



## BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: July 6, 2021

**Title:** P21RZ00004 WESTFALL - N. SANDERS ROAD REZONING

### Introduction/Background:

The applicant requests a rezoning of approximately 4.61 acres from the RH (Rural Homestead - Buffer Overlay Zone) to the GR-1 (Rural Residential - Buffer Overlay Zone) for four, approximately 1-acre parcels of land for one single-family residence on each lot.

### Discussion:

Current RH zoning allows for one single-family residence to be built. The proposed density is equivalent to the majority of the properties to the north, east and west. Fifty percent of the highest resource value of the site will be set-aside as natural open space to meet the requirements of the Buffer Overlay Zone.

### Conclusion:

The proposed lot splits conform to the Medium Intensity Rural Comprehensive Plan designation.

### Recommendation:

Staff and the Planning and Zoning Commission recommend APPROVAL of the rezoning subject to standard and special conditions.

### Fiscal Impact:

0

### Board of Supervisor District:

☐ 1      ☐ 2      ☒ 3      ☐ 4      ☐ 5      ☐ All

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

Contact: Terrill L. Tillman, AICP, Principal Planner      Telephone: 520-724-6921

Department Director Signature/Date:  6/14/21

Deputy County Administrator Signature/Date:  6/14/2021

County Administrator Signature/Date:  6/14/21

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DEVELOPMENT SERVICES

**TO:** Honorable Sharon Bronson, Supervisor, District 3  
**FROM:** Chris Poirier, Deputy Director  
Public Works-Development Services Department-Planning Division  
*Tom Dracowski*  
**DATE:** June 15, 2021  
**SUBJECT:** P21RZ00004 WESTFALL - N. SANDERS ROAD REZONING

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, July 6, 2021** hearing.

**REQUEST:** For a **rezoning** of approximately 4.61 acres (parcel number 213-13-073A) from the RH (BZ) (Rural Homestead – Buffer Overlay Zone) to the GR-1 (BZ) (Rural Residential – Buffer Overlay Zone) on property located at the southeast corner of W. Nolen Road and N. Sanders Road.

**OWNERS:** Roger H. and Susan M. Westfall  
12505 W. Nolen Street  
Tucson, AZ 85743-8775

**AGENT:** Jim Chumbler  
3834 S. 6<sup>th</sup> Avenue  
Tucson, AZ 85714

**DISTRICT:** 3

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

**PUBLIC COMMENT TO DATE:** As of June 15, 2021, no written comment has been received.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (6 – 0; Commissioners Bain, Hook, Membrilla and Maese were absent)

**STAFF RECOMMENDATION:** **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.**

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS:** The subject property is located outside the Maeveen Marie Behan Conservation Lands System (CLS).

TD/TT/ds  
Attachments



## BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P21RZ00004

Page 1 of 2

### FOR JULY 6, 2021 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: June 8, 2021

### ADVERTISED ITEM FOR PUBLIC HEARING

#### REZONING

#### P21RZ00004 WESTFALL - N. SANDERS ROAD REZONING

Roger H. and Susan M. Westfall, represented by Jim Chumbler, request a **rezoning** of approximately 4.61 acres (parcel number 213-13-073A) from the RH (BZ) (Rural Homestead – Buffer Overlay Zone) to the GR-1 (BZ) (Rural Residential – Buffer Overlay Zone) on property located at the southeast corner of W. Nolen Road and N. Sanders Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Rural. On motion, the Planning and Zoning Commission voted to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (6 – 0; Commissioners Bain, Hook, Membrilla and Maese were absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.  
(District 3)

#### Planning and Zoning Commission Public Hearing Summary (May 26, 2021)

The public hearing was held virtually. The staff, applicant and speakers presented via Teams or telephonically.

Staff presented information from the staff report to the commission with a recommendation of approval subject to standard and special conditions.

The applicant's representative re-stated the request.

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

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

The commission voted to recommend **APPROVAL** of the rezoning (6 – 0; Commissioners Bain, Hook, Membrilla and Maese were absent), subject to the following conditions:

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

1. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
2. Transportation conditions:
  - A. The property owner(s) shall dedicate 30 feet of right-of-way for Sanders Road.
  - B. Corner spandrel right-of-way dedication shall be provided by the property owner(s) at the Sanders Road and Nolen Road intersection. A curve radius of twenty-five feet is required.
  - C. The location, number and design of access points shall be determined at the time of building permitting. An ingress/egress access easement shall be provided for the easternmost lot.
  - D. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned easements, drives, physical barriers, drainageways and drainage easements.
3. Flood Control District conditions:
  - A. A Floodplain Use Permit is required for any development and shall include determination of a finished floor elevation.
  - B. A note shall be included on the survey of each lot indicating that it is in a half-foot depth sheet flood area regulated by the Pima County Regional Flood Control District.
  - C. A revised sketch plan shall be submitted prior to Certificate of Compliance that includes a note indicating the presence of regulatory sheet flood area.
4. 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 Adherence to the sketch plan as approved at public hearing.
5. Adherence to the sketch plan approved at public hearing.
6. The property owner(s) are required to preserve fifty-percent natural open space of the future lots. The preservation area shall be the highest resource value and shall be contiguous natural open space.
7. 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.
8. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."

