



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: October 18, 2016

Title: P15RZ00008 LANDMARK TITLE TR 18294-T - E. WHITEHOUSE CANYON ROAD REZONING (Ordinance)

**Introduction/Background:**

The Board of Supervisors approved the rezoning on June 7, 2016.

**Discussion:**

Request of Landmark Title TR 18294-T, represented by The Planning Center, for a rezoning of approximately 36.62 acres from the RH (BZ) (Rural Homestead - Buffer Overlay) zone to the CR-1 (BZ) (Single Residence - Buffer Overlay) zone, on property located at the southwest corner of Whitehouse Canyon Road and Camino De La Canoa, approximately 1/2 mile east of the Union Pacific Railroad tracks.

**Conclusion:**

The Ordinance memorializes the Board of Supervisors' action on the rezoning.

**Recommendation:**

Staff recommends APPROVAL of the rezoning Ordinance.

**Fiscal Impact:**

0

**Board of Supervisor District:**

1       2       3       4       5       All

Department: Pima County Development Services - Planning Telephone: 520-724-9000

Department Director Signature/Date: [Signature] 9/26/16

Deputy County Administrator Signature/Date: [Signature] 9/29/16

County Administrator Signature/Date: C. Rabelbay 9/30/16



**Subject: P15RZ00008**

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**FOR OCTOBER 18, 2016 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS  
**FROM:** Chris Poirier, Planning Official  
Public Works-Development Services Department-Planning Division  
**DATE:** September 26, 2016

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**ORDINANCE FOR ADOPTION**

**P15RZ00008 LANDMARK TITLE TR 18294-T – E. WHITEHOUSE CANYON ROAD  
REZONING**

Owner: Landmark Title TR 18294-T  
(District 4)

**If approved, adopt ORDINANCE NO. 2016 - \_\_\_\_\_**

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**OWNER:** Landmark Title TR 18294-T  
Attn: Klipp Family Trust  
2200 E. River Road, Suite 105  
Tucson, AZ 85718-6516

**AGENT:** The Planning Center  
Attn: Tim Craven  
110 S. Church Ave., Suite 6320  
Tucson, AZ 85701

**DISTRICT:** 4

**STAFF CONTACT:** Artemio Hoyos

TD/AH/ar  
Attachments

cc: P15RZ00008 File  
Tom Drzazgowski, Principal Planner

ORDINANCE 2016-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO ZONING; REZONING APPROXIMATELY 36.62 ACRES OF PROPERTY, LOCATED AT THE SOUTHWEST CORNER OF WHITEHOUSE CANYON ROAD AND CAMINO DE LA CANOA APPROXIMATELY 1/2 MILE EAST OF THE UNION PACIFIC RAILROAD TRACKS, FROM THE RH (BZ) (RURAL HOMESTEAD – BUFFER OVERLAY) ZONE TO THE CR-1 (BZ) (SINGLE RESIDENCE - BUFFER OVERLAY) ZONE, IN CASE P15RZ00008 LANDMARK TITLE TR 18294-T – E. WHITEHOUSE CANYON ROAD REZONING, AND AMENDING PIMA COUNTY ZONING MAP NO. 886.

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

Section 1. The 36.62 acres located at the southwest corner of Whitehouse Canyon Road and Camino De La Canoa approximately 1/2 mile east of the Union Pacific Railroad tracks and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 886, is rezoned from the RH (BZ) (Rural Homestead – Buffer Overlay) zone to the CR-1 (BZ) (Single Residence – Buffer Overlay) zone subject to the conditions in this ordinance.

Section 2. Rezoning Conditions.

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
3. Provision of development related assurances as required by the appropriate agencies.
4. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
5. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
6. Transportation conditions:
  - A. The rezoning is limited to one access on Camino De La Canoa as indicated on the Preliminary Development Plan (PDP).

- B. No access on to Whitehouse Canyon Road will be permitted without approval of the Board of Supervisors.
7. Flood Control conditions:
- A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces associated with the roads. This requirement shall be made a condition of the Site Construction Permit.
  - B. Floodplains and Pima County Regulated Riparian Habitat shall be contained in open space as shown on the PDP.
  - C. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval at the time of development.
8. Wastewater Reclamation conditions:
- A. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
  - B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall enter into a written agreement addressing the option of funding, designing, and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
  - C. The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
  - D. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
  - E. The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
  - F. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

9. Environmental Planning conditions:
- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a minimum of 27 acres on-site as natural open space. The approximate location and configuration of this natural open space will conform to that shown on the approved PDP.
  - B. The total outdoor light output for an individual lot shall not exceed 4 – 550 lumens (40 watt incandescent or 9 watt compact florescent); no unshielded luminaires are allowed.
  - C. As shown on the approved PDP, bufferyard walls for Lots 1-14, will be no less than 72 inches in height and will be constructed of masonry block.
  - D. Points of ingress or egress from individual lots into areas of natural open space are prohibited.
  - E. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Control

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

10. Cultural Resources condition:  
 Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development

plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.8.

11. Adherence to the Preliminary Development Plan as approved at public hearing.
12. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."
13. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

Section 3. Time limits of conditions. Conditions 1 through 13 of Section 2 shall be completed no later than June 7, 2021.

