



## BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: June 7, 2016

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

### **Introduction/Background:**

The applicant requests a rezoning from the RH (BZ) (Rural Homestead - Buffer Overlay) zone to the CR-1 (BZ) (Single Residence - Buffer Overlay) zone for a 36.62-acre site on vacant property located at the southwest corner of Whitehouse Canyon Road and Camino De La Canoa, approximately ½ mile east of the Union Pacific Railroad tracks. The applicant is proposing to utilize the CR-1, Cluster Development Option.

### **Discussion:**

The proposed cluster development consists of 23-detached single family residences within a subdivision representing a 0.6 RAC, which is consistent with surrounding development and the LIU-1.2 comprehensive plan land use category. The 36.62-acre development site lies mostly within the Conservation Lands System (CLS) Multiple Use Management Area (MUMA), with approximately 7 acres along Whitehouse Canyon Road falling outside the CLS. Of the proposed developed 8.8 acres, 6.3 acres are within CLS and designated MUMA. Approximately 76%, or 27.82 acres, of the subject site is committed to natural open space.

### **Conclusion:**

The requested rezoning complies with all Comprehensive Plan policies and Zoning Code requirements.

### **Recommendation:**

Staff recommends approval of the rezoning request with standard and special conditions as noted in the staff report and in agreement with the Pima County Planning and Zoning Commission findings. Commission vote was 9-0 in favor of the rezoning. The Design Review Committee (DRC) also approved the Whitehouse Canyon Road Preliminary Cluster Development Plan, subject to conditions. The DRC vote was 6-0 in favor of the Preliminary Cluster Development Plan.

### **Fiscal Impact:**

None

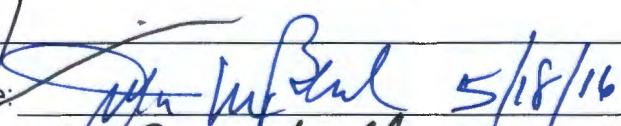
### **Board of Supervisor District:**

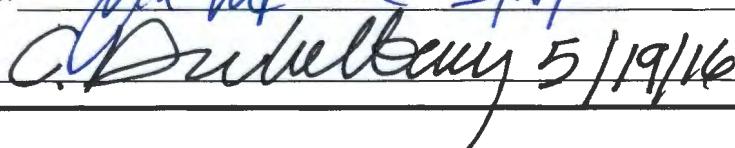
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Department: Pima County Development Services - Planning   Telephone: 520-724-9000

Department Director Signature/Date: 

Deputy County Administrator Signature/Date: 

County Administrator Signature/Date: 



**TO:** Honorable Ray Carroll, Supervisor, District 4

**FROM:** Chris Poirier, Planning Official  
Public Works-Development Services Department-Planning Division

**DATE:** May 16, 2016

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

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JUNE 7, 2016** hearing.

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**REQUEST:** For a rezoning of approximately 36.62 acres from RH (BZ) (Rural Homestead – Buffer Overlay) zone to the CR-1 (BZ) (Single Residence – Buffer Overlay) zone. The property is located at the southwest corner of Whitehouse Canyon Road and Camino De La Canoa, approximately ½ mile east of the Union Pacific Railroad tracks.

**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

**PUBLIC COMMENT TO DATE:** As of May 16, 2016, staff has received two (2) letters of protest.

**DESIGN REVIEW COMMITTEE RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS (6 – 0, Member Laidlaw abstained).**

**PLANNING & ZONING COMMISSION RECOMMENDATION:** APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS (9 – 0, Commissioner Peabody recused himself).

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

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS:** The 36.62-acre development site lies mostly within the Maeveen Marie Behan Conservation Land System (MMBCLS) Multiple Use Management Area (MUMA), with approximately 7 acres along Whitehouse Canyon Road falling outside the MMBCLS. Of the proposed developed 8.8 acres, 6.3 acres are within CLS and designated MUMA.