TD/TT/ds  
Attachments

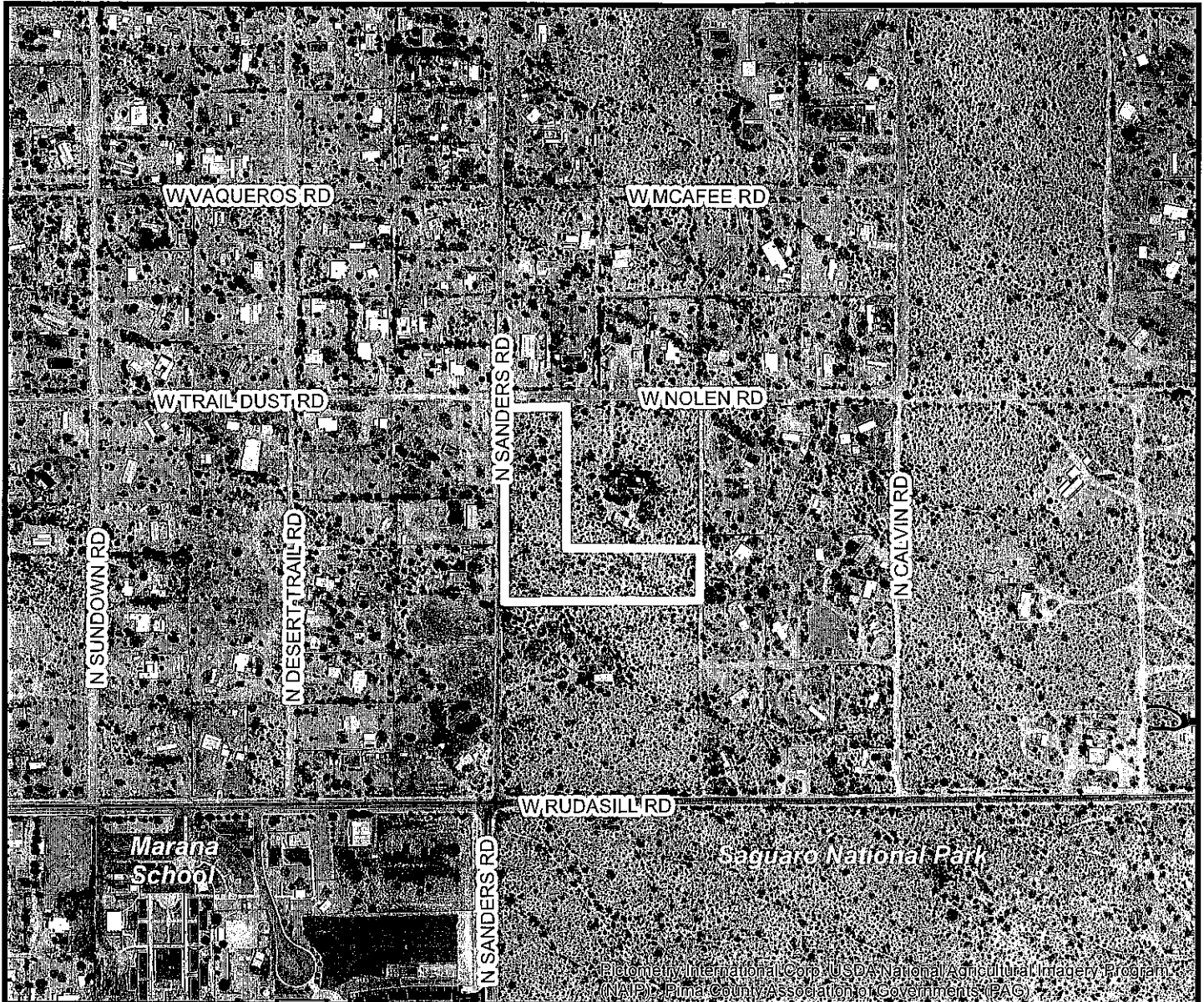
- c: Jim Chumbler, 3834 S. 6<sup>th</sup> Avenue, Tucson, AZ 85714  
Thomas Drzagowski, Chief Zoning Inspector

A Minimum of 50% of the lots will be set aside as natural open space and will be contiguous throughout the 4 lots.


$$\frac{1}{\Sigma}$$



Case #: P21RZ00004  
Case Name: WESTFALL - N. SANDERS ROAD REZONING  
Tax Code(s): 213-13-073A

Aerial Exhibit



0 220 440 880 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

	Notes:		
	PIMA COUNTY COMPREHENSIVE PLAN C07-13-10		
	Map Scale: 1:6,000	Map Date: 4/26/2021 - ds	

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

**HEARING** May 26, 2021

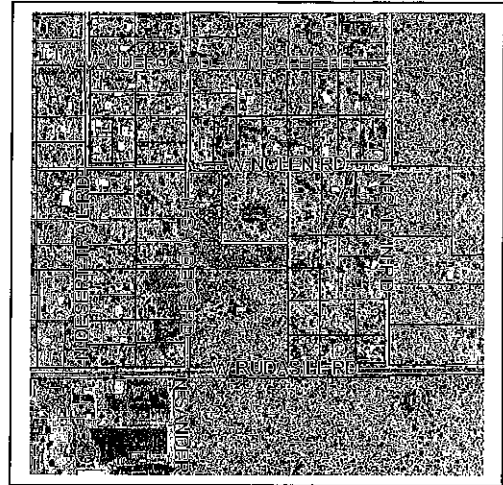
**DISTRICT** 3

**CASE** P21RZ00004 Westfall - N. Sanders  
Road Rezoning

**REQUEST** Rezone approximately 4.61 acres from RH  
(BZ) (Rural Homestead - Buffer Overlay)  
to GR-1 (BZ) (Rural Residential - Buffer  
Overlay) zone

**OWNERS** Roger H. and Susan M. Westfall  
12505 W. Nolen Street  
Tucson, AZ 85743-8775

**APPLICANT** Jim Chumbler  
3834 S. 6<sup>th</sup> Avenue  
Tucson, AZ 85714



**APPLICANT'S PROPOSED USE**

The 4.61 acre RH (Rural Homestead) zoned property is naturally vegetated and undeveloped. The majority of the properties to the north, east and west are zoned SH (Suburban Homestead) and GR-1 (Rural Residential) which require an .83-acre minimum lot size. The proposal is to split the property into four, approximately 1-acre parcels of land for a single-family residence to be located on each lot.

**APPLICANT'S STATED REASON**

"Both GR-1 and SH zoning allow for orderly growth in rural and semi-rural areas."

**STAFF REPORT SUMMARY**

The Development Services Department recommendation is **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The applicant proposes a rezoning to the GR-1 (BZ) (Rural Residential – Buffer Overlay) zone on approximately 4.61 acres for 4 parcels of land for residential uses. The proposed lots are consistent with the residential density of the surrounding properties excepting the low-density residentially developed lots adjacent to the east and south. The property to the east is under the same ownership as the subject property. Fifty-percent of the site will be set-aside as natural open space due to the Buffer Overlay zone designation. The rezoning conforms to the Medium Intensity Rural land use designation.

**PUBLIC COMMENT**

No public comment has been received as of May 11, 2021.

### **COMPREHENSIVE PLAN DESIGNATION**

The Pima County Comprehensive Plan designates the subject property as Medium Intensity Rural (MIR), which designates areas for densities consistent with rural settlements in reasonable proximity to arterials or suburban areas. MIR has no minimum density with a 1.2 residences per acre maximum. The rezoning request is in conformance with the comprehensive plan.

### **SURROUNDING LAND USES/GENERAL CHARACTER**

North:	GR-1	Un-subdivided Developed Residential
South:	RH/IR	Un-subdivided Developed Residential/Saguaro National Park
East:	RH/SH	Un-subdivided Developed Residential
West:	SH	Un-subdivided Developed Residential

The area is predominately developed with manufactured housing, but enjoys a rural residential character being near Saguaro National Park. There are limited services nearby. An elementary school exists approximately 700 feet south of the subject property. A convenience store and gasoline station, two dollar stores, a bar and a church are at, or near the intersection of Picture Rocks Road and Sandario Road, approximately two miles northeast of the subject rezoning. The properties in the area are a result of survey lot splitting and mostly served by dirt roads. Recreational opportunities and scenic corridors exist within and surrounding the National Park.

### **PREVIOUS REZONING CASES IN GENERAL AREA**

#### **Previous rezoning requests:**

There have be no previous rezoning requests for the subject property.

#### **Recent activity:**

There have been no recent rezoning cases in the area.

#### **Past activity:**

There have been a few rezonings in the 1970's through the 1980's near the subject property. The rezonings were from RH to GR-1 and from GR-1 to SH located approximately 200 feet to the southeast and across Nolen Road to the northeast.

### **MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (CLS)**

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

### **PLANNING REPORT**

Staff supports the request because the proposed residential development is compatible with the surrounding existing residential uses and the property's MIR land use designation. Adequate infrastructure exists to serve the use.

