



Zoning Examiner

PRELIMINARY REPORT

May 28, 2026

To: Jeffrey A. Stanley, P.E.
JAS Engineering
200 East Yvon Drive
Tucson, Arizona 85704

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

PUBLIC HEARINGS: April 23, and May 21, 2026

Dear Mr. Stanley,

Pursuant to the City of Tucson Unified Development Code and the Zoning Examiner's Rules and Procedures (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's summary of findings for **REZONING - TP-ENT-1125-00023– E Jacaranda Way SR to RX-1 (Ward 2)**.

At the expiration of 14 days of the conclusion of the public hearing, the Zoning Examiner's Report to the Mayor and Council (including background information, public hearing summary, findings of fact, conclusion, recommendation, and public hearing minutes) shall be filed with the City Manager. A copy of that report can be obtained from the Planning and Development Services Department (520-791-5550) or the City Clerk.

If you or any party believes that the Zoning Examiner's recommendation is based on errors of procedure or fact, a written request to the Zoning Examiner for review and reconsideration may be made within 14 days of the conclusion of the public hearing.

The public hearing held by the Zoning Examiner shall constitute the public hearing by the Mayor and Council. However, any person may request a new public hearing before the Mayor and Council. A request for a new public hearing must be filed in writing with the City Clerk within 14 days of the close of the Zoning Examiner's public hearing.

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 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 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 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 Department of Transportation and Mobility (DTM) said a 12-lot single-family subdivision will generate approximately 109 daily trips. Under a hypothetical maximum density layout with an Accessory Dwelling Unit (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 Accessory Dwelling Units (ADU) can be the same height as a primary building and for RX-1 zone two ADUs would be allowed.

Technical Evaluation of Stormwater Run-off and Floodplain Management

PDSD 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 Department of Transportation and Mobility (DTM) provide a background review of the rezoning and surrounding area. According to the City of Tucson'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.

There are two conditions that attempt to focus on this rezoning and clarify review and expectations beyond the formal subdivision plat review processes. Those conditions are in Condition 1 (Procedural and Infrastructure) and Condition 9 (Site Specific Building Scale).

Stormwater Run-off and Floodplain Management (Condition 1, 1a, 1b, and 1c)

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 due to clear structural factors:

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 (e.g., restricting a 100-year storm flow from 13.7 CFS to a target discharge of 11.8 CFS). This engineering mechanism detains stormwater on-site, flattening the hydrograph curve to prevent rapid, high-velocity erosive flows downstream.

Integrated Mitigation Strategy: To address neighborhood concerns regarding the visual and physical impact of deep basins, **Condition 1** 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 private lot dimensions. To satisfy *Plan Tucson* Policy GI1, 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.

Risk Allocation and Health Protocols: Condition 1a 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 1c 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 (Condition 1d): *Plan Tucson* Public Infrastructure Policy PII 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 1d 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 9): 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 (PDS) is responsible for conducting annual basin inspections and overseeing code enforcement. Once the subdivision infrastructure is built, PDS 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.

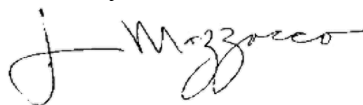
With the information available in this public process, the Zoning Examiner's recommendation is based on the conformance to adopted land use plans, the adherence to adopted regulations and the staff positions within the technical reports specific to the subject property stating if there is compliance 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,



Jim Mazzocco
Zoning Examiner

ATTACHMENTS:

- Case Location Map
 - Rezoning Case Map
 - Zoning Examiner Recommended Conditions
- 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, as it complies with applicable City regulations on stormwater management and floodplain management and implements a wastewater capacity design as noted below as well as all other required subdivision reports, are to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
 - a) **Plat Note on Public Liability Disclaimer:** 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.*
 - b) **Landscape Integration and Slope Stabilization:** All HOA-designated common-area retention and detention basins shall be stabilized and integrated into the landscape. Basins shall be hydro-seeded with native vegetation to mitigate soil erosion. Basins be hydroseeded and on slopes steeper than a 3:1 side slope.
 - c) **Vector Control and Drainage Protocol:** 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.
 - d) **Wastewater Capacity & Infrastructure:** 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.

STANDARD CONDITIONS (2-8)

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.