TD/AH/ar  
Attachments



## **BOARD OF SUPERVISORS MEMORANDUM**

Subject: P15RZ00008

Page 1 of 5

### **FOR JUNE 7, 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:** May 16, 2016

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### **ADVERTISED ITEM FOR PUBLIC HEARING**

#### **REZONING**

**P15RZ00008 LANDMARK TITLE TR 18294-T – E. WHITEHOUSE CANYON ROAD REZONING**  
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 ½ mile east of the Union Pacific Railroad tracks. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban-1.2 (LIU-1.2) and Low Intensity Rural (LIR). On motion, the Planning and Zoning Commission voted 9-0 to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (Commissioner Peabody recused himself). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.  
(District 4)

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### **DESIGN REVIEW COMMITTEE MEETING SUMMARY (April 21, 2016)**

Staff presented the staff report to the Committee with a recommendation of approval with conditions.

Staff made an edit to Condition #2 to state: "A note shall be placed on the subdivision plat that the DRC approval expires concurrently from the date of the tentative Board of Supervisors rezoning approval."

The applicant presented additional information.

Member Lilian inquired about the bufferyard wall for Lots 1-14.

The applicant stated that the bufferyard walls will be masonry block.

Member Lilian asked about the individual from the protest letter, if a larger bufferyard could be provided.

The applicant noted that several neighborhood meetings have been held and lots have been removed; the Green Valley Council also approved the cluster development; the subdivision where the individual lives is oriented where views of the proposed development would be minimal.

Member Poirier inquired about property south of the subject site that the owner (of subject site) also owns.

The applicant stated that the property south of the subject site is zoned RH and there were no plans for development in the near future.

The owner introduced himself and provided a summary of all property owned in the area.

Member Laidlaw asked about the single-story height restriction and if they should be documented in the CC&Rs.

The applicant informed that the height restriction would carry more weight through the zoning conditions and plat.

Chairman Best asked the committee if there was a motion.

Member Drzazgowski made a Motion recommending **APPROVAL** of the Whitehouse Canyon Road Preliminary Cluster Development Plan subject to the conditions in the Staff Report and with the edited Condition #2: "A note shall be placed on the subdivision plat that the DRC approval expires concurrently from the date of the tentative Board of Supervisors rezoning approval."

Member Lilien seconded Member Drzazgowski's motion.

The Committee voted to **APPROVE** the Preliminary Cluster Development Plan (6-0, Member Laidlaw abstained) with the following conditions:

1. Subdivision plat shall conform to the approved PCDP;
2. A note shall be placed on the subdivision plat that the DRC approval expires concurrently from the date of the tentative Board of Supervisors rezoning approval;
3. Applicant shall provide staff with one hardcopy and one electronic copy of the approved DRC documents for staff sign-off in compliance with the DRC decision.

#### **PLANNING AND ZONING COMMISSION HEARING SUMMARY (February 24, 2016)**

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

The applicant provided additional information and requested a revision to replace "masonry brick" with "masonry block" in Condition #9-C.

The public hearing was closed.

Commissioner Matter made a motion to **APPROVE** the rezoning with conditions as presented in the Staff Report and with the revision requested by the applicant to replace "masonry brick" with "masonry block" in Condition #9-C.

Commissioner Membrila gave a second to the motion.

The commission voted to **APPROVE** the rezoning (9 – 0, Commissioner Peabody recused himself) with the following 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 fluorescent); 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 brick 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.