The subject property was split from the adjacent property to the east. The original parcel contained approximately 9.18 acres. The property was split into two lots in 2007, the subject property 4.61 acre lot and the residual 4.57 acre lot. At the time of the property split, the owners should have obtained a minor lands division permit. No permit was obtained, but this request will rectify the unpermitted lot split. State law allows for a maximum of five lot splits without a subdivision plat. The request is to split the property into four, 1 acre or greater lots and leave the 4.57 acre residual property at its current RH zoning designation to meet statutory requirements. No further lot splits will be allowed for the approximate 9.18 acre site without a subdivision plat. Rezoning condition #1 has been added to prevent additional lot splits. The 4.57 acre residual

property will have a condition placed on it through our permitting system to further establish the 5-lot limitation.

The subject property will be accessed via Nolen Road or Sanders Road for proposed parcel "A", parcels "B" and "C" will be accessed via Sanders Road and planned access for parcel "D" is via an ingress/egress easement on the eastern boundary of the site ultimately connecting to N. Calvin Road. Water will be obtained through the Avra Valley Water Co-op and the properties will utilize a septic system for waste disposal.

The property is located within the Buffer Overlay zone due to its proximity to the Saguaro National Park. The Buffer Overlay zone requires a minimum fifty-percent set-aside of natural open space. The applicant and staff have reached out to the Saguaro National Park for comments. The Park has no concerns regarding the rezoning with the required open space. It is staff's opinion that the natural open space set-aside should be a contiguous piece of preserved open space containing the highest resource values.

The property's landscape classification is Sonoran Desert Scrub. Development of the subject property should remain sensitive to its location near the National Park with limited areas of disturbance. There is a relatively small population of saguaro cacti on-site that should remain in place as much as possible. Rezoning condition #6 reflects the requirement for the contiguous preservation of the highest resource values across property boundaries is applied.

#### Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection, subject to conditions.
FLOOD CONTROL	Yes	No objection, subject to conditions
DEPARTMENT OF ENVIRONMENTAL QUALITY	Yes	No objection
PARKS AND RECREATION	Yes	No objection
WATER	Yes	No objection
SCHOOLS	Yes	No objection

#### TRANSPORTATION REPORT

Sanders Road is a paved two-lane roadway maintained by Pima County with a 25 miles per hour (mph) posted speed limit. The existing right-of-way width of Sanders Road is 30 feet with a planned right-of-way width of 90 feet per the Major Streets Plan. The most recent traffic counts for Sanders Road, south of Radasill Road is 797 average daily trips (ADT). The roadway capacity

of Sanders Road is approximately 10,360 ADT.

Nolen Road is a paved two-lane roadway maintained by the County with a 25 mph posted speed limit. The existing right-of-way width of Nolen Road is 60 feet. There are no available traffic counts for Nolen Road, but the approximate roadway capacity is 9,310 ADT.

The 2016 Subdivision and Development Street Standards requires that right-of-way lines at the corners of street intersections will be rounded with a curve radius of twenty-five feet or greater. The southeast corner of the intersection of Sanders Road and Nolen Road will require a corner spandrel right-of-way dedication.

Individual access will be provided for each proposed lot. The westernmost lots have planned accessed via Sanders Road and/or Nolen Road. The easternmost lot will access via a 15 foot Ingress, Egress & Utility easement recorded at Docket 5731, Page 22. The easement recording is too old to obtain electronically for verification. Without a copy of the recorded easement, it is difficult to determine if the easement is public, therefore, legal access for the easternmost lot shall be demonstrated at the time of lot splitting.

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

#### **FLOOD CONTROL REPORT**

1. There are minor regulatory watercourses impacting each proposed parcel. Furthermore, the entire site is impacted by locally regulated sheet flood area of one half foot depth and habitable structures will be required to be elevated a minimum of 1.5 feet above highest adjacent grade. At the time of permitting, the owner(s) will be required to submit a site plan showing these watercourses and associated floodplain and setbacks in addition to determining the Finished Floor Elevation.
2. The Erosion Hazard Setback of 25' shown on "Map-1" submitted with the application is the correct size however, is measured from top of bank, not the wash centerline as shown, as acknowledged in the application. A note indicating that the site is within sheet flood area of one half foot depth should be added to this exhibit if it is to be considered the "sketch plan" as described in the rezoning Checklist.

The Flood Control District has no objection subject to rezoning conditions 4A-C.

#### **WASTEWATER RECLAMATION REPORT**

The subject property is located outside the Pima County Regional Wastewater Reclamation Department (PCRWRD) service area. Future residential lots will utilize private sewage disposal systems.

PCRWRD has no objection to the proposed rezoning request. The owner(s) must secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal system at the time a tentative plat, development plan or request for building permit is submitted for review.

#### **ENVIRONMENTAL PLANNING REPORT**

Environmental Planning has no comment.

#### **CULTURAL RESOURCES REPORT**

Cultural Resources has no objection to this request subject to the addition of condition #5.

**NATURAL RESOURCES, PARKS AND RECREATION REPORT**

Natural Resources, Parks and Recreation has no comment.

**UNITED STATES FISH AND WILDLIFE SERVICE REPORT**

US Fish and Wildlife Service has no comment.

**SAGUARO NATIONAL PARK, WEST**

Saguaro National Park has no objection to the request subject to obtaining the fifty-percent of the property as preserved natural open space under the Buffer Overlay zone.

**WATER DISTRICT REPORT**

Avra Valley Water Co-op has no comment.

**SCHOOL DISTRICT REPORT**

Marana Unified School District has no comment.

**FIRE DISTRICT REPORT**

Picture Rocks Volunteer Fire Department has no comment.

**IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:**

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

1. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
2. Transportation conditions:
  - A. The property owner(s) shall dedicate 30 feet of right-of-way for Sanders Road.
  - B. Corner spandrel right-of-way dedication shall be provided by the property owner(s) at the Sanders Road and Nolen Road intersection. A curve radius of twenty-five feet is required.
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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 Adherence to the sketch plan as approved at public hearing.

5. Adherence to the sketch plan approved at public hearing.
6. The property owner(s) are required to preserve fifty-percent of the future lots. The preservation area shall be the highest resource value and shall be contiguous natural open space.
7. 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.
8. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."

