditions.

23 Fifteen is a condition Staff added. We are very  
24 comfortable with it. It's everything that we're going to be  
25 doing at the grocery store.

1           And then Condition No. 16 was after the neighborhood  
2 meeting, we met with the Ward 3 staff and had a discussion with  
3 them and they wanted us to commit to that limited plant pallet,  
4 and so that condition is in front of you. I think I provided it  
5 and Staff provided it to you. I have a copy. I don't really  
6 need to hand it to you because I think you have it with that  
7 approved plant pallet.

8           We had our neighborhood meeting. It was great. It was  
9 long. There were a lot of questions. Overall, there was a lot  
10 of excitement from people who are -- have come from other places  
11 and really are excited about the Aldi's grocery store, excited  
12 that the project is being -- the property is being developed.  
13 It's been vacant for quite some time. We were able to answer all  
14 of the questions. They're outlined in our neighborhood meeting  
15 summary.

16           So, I'm happy to answer any questions you may have. I  
17 scripted myself to go through all of these, but I don't really  
18 need to. And then we had the Ward 3 meeting onsite and that's  
19 where the plant pallet kind of came up. So, happy to go through  
20 these if you want me to; otherwise, we're happy to answer any  
21 questions now or after the Public Hearing.

22           ZONING EXAMINER: So, you've seen the conditions  
23 that Staff has put in their report and you're okay with those  
24 conditions?

25           MS. SILVYN: We are.

1           ZONING EXAMINER: And you would add the plant list  
2 as an additional condition?

3           MS. SILVYN: Yes.

4           ZONING EXAMINER: Okay. Is there anything else  
5 about the conditions -- conditions or any -- and this -- this  
6 preliminary -- the plan is the one that -- that I'm seeing is the  
7 one that you're offering and it's the one that's being talked  
8 about in the conditions?

9           MS. SILVYN: Yes, and that was the one -- in  
10 particular, the date that's on that Condition No. 1 is the -- is  
11 the Staff condition -- or, I'm sorry -- the Preliminary  
12 Development Plan that also codifies the one-way along the west;  
13 pedestrians will not be back there and there will be signage that  
14 says it's for loading only. And the neighbor to our west was --  
15 was -- wanted that, wanted to make sure that it wasn't a high-  
16 traffic area adjacent to his house.

17           ZONING EXAMINER: Right. And you -- you talked  
18 about increasing the landscape buffer on the west side, too, and  
19 having a six-foot CMU wall.

20           MS. SILVYN: And that's an existing condition --

21           ZONING EXAMINER: Okay.

22           MS. SILVYN: -- I can't remember which condition,  
23 but I can find it, but there -- it's an existing condition that  
24 requires that; and we are complying with that and our Preliminary  
25 Development Plan shows that.

1                   ZONING EXAMINER: Okay. I think that's all I  
2 have.

3                   So, with that, we'll open it up to the public. We have  
4 Thomas Tronsdal. Okay.

5                   MR. TRONSDAL: Thomas Tronsdal, 1352 East King  
6 Road, Tucson, Arizona, 85719. I also am the President of the  
7 Campus Farm Neighborhood Association adjacent to it. I'll make  
8 this very brief.

9                   First of all, we are very pleased with actually a very  
10 positive development on that corner. It's been vacant for as  
11 long as I can remember and I've lived in that neighborhood since  
12 the early '90s.

13                   And, secondly, we really appreciate the efforts by  
14 Aldi's and their team to accommodate the neighbors from the  
15 neighborhood meeting. Most of the feedback has been very  
16 positive just for having an Aldi's, but people are really excited  
17 that Aldi's and their team really responded to the concerns of  
18 the neighborhood, especially the immediate neighbors, to  
19 accommodate any concerns they had. And from all the main  
20 projects I've seen, this has probably been the most accommodating  
21 I've seen a developer be towards the neighborhood and willingly  
22 do it. So, thank you for your time.

23                   ZONING EXAMINER: Okay. Thank you. Is there  
24 anybody else that wishes to speak?

25                   Ms. Silvyn, I don't think you need to speak unless you

1 want to speak because what else are you going to say? Okay.

2 We're good. Okay.

3 So, I think -- I think everything has been said that  
4 needs to be said. And I thank you all for coming. And I'll  
5 close the Public Hearing. It is -- what time? -- 8:19 p.m. And  
6 I'll have a Preliminary Report in five working days. Thank you  
7 all for coming. This Public Hearing is closed.

8 (Conclusion of the hearing.)

9 \* \* \* \* \*

**CERTIFICATE**

I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the digitally-recorded City of Tucson Zoning Examiner Public Hearing held on May 21, 2026.

Transcription completed: May 27, 2026.

/S/ Danielle L. Krassow  
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Legal Transcriptionist