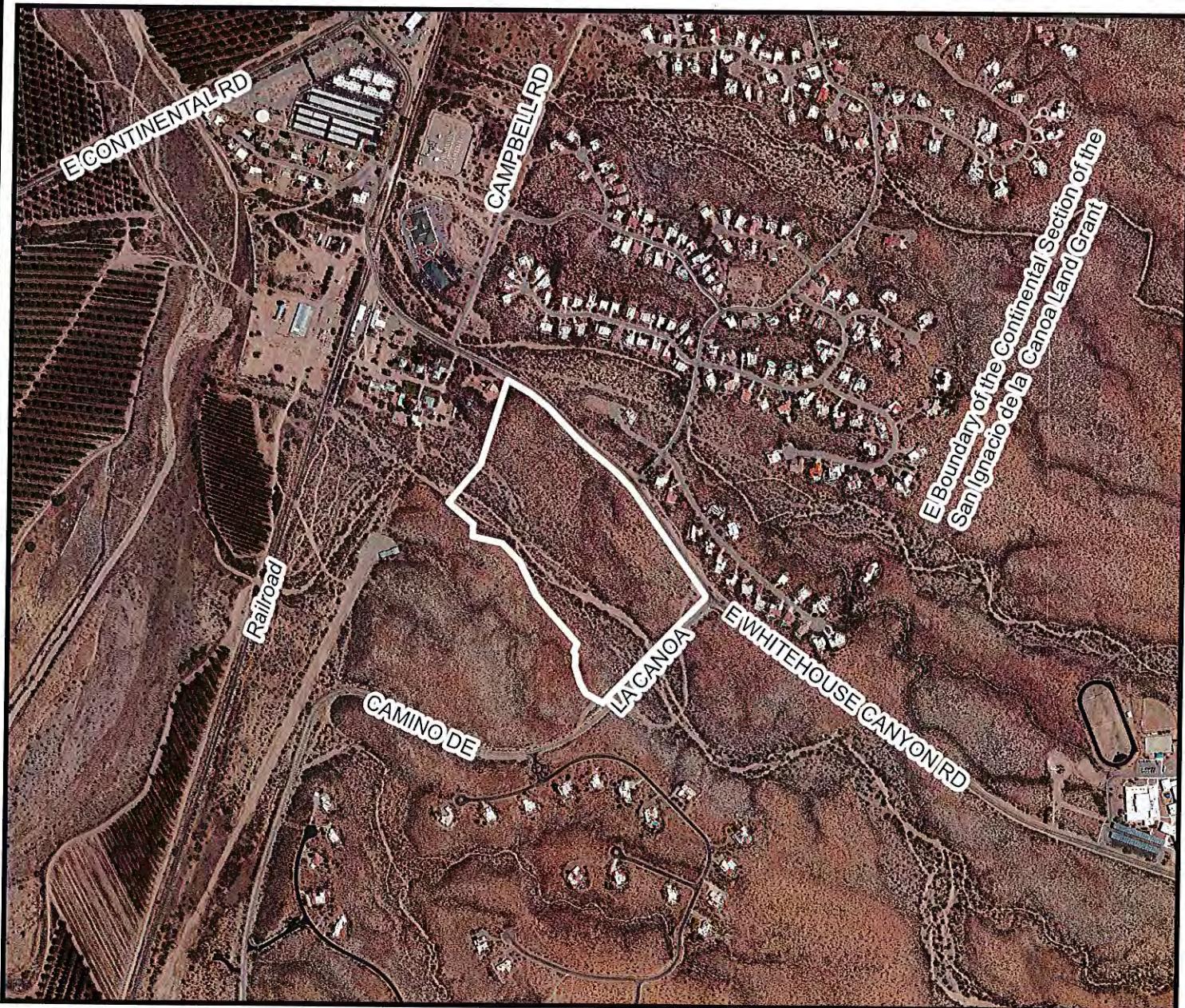
12. The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection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

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.

TD/AH/ar  
Attachments

c: Landmark Title Tr 18294-T, Attn: Klipp Family Trust, 2200 E. River Road, Suite 105  
Tucson, AZ 85718-6516  
The Planning Center, Attn: Tim Craven, 110 S. Church Ave., Suite 6320  
Tucson, AZ 85701  
Tom Drzazgowski, Principal Planner  
P15RZ00008 File

Case #: P15RZ00008  
Case Name: LANDMARK TITLE TR 18294 -  
E WHITEHOUSE CANYON ROAD REZONING  
Tax Code(s): Portion 304-18-9760



0 425 850 1,700 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION



Notes:

PIMA COUNTY COMPREHENSIVE PLAN C07-13-10

Planning & Zoning Hearing: 2/24/16 (scheduled)