Respectfully Submitted,







Terrill L. Tillman, AICP  
Principal Planner

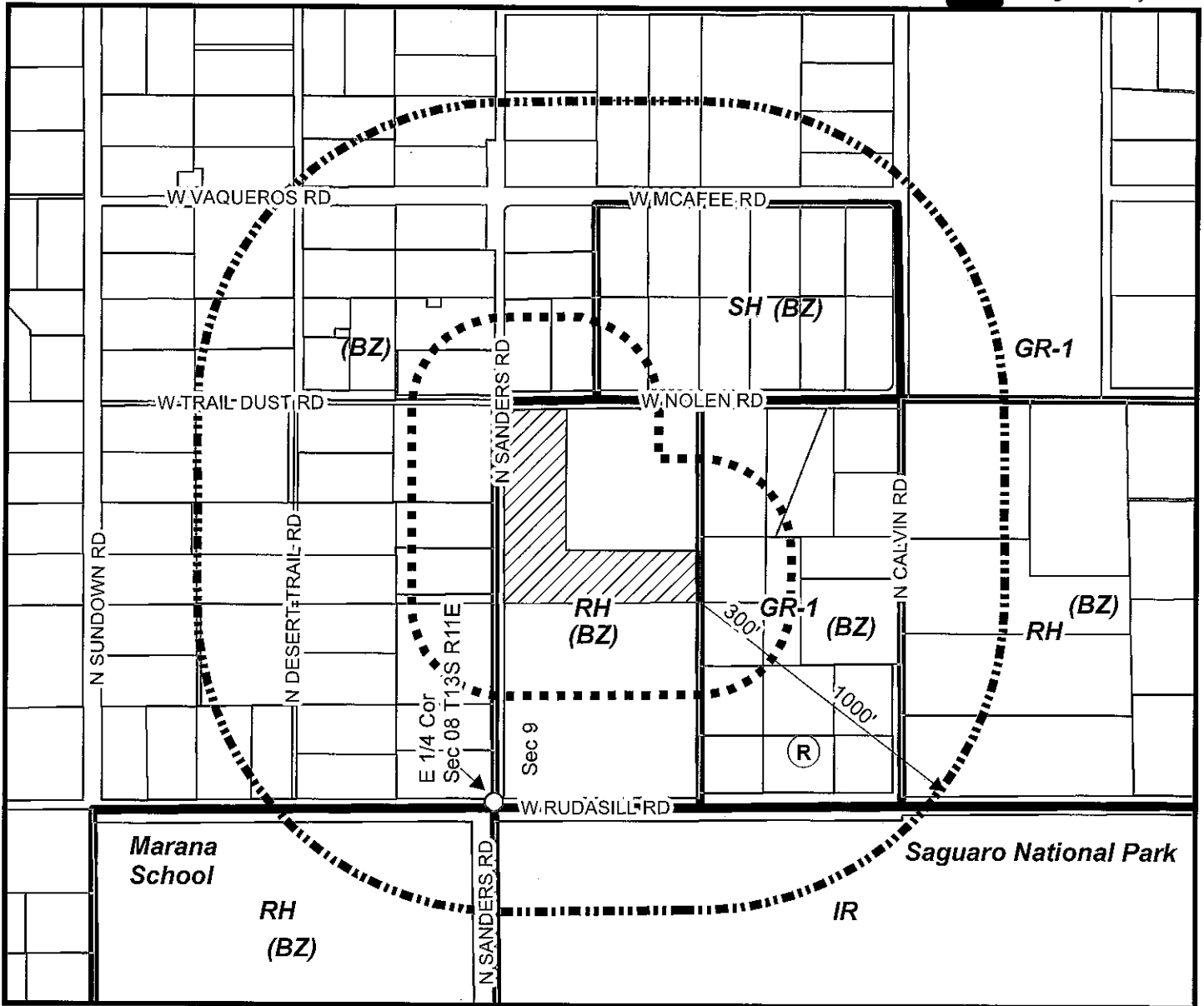
c: Jim Chumbler, 3834 S. 6th Avenue, Tucson, AZ 857

Case #: P21RZ00004

Case Name: WESTFALL - N. SANDERS ROAD REZONING

Tax Code(s): 213-13-073A

-  300' Notification Area
-  1000' Notification Area
-  Subject Property
-  Zoning Boundary



0 220 440 880 Feet

Area of proposed rezoning from RH (BZ) to GR-1 (BZ)



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION



Notes:

PIMA COUNTY COMPREHENSIVE PLAN C07-13-10

Planning & Zoning Hearing: 5/26/21 (scheduled)

Board of Supervisors Hearing: TBA

Base Map(s): 154, 155

Map Scale: 1:6,000

Map Date: 4/26/2021 - ds





## Land Use Legend and Map


### **Medium Intensity Rural (MIR)**

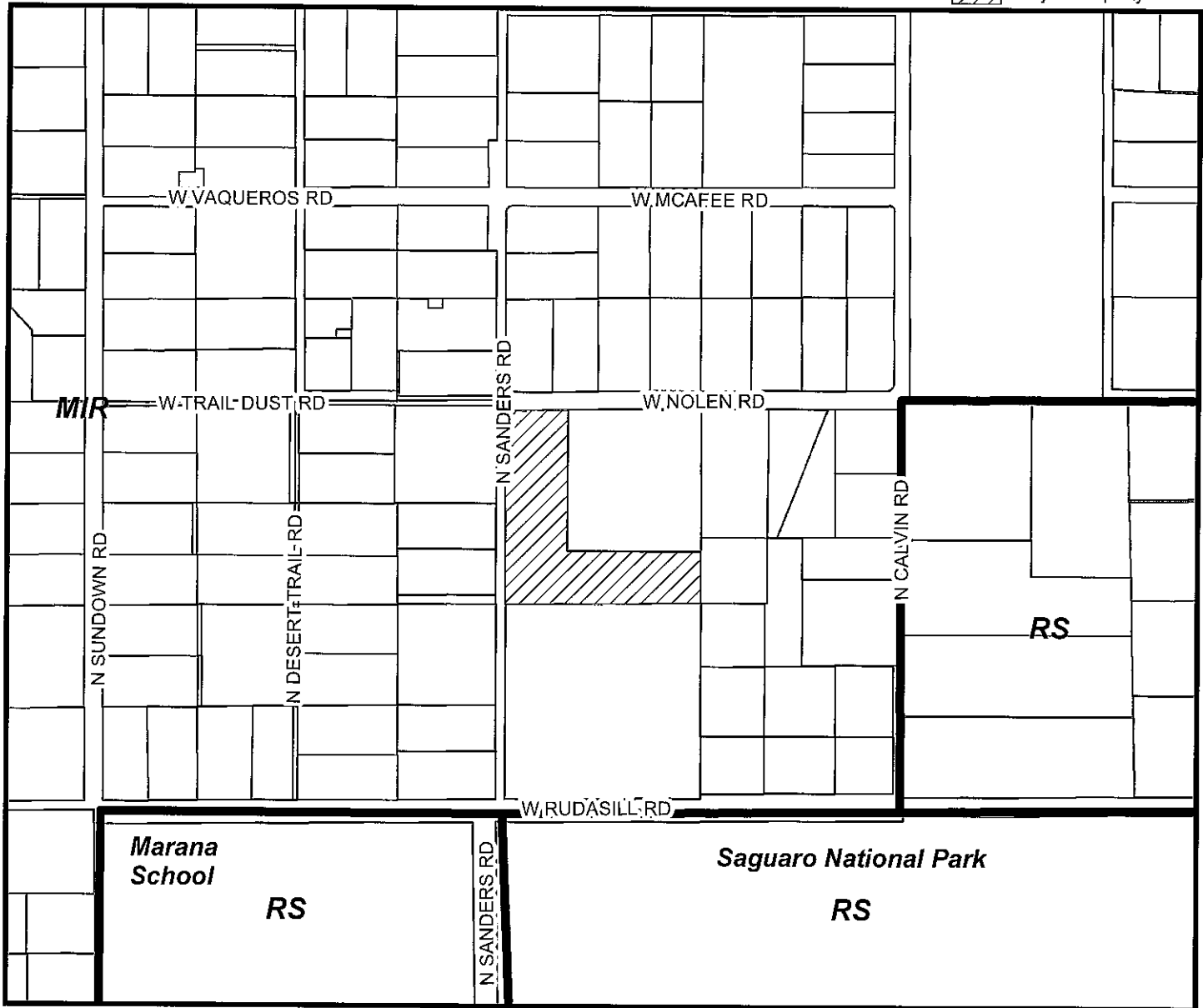
Objective: To designate areas for residential uses at densities consistent with rural settlements in reasonable proximity to Rural Crossroads, arterials or suburban areas.