LAND USE COMPATIBILITY

7. Graffiti on walls or on any other location on site shall be removed within seventy-two (72) hours of discovery.
8. 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

SITE SPECIFIC

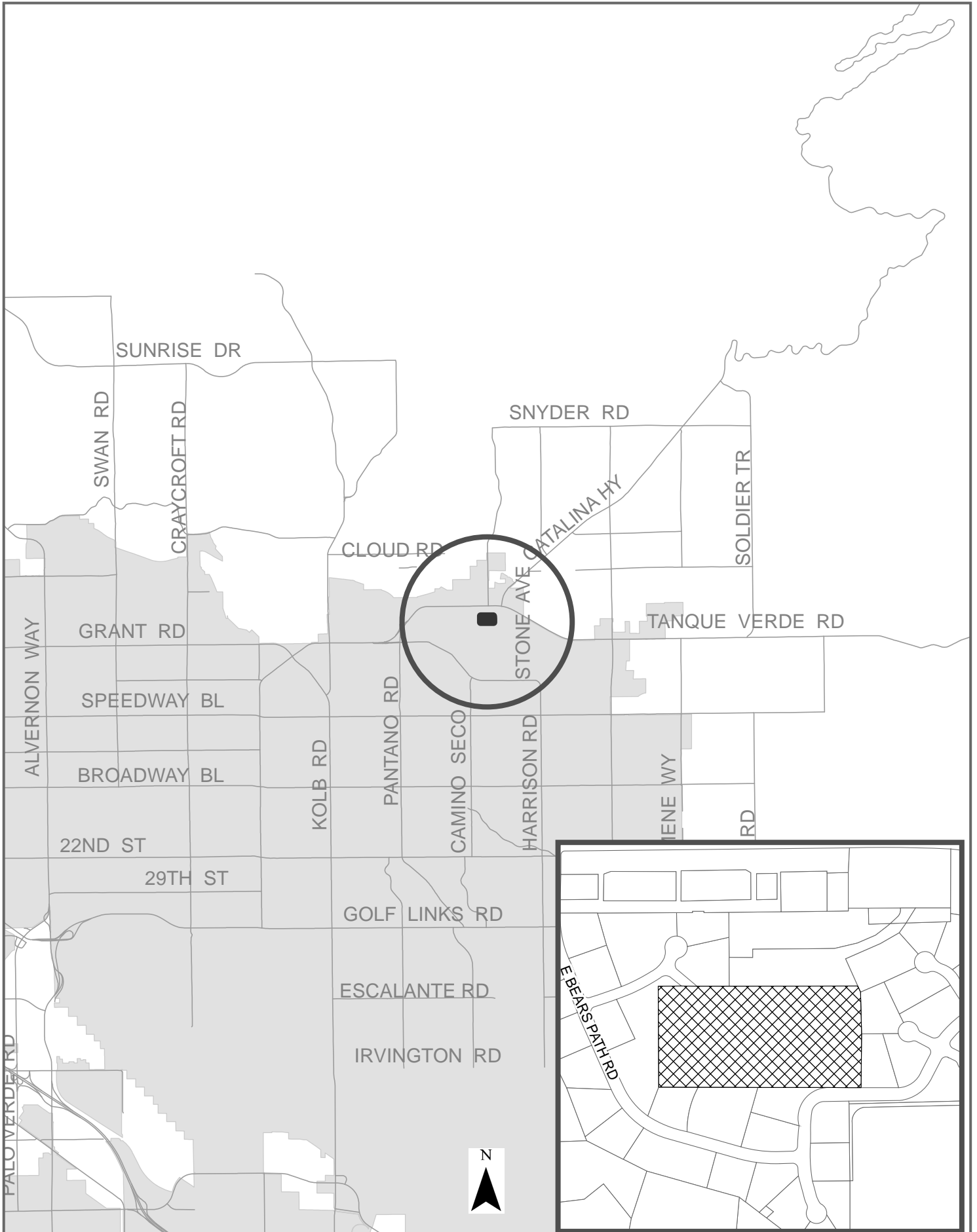
9. **Building Height and Primary Building Setback:** A 20-foot building height limit shall apply to all primary and accessory buildings on all subdivision lots. To protect the privacy and scale of established neighbors, an enhanced 50-foot building setback for primary buildings shall be enforced along the southern and eastern boundaries as follows:

Along the entire southern property boundary of the subdivision, applicable to any lot directly abutting existing residential parcels (designated as Lots 2, 3, 4, 10, 11, and 12 on the preliminary development plan).

Along the eastern property boundary of the subdivision, applicable to any lot directly abutting existing residential parcels (designated as Lots 9 and 10 on the preliminary development plan).

The condition's intent is to establish a continuous 50-foot primary building setback along these specific perimeter boundaries. 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.