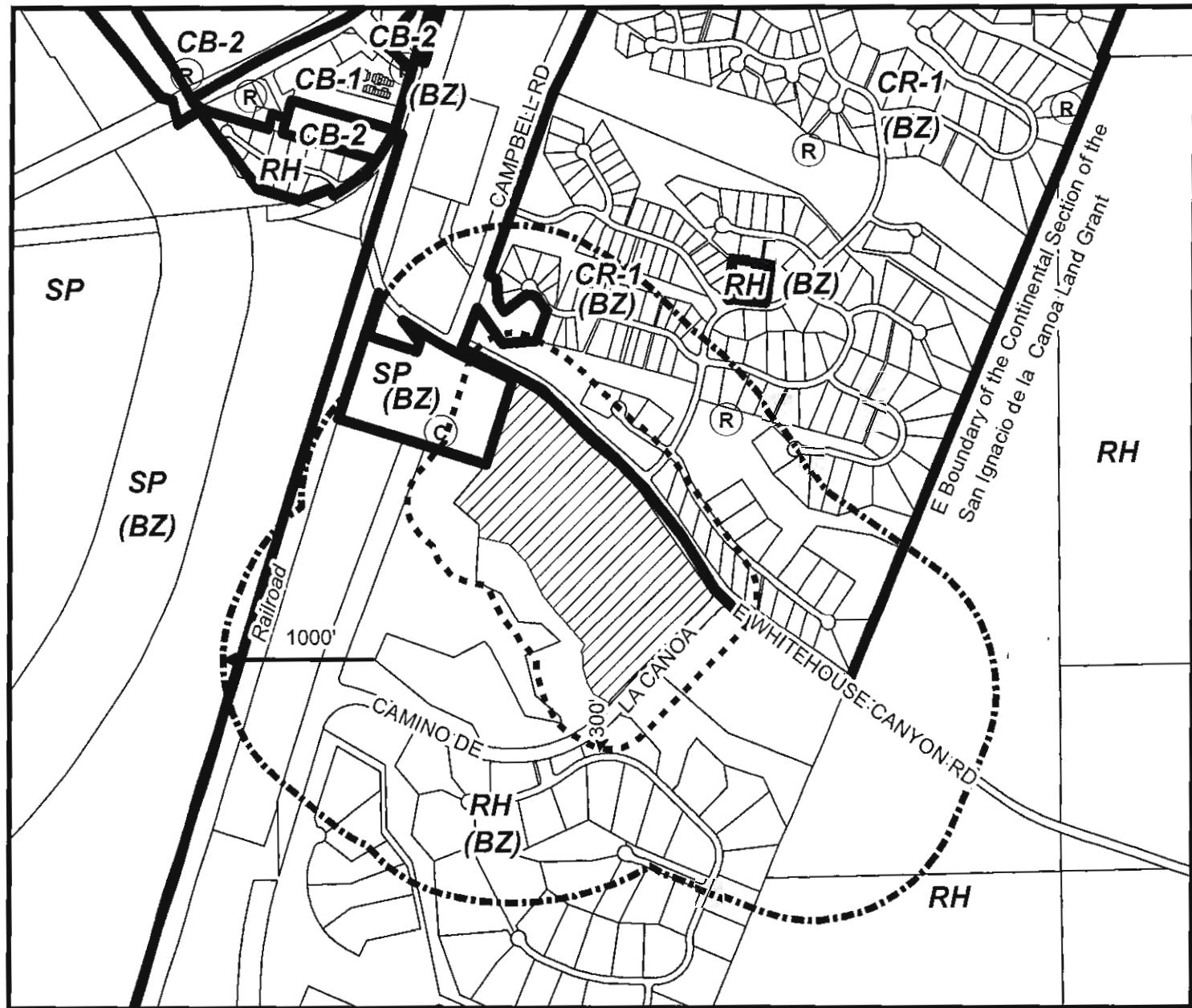
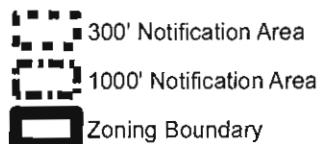
Base Map(s): 886

Map Scale: 1:12,000

Map Date: 2/04/2016



Case #: P15RZ00008  
 Case Name: LANDMARK TITLE TR 18294 -  
 E WHITEHOUSE CANYON ROAD REZONING  
 Tax Code(s): Portion 304-18-9760



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



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
 PLANNING DIVISION



Notes:

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Planning & Zoning Hearing: 2/24/16 (scheduled)      Board of Supervisor Hearing: 6/7/16 (scheduled)