- Residential Gross Density: Minimum- none; Maximum- 1.2 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- none; Maximum- 1.2 RAC

Case #: P21RZ00004  
Case Name: WESTFALL - N. SANDERS ROAD REZONING  
Tax Code(s): 213-13-073A



### Comprehensive Plan Exhibit

 Subject Property



0 220 440 880 Feet

### PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION

	Notes:		
	PIMA COUNTY COMPREHENSIVE PLAN C07-13-10		
	Map Scale: 1:6,000	Map Date: 4/26/2021 - ds	

STATE OF ARIZONA  
County of Pima

I hereby certify that the within instrument was filed and recorded

Fee No.

In Docket

5731

PAGE 23-24

and indexed

023460

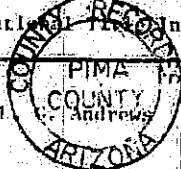
at the request of Pioneer National Title Insurance Company

MAR 13 1978 - 8:00 AM

Witness my hand and official seal

Compared  
Photostated  
Fee 5<sup>00</sup>

When recorded, mail to  
Mr. and Mrs. Terrence L.  
and V. Minorka  
P.O. Box 85706



IDA MAE SMYTH

County Recorder

By

Ida Mae Smyth

Deputy Recorder

## Deed

(JOINT TENANCY)

For the consideration of Ten Dollars and other valuable consideration, I, or we  
PALO SECO CORPORATION, an Arizona corporation  
do hereby CONVEY unto

TERRENCE L. G. ANDREWS and VICTORIA E. ANDREWS, husband and wife

as joint tenants with right of survivorship, the following described property  
situate in Pima County, Arizona:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TAX CODE -- 204-05-010A-1 (Covers additional property)

SEE PROTECTIVE COVENANTS ATTACHED HERETO AND MADE A PART HEREOF.

Subject to current taxes and assessments, and to all easements, restrictions,  
reservations, encumbrances and other matters affecting said property, of record  
in the office of the County Recorder of Pima County, Arizona.

Dated this 3rd day of March, 1978.

PALO SECO CORPORATION

BY:

JAY S. KITTLE, President

The undersigned grantees accept delivery of this deed and the property conveyed  
thereby as joint tenants with right of survivorship, not as tenants in common and  
not as community property.

x Terrence L. G. Andrews  
x Victoria E. Andrews  
TERRENCE L. G. ANDREWS  
VICTORIA E. ANDREWS

STATE OF ARIZONA )

SS.

COUNTY OF PIMA )

This instrument was acknowledged before  
me on March 9, 1978.

by JAY S. KITTLE, President of

PALO SECO CORPORATION, an Arizona

corporation

NOTARY PUBLIC

My commission expires: 6-30-80

STATE OF ARIZONA )

SS.

COUNTY OF PIMA )

This instrument was acknowledged before  
me on March 7, 1978.

by TERRENCE L. G. ANDREWS and VICTORIA E.

ANDREWS, husband and wife

NOTARY PUBLIC

My commission expires: 6-30-80

PIONEER NATIONAL TITLE INSURANCE  
A TITAN COMPANY

5731 PAGE 0022

T-341252-JWC

EXHIBIT "A"

ALL THAT PORTION OF THE EAST HALF OF THE SOUTHWEST QUARTER OF  
THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 28 SOUTH, RANGE 11  
EAST, S & S R B & M., PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT NORTH 0° 13' 40" WEST 30 FEET FROM THE SOUTHEAST  
CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 9;  
THENCE SOUTH 89° 31' 10" WEST AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST  
QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 9, A DISTANCE OF  
161.34 FEET TO A POINT;  
THENCE NORTH 0° 13' 40" WEST 420.04 FEET TO A POINT LYING NORTH 0° 13' 40"  
WEST 450.04 FEET FROM THE SOUTH LINE OF THE SOUTHWEST QUARTER OF  
THE NORTHWEST QUARTER OF SAID SECTION 9;  
THENCE NORTH 89° 31' 24" EAST 665.50 FEET TO THE EAST LINE OF THE  
SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;  
THENCE SOUTH 0° 13' 40" EAST 619.09 FEET TO THE TRUE POINT OF BEGINNING.

RESERVING UNTO THE GRANTOR AN EASEMENT FOR INGRESS AND EGRESS OVER,  
ACROSS AND UPON THE EAST 30 FEET OF SUBJECT PROPERTY AND TOGETHER WITH  
AN EASEMENT FOR INGRESS AND EGRESS OVER, ACROSS AND UPON THE EAST 30 FEET  
OF THE EAST ½ SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 9 LYING NORTHERLY  
OF THE NORTHERLY LINE OF THE PROPERTY FIRST DESCRIBED ABOVE, ALSO  
SUBJECT TO AN EASEMENT ALONG WEST 15 FEET FOR INGRESS, EGRESS AND UTILITIES.

IV ARR PT 45

T-341252-INC

5731 0023

### PROTECTIVE COVENANTS

The property hereby conveyed shall be subject to the following protective covenants which shall run with the land for the benefit of land owners in the East Half of the Southwest Quarter of the Northwest Quarter of Section 9, Township 13 South of Range 11 East, T4CRD&M, Pima County, Arizona:

A. The native vegetation on said property shall not be destroyed or removed from said property, except to the extent as may be necessary for orchards and gardens, and the construction and maintenance of roads, driveways, dwellings, garages and other out-buildings related to said dwellings, and horse facilities.

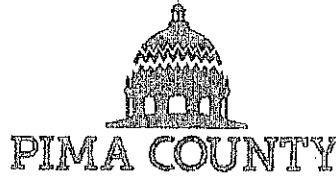
B. Exterior walls of dwellings and out-buildings shall be of masonry, concrete slump block, stucco, or treated metal siding as used in commercially manufactured mobile homes (but not corrugated or galvanized metal siding). Exposed wood, regardless of how painted or treated, is not permitted on such exterior walls, except as necessary for roof fascia and supporting columns.

C. No portion of the described property shall be used in whole or in part for the storage or dumping of rubbish of any character whatsoever, nor for the storage of any property or thing that will cause such property to appear unclean or untidy, or that will be obnoxious to the eye; nor shall any substance, thing or material be kept upon the property that will emit foul or obnoxious odors, or that will cause any noise that will or might unreasonable disturb the peace, quiet, comfort or serenity of the occupants of the surrounding property, normal farming and ranching activities excepted.

D. These provisions, conditions, restrictions and covenants shall be covenants running with the land, and the breach of any thereof or the continuance of any such breach may be enjoined or remedied by appropriate proceedings by any owner of land within the property described in the paragraph preceding Paragraph A, above.

E. All of the aforesaid covenants, conditions and restrictions shall continue and remain in full force and effect at all times as against the owner of any portion of land within property described in that paragraph preceding Paragraph A, above, however his title thereto be acquired, until the commencement of the calendar year 1990.