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

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


Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Chair, Pima County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors

Approved As To Form:

 9/9/16  
\_\_\_\_\_  
Deputy County Attorney  
Lesley M. Lukach

Approved:

\_\_\_\_\_  
Executive Secretary,  
Planning and Zoning Commission

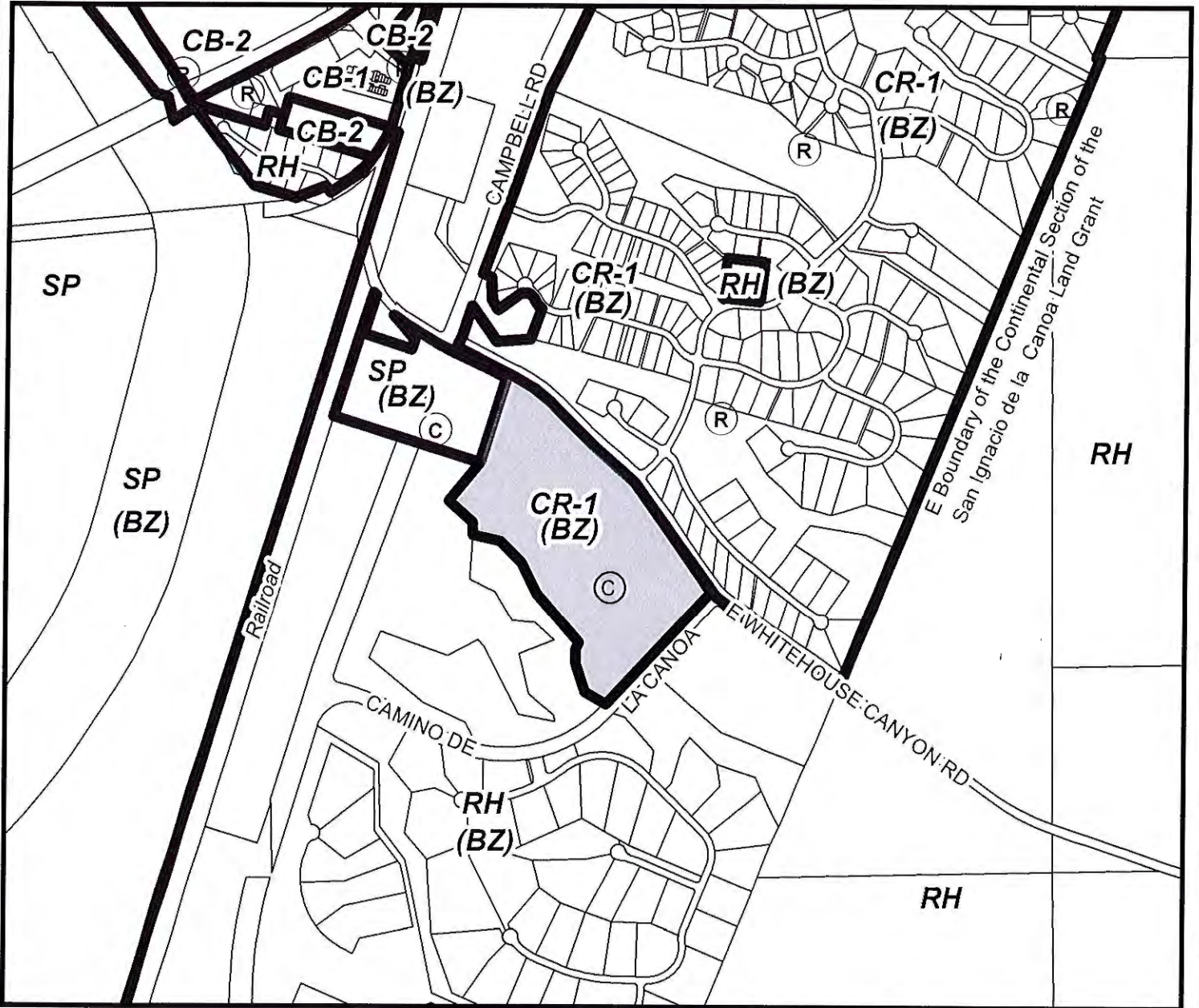
# EXHIBIT A

AMENDMENT NO. \_\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_  
TO PIMA COUNTY ZONING MAP NO. 886 TUCSON AZ.  
PARCEL 76 BEING A PART OF THE CONTINENTAL SECTION OF THE  
SAN IGNACIO DE LA CANOA LAND GRANT T18S R13E.



0 250 500 1,000 Feet  
[Scale bar]

ADOPTED: \_\_\_\_\_ EFFECTIVE: \_\_\_\_\_



## EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM RH (BZ) 36.62 ac  
ds-August 30, 2016

P15RZ00008  
Co7-13-10  
304-18-9760





# PRELIMINARY DEVELOPMENT PLAN (PDP)







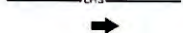



## Exhibit B



### GENERAL NOTES

- PROJECT AREA: 36.6 ACRES
- DEVELOPED AREA: 8.8 AC / 24%
- OPEN SPACE AREA: 27.8 AC / 76%
- EXISTING ZONING: RH (RURAL HOMESTEAD)
- PROPOSED ZONING: CR-1 (CLUSTER SUBDIVISION)
- NUMBER OF LOTS: 23
- RESIDENCES PER ACRE: 0.6 RAC
- BUILDING HEIGHT: MAX. 14' (1 STORY)
- SETBACKS: FRONT 30', REAR 40', SIDE YARDS 10'
- RECREATION REQUIREMENT: IN LIEU FEE

### LEGEND

-  SITE BOUNDARY
-  XEROPHARIAN C
-  TRAIL - ROAD TRAIL
-  TRAIL - SHARED USE
-  PUBLIC RIGHT-OF-WAY
-  LOTS
-  100 YEAR FLOODPLAIN
-  EROSION HAZARD SETBACK
-  SURFACE FLOW DIRECTION
-  OPEN SPACE

# WHITEHOUSE CANYON