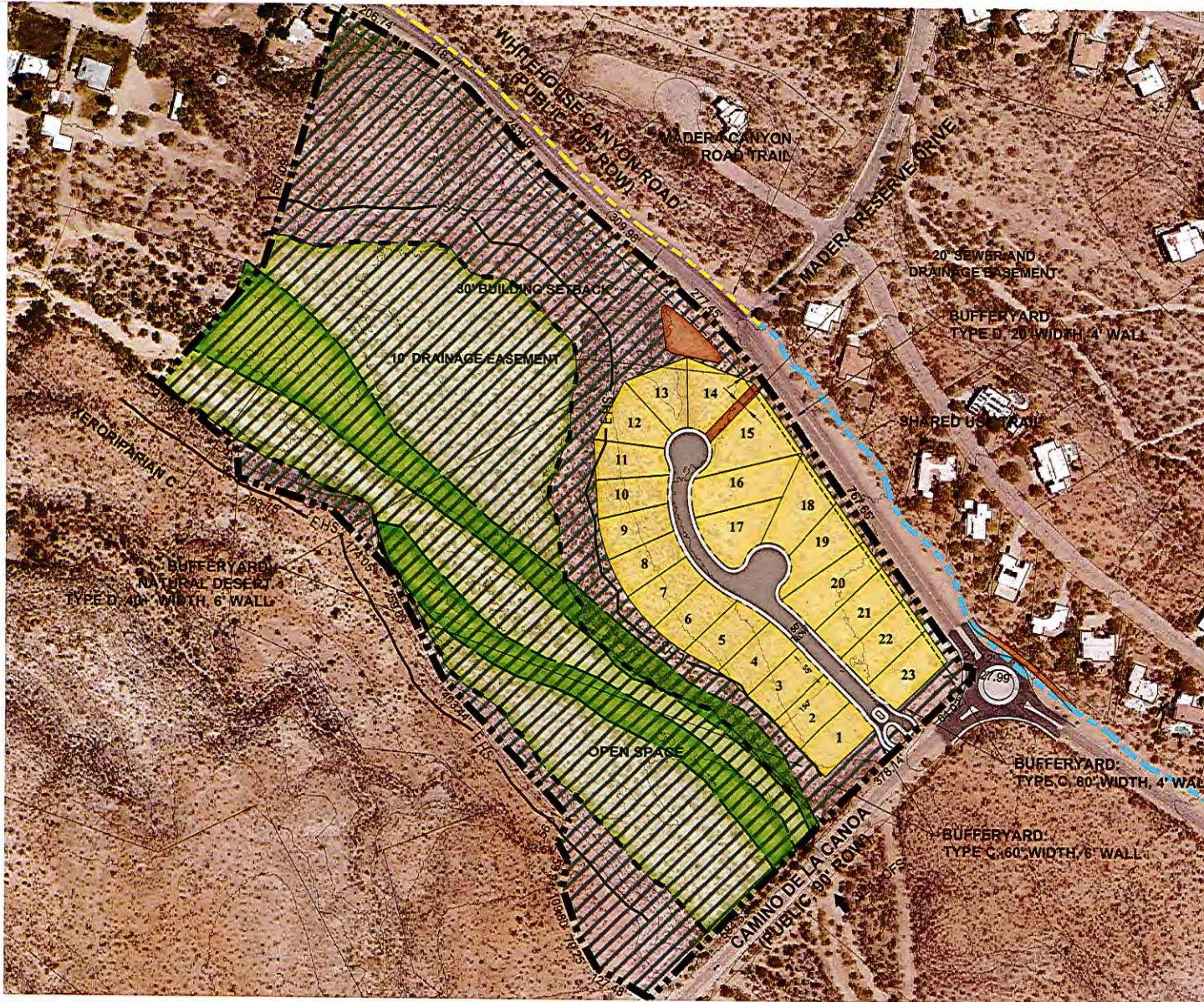
Base Map(s): 886

Map Scale: 1:12,000

Map Date: 4/26/2016



# PRELIMINARY DEVELOPMENT PLAN (PDP)



## 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. 34' (TWO STORIES)
- SETBACKS: FRONT 30', REAR 40', SIDE YARDS 10'
- RECREATION REQUIREMENT: IN LIEU FEE