J.A.  
VCA



DEVELOPMENT SERVICES

201 N. Stone Avenue, Tucson, AZ 85701

(520) 724-9000

[www.pima.gov/developmentservices](http://www.pima.gov/developmentservices)

## BIOLOGICAL IMPACT REPORT

*(Not applicable for rezonings that require a site analysis)*

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

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

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

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

### **Part I. Information Provided by Pima County Staff**

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

1. Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? (Hold SHIFT for multiple selections) ☐ ☐ ☐
  - ☐ Important Riparian Area
  - ☐ Biological Core
  - ☐ Multi-Use Management Area
2. Is the project within a CLS Special Species Management Area? ☐ SELECT
3. Is the project in the vicinity of any of the six Critical Landscape Linkages? ☐ SELECT
4. Is the project designated for acquisition as a Habitat Protection or Community Open Space property? ☐ SELECT
5. Is the project located within a Priority Conservation Area for any of the following species?
  - a. Cactus ferruginous pygmy-owl: ☐ SELECT
  - b. Western burrowing owl: ☐ SELECT
  - c. Pima pineapple cactus: ☐ SELECT
  - d. Needle-spined pineapple cactus: ☐ SELECT

**Part II. Information Provided by the Applicant**

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

1. Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property? No ☐  
If yes, provide a summary of those communications:
  
2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

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

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



# ***Chumbler's* REALTY INC.**

*Serving Tucson Since 1952*

*3834 S. 6th Avenue, Tucson, AZ 85714*

*Phone (520) 294-7600, Mobile (520) 907-1454*

*J.N. (Jim) Chumbler, Broker, G.R.I., C.R.B., C.R.*

March 25, 2021

Pima County Development Services  
Land Planning & Regulations  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Non-Site Analysis Rezoning  
Re-zoning and Property Subdividing of:

Property: Pima County Assessor Parcel Number 213-13-073A

Property Owners and Applicants Roger H & Susan M Westfall CP/RS  
12505 W. Nolen Road  
Tucson, AZ 85743

Current Property Size 4.61 acres (from PC Assessor data)

My clients, the owners of the property, Roger H. and Susan M. Westfall, have requested that I work on their behalf to apply for rezoning and subdivision of their property, Pima County APN 213-13-073A. The Letter of Authorization assigning me as their Authorized Agent is attached.

## **REZONING AND SUBDIVISION OF PROPERTY**

The 4.61 acre parcel is currently zoned RH, Rural Homestead and has natural vegetation cover. It has not been developed. However, the majority of the properties in the area, especially adjoining to the west and east, are zoned GR-1, Rural Residential. The property to the northeast is zoned SH - Suburban Homestead, but is not adjoining. Zoning for the property and adjoining parcels is shown on the Westfall Land Rezoning and Subdivision map



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fax (520) 294-7609 phone(520)294-7600  
J.N. (Jim) Chumbler, Broker, G.R.I., C.R.B., C.R.S





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(attached Map-1). Both GR-1 and SH designations allow for orderly growth in rural and semi-rural areas, with a minimum size of 1.0 acre.

In addition to the rezoning, we are requesting the 4.61 acre parcel to be divided into four separate parcels, each being a minimum of 1-acre. The location of each parcel and the lot measurements are shown in the table below and are delineated on Map-1(attached):

<b>Parcel Designation*</b>	<b>Lot Measurement (Feet)</b>	<b>Square footage/Acreage</b>
A	205.67 ft x 232.5 ft	47,818.23 sq ft / 1.1 acres
B	205.67 ft x 232.5 ft	47,818.23 sq ft / 1.1 acres
C	317.5 ft x 165.29 ft	52,511.33 sq ft / 1.2 acres
D	317.5 ft x 165.29 ft	52,511.33 sq ft / 1.2 acres

## **ACCESS TO THE PARCELS**

Access to the parcels would be as follows: Parcel A can be accessed via N Sanders Road or W Nolen Road, Parcels B and C can be accessed via N Sanders Road, and Parcel D can be accessed via the 15 foot wide Ingress, Egress & Utility Easement. The 15-foot Ingress, Egress & Utility Easement was established via Dkt. 5731, Pg. 22 and extends from West Nolen Road south to Payton Place. The easement location and identification was included on the Results of Survey, RE-075-058. The Results of Survey is attached; the easement notation is located in the southwest corner of the Coy Parcel, at the west end of Payton Place, and has been highlighted.

## **UTILITIES**

The property is located within the Arizona Department of Water Resources Water Provider Services area for Avra Water Co-op. The parcels would need to have private septic systems installed if developed.



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## **ENVIRONMENTAL PLANNING DIVISION**

The parcel is located outside of the Maeveen Marie Behan Conservation Lands System. However, it is located within the Buffer Overlay Zone, being approximately 0.14 miles north of Saguaro National Park West. As requested, we spoke with Jeffery Conn, Chief of Science and Resource Management, Saguaro National Park, Real Property Division via telephone regarding the proposed rezoning of this property. Mr. Conn stated that he did not have any issues or rejections with regards to the subdivision of the property. Via email, Mr. Conn wrote that he would contact the Pima County Zoning Department to see if his opinion needed to be put in writing for this rezoning and subdivision. Being in the Buffer Overlay Zone and the rezoning occurring after August 11, 1998, it is understood that 50% of each parcel would need to be preserved as natural open space. Per Mr. Conn, this would be addressed if and when the individual parcels were to be developed, not at this time.

The Pima County Geographic Information Systems (GIS) were used to identify if the property is located within the area covered by the Sonoran Desert Conservation Plan. As shown in Attachment 4, the property is located "outside Conservation Lands System" as well as outside the "Conservation Lands System Special Species Management Area". A Biological Impact Report has been completed and is attached.

There are two regulatory washes that are delineated on the map. There is a 25 foot setback from the "banks of the wash" along its flow path. However, the owner stated that he has never seen water flow in these washes. Therefore, the 25-foot setback is shown with the center of the wash being the starting point for the set-back measurement.

## **ROADWAY RIGHT-OF-WAY**

North Sanders Road is categorized as a Minor Local Road, Road #542779. Former owners Frank C. Pope and Ruth W Pope deeded to Pima County the west 30' of their property "for road purposes". This is shown on Docket 1421, Page 454. A copy of the Deed along with the Acquisition Cover Sheet which describe the Acquisition as a Right-of-Way for a Road is attached. In addition, documentation provided in Road Proceedings No. 2696 for Sanders Road indicated that the east 30 feet of Section 8, Township 13 South, Range 11 East, was also



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deeded to Pima County, thereby giving a total of, minimum, 60 feet for roadway and its right-of-way.

We have tried to address each point identified on the Pima County Rezoning Pre-Application Checklist and from the Pre-Application Zoom meeting of February 17, 2021. If you need any additional information, please do not hesitate to contact me via telephone at 520-907-1454 or via e-mail at [jim@chumblersrealty.com](mailto:jim@chumblersrealty.com).