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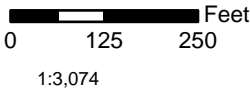


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 Area of Rezoning

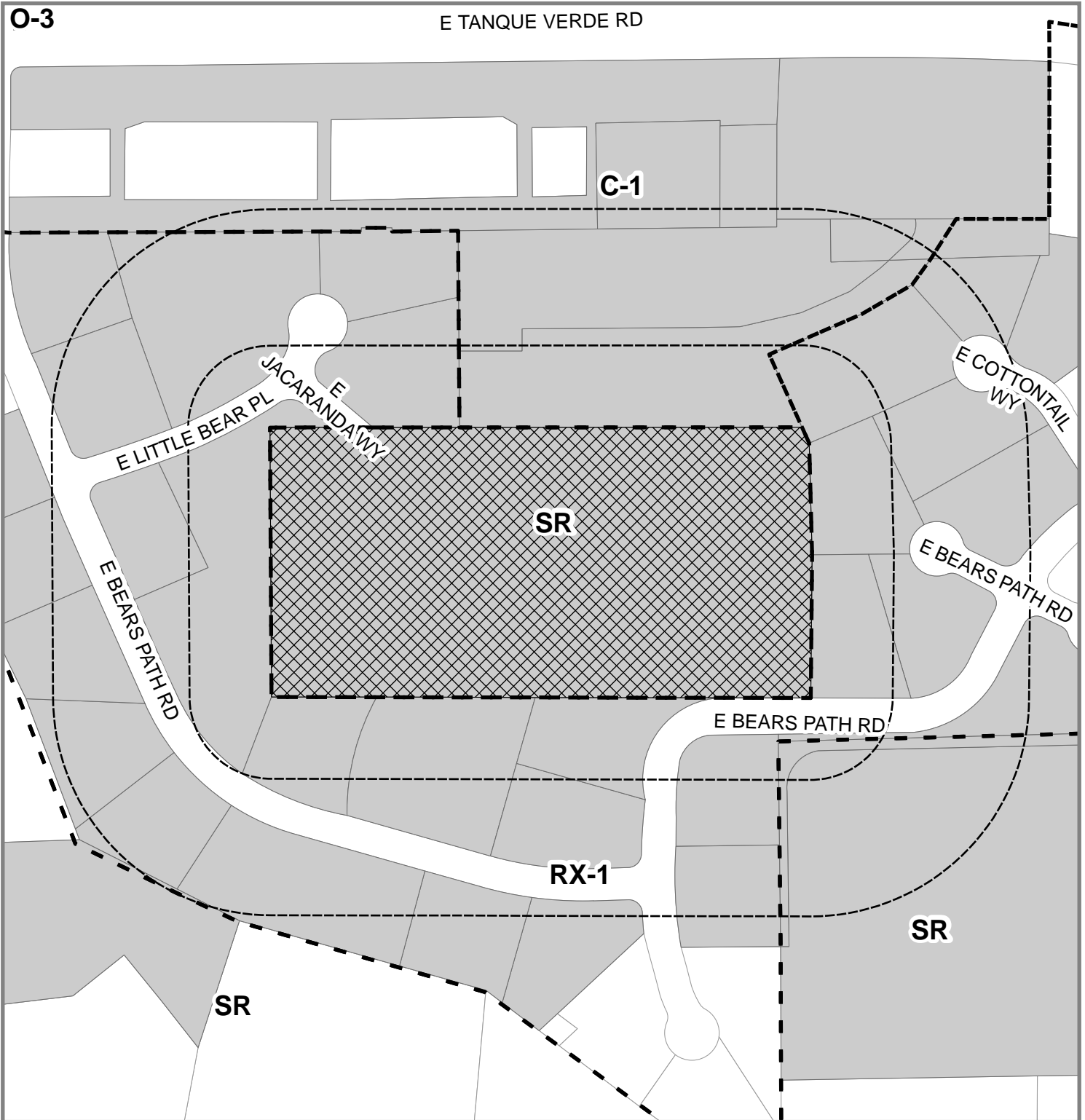
Address: 8800 E JACARANDA WY
Base Maps: Twp. 1303 Range 1502 Sec. 34
Ward(s): 2



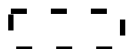
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O-3

E TANQUE VERDE RD



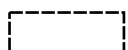
Area of Rezoning



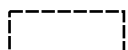
Zone Boundaries



Properties Notified

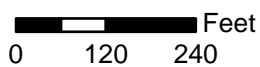


400' Notification Area



Protest Area (150 ft. Radius)

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



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