## LEGEND

- SITE BOUNDARY
- XERORIPARIAN C
- TRAIL - ROAD TRAIL
- TRAIL - SHARED USE
- PUBLIC RIGHT-OF-WAY
- LOTS
- 100 YEAR FLOODPLAIN
- EHS —> SURFACE FLOW DIRECTION
- OPEN SPACE

# WHITEHOUSE CANYON

THIS EXHIBIT WAS CREATED USING THE MOST RECENT AVAILABLE SURVEYS, ROAD ALIGNMENT, AND EASEMENT DATA PROVIDED BY THE DIFFERENT GOVERNMENTAL ENTITIES AND ENGINEERING FIRMS AND IS FOR PLANNING PURPOSES ONLY. FINAL AREA TOTALS BASED ON ENGINEERED DATA MAY VARY FROM THOSE SHOWN ON THIS EXHIBIT.

0 100 200 FEET  
PROJECT#1405 DATE 11/07/14  
FILE NAME: 14-05 SITE PLAN RENDERING\_042315.DWG



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

HEARING February 24, 2016

DISTRICT 4

CASE P15RZ00008 Landmark Title Tr 18294-T – E. Whitehouse Canyon Rd Rezoning

REQUEST Rezone from RH (BZ) (Rural Homestead – Buffer Overlay) zone to the CR-1 (BZ) (Single Residence – Buffer Overlay) zone (36.62 acres)

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

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

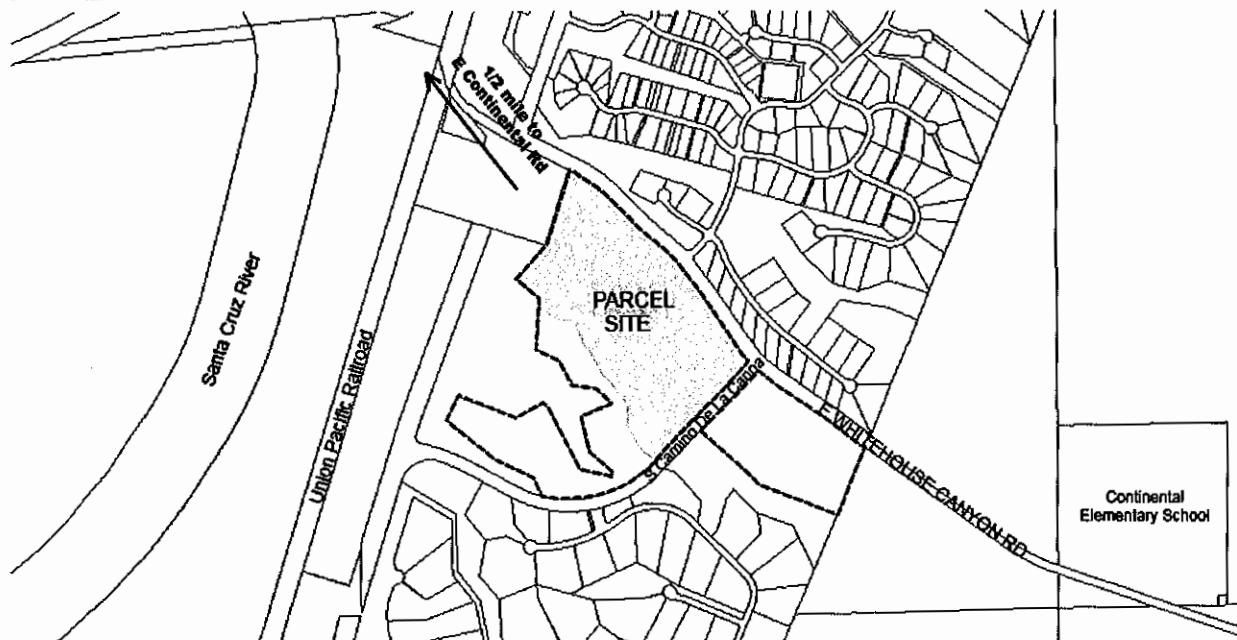
**APPLICANT'S PROPOSED USE**

A cluster subdivision with 23 single family detached residential homes.

**APPLICANT'S STATED REASON**

The proposed subdivision project will feature the CR-1, Cluster Development Option, in order to buffer the existing neighborhoods as well as protect the most sensitive natural features of the site.