Thank you for your help with this matter.  
Sincerely,

Irvin (Jim) Chumbler  
Broker, GRI, CRB, CRS  
[jim@chumblersrealty.com](mailto:jim@chumblersrealty.com)

attachments

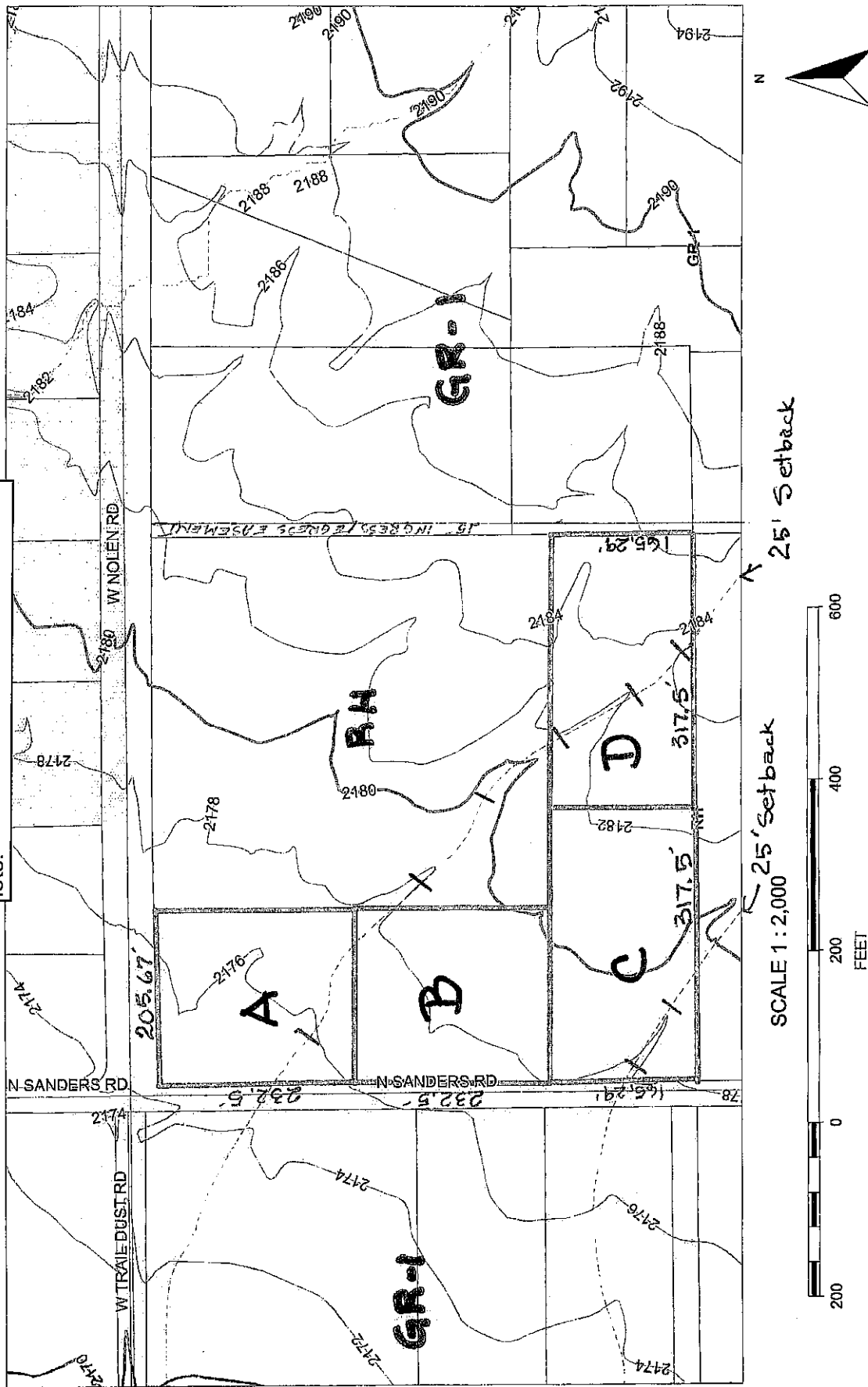


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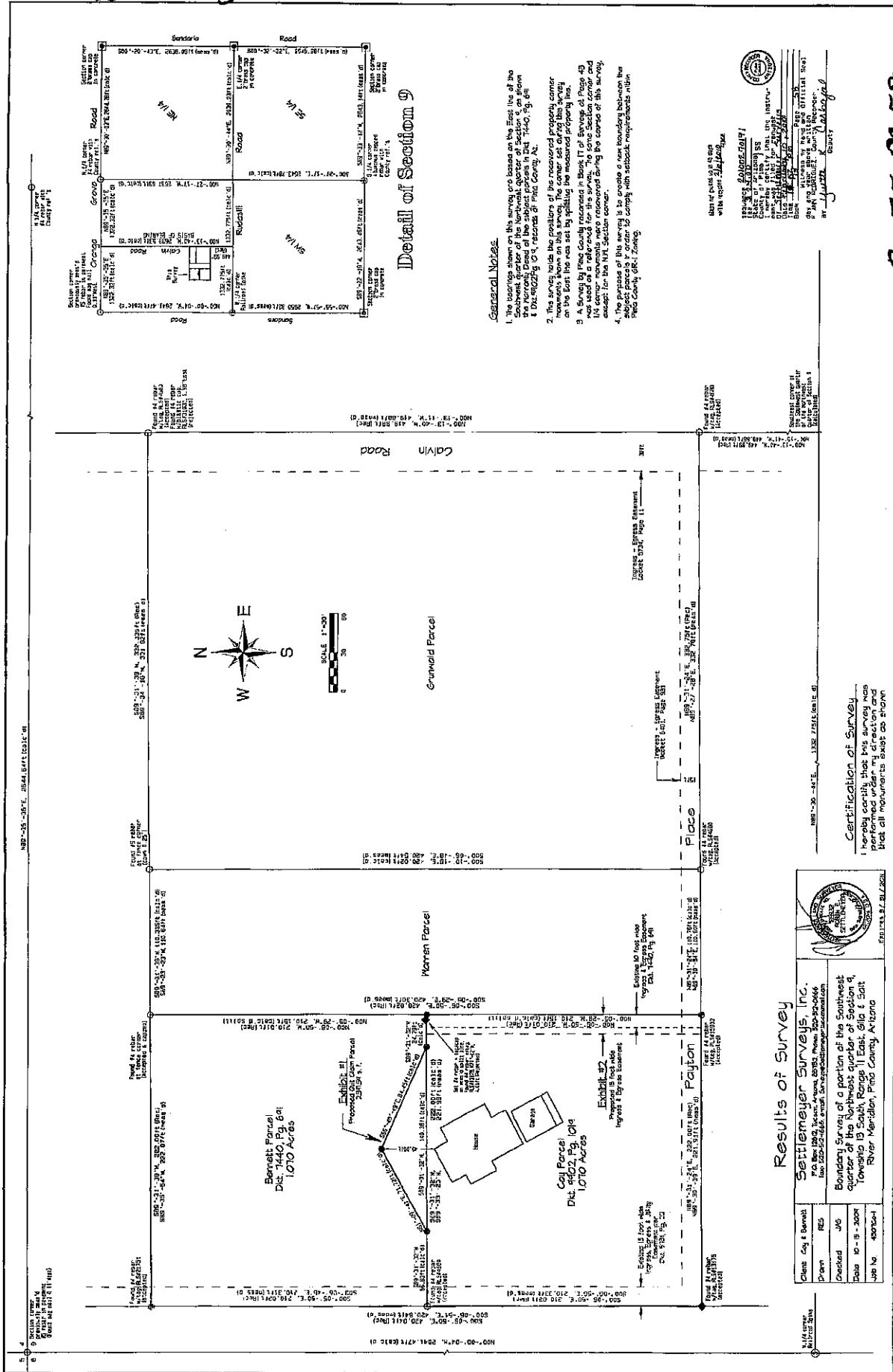
# Westfall Land Rezoning and Subdivision

A Minimum of 50% of the lots will be set aside as natural open space and will be contiguous throughout the 4 lots.