**LOCATION MAP**



### **COMPREHENSIVE PLAN DESIGNATION**

Pima Prospers (Pima County Comprehensive Plan) designates the 36.62-acre rezoning site as Low Intensity Urban-1.2 (LIU-1.2), approximately 18.58 acres; and Low Intensity Rural (LIR), approximately 18.04 acres. The subject rezoning site is a portion of a larger 70.27-acre parcel (#304-18-9760) that is split by Camino De La Canoa. The remaining acreage not being considered for rezoning is designated as LIR.

The requested CR-1 zone and proposed Preliminary Development Plan (PDP) for the subject site conform to the LIU-1.2 and LIR comprehensive plan designations. LIU-1.2 allows a maximum density of 1.2 residences per acre (RAC). The objective of LIU is to designate areas for low density residential and other compatible uses while providing incentives for more natural open space. The RAC for the proposed development is 0.6 and is comprised of 8.8 acres, or 24% of the site, due to its cluster layout. All proposed lots are located in the LIU-1.2 comprehensive plan land use area. Approximately 76%, or 27.82 acres, of the subject site is committed to natural open space. The intention of LIR is to designate areas for residential uses at densities consistent with rural and resource-based characteristics. All acreage within the LIR designation is dedicated to open space. A map and descriptions for LIU-1.2 and LIR are attached.

### **Special Area Policy:**

Special Area Policy S-11, GVH applies to the site which limits building heights to 24'. The PDP conforms to this policy and indicates single-story homes at a maximum height of 14'.

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

North:	CR-1	Madera Reserve - Single family residential (0.7 RAC)
South:	RH	Vacant/Madera Foothills Estates - Single family residential (0.4 RAC)
East:	RH	Vacant
West:	RH	Un-subdivided residential / Union Pacific Railroad / Community-medical center /Airport

### **PREVIOUS REZONING CASES ON PROPERTY**

None

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

#### **Recent activity:**

In 2014, approximately 1,095 acres located east of Interstate 19, southwest of Whitehouse Canyon Road, spanning both sides of Continental Road, were approved for rezoning from RH to SP (Specific Plan, Continental Farms). The Continental Farms Specific Plan is a 1,095 acre master planned community and is a companion to the Sahuarita Farms Specific Plan, a 5,678 acre master planned community within the Town of Sahuarita. The Continental Farms Specific Plan proposes a target of 1,500 residential units.

#### **Past activity:**

The Madera Reserve subdivision to the north of the subject rezoning site was rezoned from RH to CR-1 in 1995. The subdivision was designed utilizing the CR-1, Cluster Development Option and is limited to a maximum of 320 dwelling units.

### **STAFF REPORT SUMMARY**

Staff recommends APPROVAL with conditions. The applicant proposes a CR-1 (Single Residence), Cluster Development Option, rezoning of a 36.62-acre site on vacant property located at the southwest corner of Whitehouse Canyon Road and Camino De La Canoa, approximately ½

miles east of the Union Pacific Railroad tracks and Continental Road. The proposed cluster development consists of 23-detached single family residences within a subdivision representing a 0.6 RAC, which is consistent with surrounding development and the LIU-1.2 comprehensive plan land use category.

The 36.62-acre development site lies mostly within the Conservation Lands System (CLS) Multiple Use Management Area (MUMA), with approximately 7 acres along Whitehouse Canyon Road falling outside the CLS. Of the proposed developed 8.8 acres, 6.3 acres are within CLS and designated MUMA. As noted by the Environmental Planning Report on pages 5-6, Conditions #9 A-E includes a requirement for a minimum of 27 acres on-site as natural open space and a bufferyard masonry block wall no less than 72" in height for Lots 1-14. According to the PDP, the proposed project provides 27.8 acres of natural open space out of the 36.62-acre site. Additionally, a riparian corridor crosses the site and is regulated by the Regional Flood Control District as a Class C Xeroriparian. This wash directly connects to a culvert that conveys flow under the 2-lane Camino De La Canoa and is dimensionally suitable to accommodate the passage of larger wildlife species. The Arizona Game & Fish Department recognizes the area between the rezoning site and the Santa Cruz River as a Wildlife Movement Area. Therefore, the 72" bufferyard masonry block walls are essential in the shielding of wildlife flow through the xeroriparian corridor.