Map - 1

BK 75 PG 58



BK 75 PG 58

Map-2

# ACQUISITION COVER SHEET

☐ RE-RECORDED DEED

DOCKET 1421

Township Range Section

PAGE 454

13 11 09

SEQ. # \_\_\_\_\_

LEASE # \_\_\_\_\_

OTHER COUNTY RECORDATION # \_\_\_\_\_

REC.DATE 4/29/1959

RP AGENT \_\_\_\_\_

FILE # \_\_\_\_\_

## GRANTOR:

POPE  
\_\_\_\_\_  
\_\_\_\_\_

## GRANTEE:

- ☐ Public  
☒ Pima County  
☐ Pima County DOT-FCD  
☐ Pima County Flood Control District

## MANAGING DEPT:

- ☐ CA ☐ ED ☐ FM ☐ OEM ☐ PR ☐ SS ☒ TR  
☐ CD ☐ FC ☐ LIB ☐ PCA ☐ SD ☐ SUS ☐ WW

## DOCUMENT CATEGORIES &/OR CLASSCODES

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> RIGHT-OF-WAY | <input type="checkbox"/> PROPERTY              | <input type="checkbox"/> STATE<br>(LEASE/PATENT/DEED/ESMT)   |
| <input checked="" type="checkbox"/> ROAD         | <input type="checkbox"/> ROAD                  | <input type="checkbox"/> ROAD                                |
| <input type="checkbox"/> DRAINAGE                | <input type="checkbox"/> DRAINAGE              | <input type="checkbox"/> DRAINAGE                            |
| <input type="checkbox"/> BASIN (public)          | <input type="checkbox"/> PARK                  | <input type="checkbox"/> PROPERTY                            |
| <input type="checkbox"/> PUBLIC ACCESS (by deed) | <input type="checkbox"/> OPEN SPACE            | <input type="checkbox"/> FEDERAL<br>(LEASE/PATENT/DEED/ESMT) |
| <input type="checkbox"/> MITIGATION _____        | <input type="checkbox"/> FLAP (funding source) | <input type="checkbox"/> ROAD                                |
| <input type="checkbox"/> EASEMENT _____          |  | <input type="checkbox"/> DRAINAGE                            |
|  |  | <input type="checkbox"/> PROPERTY                            |

## COMMENTS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## FOR DOT/EIM MAPPING & RECORDS USE ONLY

Township 13 Range 11 Section 09

Plotted By: BUTLER Date: 04/10/2017

Checked By: \_\_\_\_\_ Date: \_\_\_\_\_

Polygon ID: BB131109\_20E

## LONGITUDE/LATITUDE COORDINATES

(X) -111.2352 (Y) 32.3136

STATE OF ARIZONA

COUNTY OF PIMA

Witness my hand and Official Seal.

Indexed	Filed	Entered
3		10

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN PIMA COUNTY, STATE OF ARIZONA

ANNA DILLINGER  
County Recorder.By Sela mai brought  
Deputy

34335

1957

Date: APR 29 AM 9:54

Recorded at:

ARIZONA LAND TITLE &amp; TRUST CO.

Page: 175

## Deed

For the consideration of - - - - - TEN AND NO/100 - - - - - Dollars  
and other valuable considerations, ~~to~~ we)

FRANK C. POPE AND RUTH W. POPE, husband and wife,

do hereby CONVEY unto

PIMA COUNTY, ARIZONA, a body politic,

the following described real property situate in Pima County, Arizona:

The South 30 feet and the West 30 feet of the West  
1/4 of the Northwest 1/4 of Section 9, Township 13 South,  
Range 12 East, Gila and Salt River Base and Meridian,  
Pima County, Arizona, FOR ROAD PURPOSES.

Dated this 29<sup>th</sup> day of April, 1957

Frank C. Pope

Ruth W. Pope

STATE OF ARIZONA  
COUNTY OF PIMA

ss.

This instrument was acknowledged before me this 29<sup>th</sup> day of April, 1957  
by Frank C. Pope and Ruth W. Pope, husband and wife.

Notary Public

My commission expires: 29th day of November 1958

My Commission Expires July 31, 1958

SEC. 9, 13/11



## Pima County Geographic Information Systems

# Parcel 213-13-073A GIS Overlay Details

Read the [Disclaimer](#). Information on this page is **unofficial**.

213-13-073A

WESTFALL ROGER H & SUSAN M CP/RS

12505 W NOLEN RD

TUCSON AZ 85743-8775

PTN S630.37' N660.37' E634.99' W664.99' NW4

SW4 NW4 4.61 AC SEC 9-13-11

Situs (property) address

Jurisdiction Postal City Zip Code

There is no situs address information.

Parcel details are derived by [GIS overlay analysis](#). This information is inferred and is not official. It does not come directly from parcel records. Accuracy is limited to that of the underlying GIS data. All data is subject to this [disclaimer](#).

### Sonoran Desert Conservation Plan

①	<a href="#">Map*</a>	Conservation Lands System Category	AREAS OUTSIDE CONSERVATION LANDS SYSTEM
①	<a href="#">Map*</a>	Conservation Lands System Special Species Management Area	Out
①	<a href="#">Map*</a>	Conservation Lands System Scientific Research Area	(none)
①	<a href="#">Map*</a>	Pygmy-owl Critical Habitat (Proposed by USFWS 11/27/02)	(none)
①	<a href="#">Map*</a>	Pygmy-owl Draft Recovery Zone	(none)
①	<a href="#">Map*</a>	Pygmy-owl Survey Zone	2
①	<a href="#">Map*</a>	SDCP Planning Subarea	AVRA VALLEY, Unit 6B

Parcel area

This is only an estimate from GIS data. See [Finding Parcel Areas](#).

Approximately 4.62 acres or 201,045 square feet.

\*Using Map links



PIMA COUNTY  
DEVELOPMENT SERVICES  
DEPARTMENT 201 N Stone Avenue  
Tucson, AZ 85701

Carla Blackwell  
Director

Phone: (520) 724-9512

### LETTER OF AUTHORIZATION

As required by Arizona Revised Statutes I hereby certify that I am the owner of the property referenced below and the party whose name is listed below is authorized to apply for a Rezoning/ Variance/ Minor Land Division – Lot Split/ Modification of Setback Requirement (circle one).

APN 213-13-073A

Property Address and/or Tax Code (Where permit is being applied for)

I.N. (Jim) Chumbler

*Jim Chumbler*

February 08, 2021

Authorized Agent PRINT/SIGNATURE

Date

#### AUTHORIZED BY:

Roger H. Westfall /

*Roger H Westfall*

*2-11-21*

Property Owner(s) (Please Print)

Date

Susan M. Westfall

*Susan M Westfall*

*2-11-21*

Property Owner(s) (Signature)

Date