The rezoning site also contributes to important landscape connectivity between the Santa Cruz River and the Santa Rita Mountains. With the exception of past cattle grazing, the site appears to be relatively undisturbed and in a natural condition. The wash and associate slopes within the parcel are key connective features that are buffered by surrounding vacant properties and low density rural residential land uses to the south and cluster residential development north of Whitehouse Canyon Road. There are slopes greater than 15% located throughout the site. The proposed developed area is generally flatter with a small proportion of steep slopes in the areas that will remain undisturbed. There are no saguaro cacti or ironwood trees located within the site boundaries.

Overall, the compact development meets the intention of the CR-1, Cluster Development Option and Buffer Overlay zoning ordinances and preserves the most sensitive areas of the site for wildlife and landscape connectivity. The PDP provides additional housing compatible with existing subdivisions. A 20' bufferyard and 4' screening wall along Whitehouse Canyon Road and a 60' bufferyard and 4' screening wall along Camino De La Canoa are proposed to mitigate any negative impacts on visibility, privacy, and noise. The proposed development will generate approximately 230 trips per day. The project will have one access point located on Camino De La Canoa in order to reduce traffic impacts on Whitehouse Canyon Road. Camino De La Canoa and Whitehouse Canyon Road are currently under-capacity.

Continental Elementary/Middle School (Pre-K – 8) is located 2/3 of a mile east of the subject site on Whitehouse Canyon Road. High schools serving the site, Sahuarita and Walden Grove, are within the Sahuarita School District and the Continental School District provides transportation for these students. A shared-use path from the adjacent Madera Reserve subdivision to the Continental School accommodates pedestrian and bicycle traffic. A Sun Shuttle stop for Route #421 is located within a mile off of Continental Road. Whitehouse Canyon Road, Camino De La Canoa, and Continental Road are all designated bicycle routes. Commercial and community services are available in the Continental Road/Old Nogales Highway vicinity, less than a mile away. Further shopping is located 1.5 miles at the shopping center northwest corner of I-19 and Continental Road; and north up I-19 towards Duval Mine and Sahuarita Roads.

### Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
Department/Agency	Concurrency Considerations Met: Yes / No / NA	Other Comments
TRANSPORTATION	Yes	No objection, subject to conditions
FLOOD CONTROL	Yes	No objection, subject to conditions
WASTEWATER	Yes	No objection, subject to conditions
PARKS AND RECREATION	Yes	No objection
WATER	N/A	N/A
SCHOOLS	N/A	N/A

### **TRANSPORTATION REPORT**

Concurrency considerations for the proposed rezoning have been met, as all roadways in the vicinity are functioning below capacity. The rezoning proposes 23 single family residential lots, which will generate approximately 230 ADT. Access to the site is off Camino de La Canoa. The subdivision will be gated with a private road.

The current traffic count for Camino de La Canoa is 360 ADT and the capacity is 15,930 ADT. The current traffic count for Whitehouse Canyon Road is 2,761 ADT and the capacity is 13,122 ADT. The nearest arterial roadway is Continental Road which is  $\frac{1}{4}$  of a mile northwest of the site. Continental Road has a current traffic count of 9,792 ADT and a capacity of 15,930 ADT.

Improvements to Continental Road and Old Nogales highway are listed in the PAG 2040 Regional Transportation Plan; however, they are not currently scheduled for funding. Bike lanes are also planned for Whitehouse Canyon Road adjacent to the project site; however, they are not currently funded.

The Department of Transportation has no objection to the rezoning request subject to conditions.

### **FLOOD CONTROL REPORT**

The Regional Flood Control District (District) has no objection and finds that the project meets concurrency requirements for flood control and water demand purposes. The District has the following comments:

- Floodplains and riparian habitat have been avoided.
- As required staff has conducted the Water Resources Impact Assessment (WRIA) as follows:
  - The site is to be served by the Farmer's Water Company and does not have access to renewable supplies as they pump and deliver groundwater.
  - Per the ADWR Well Inventory the wells shown on the map contained in the PIWMP at the Continental School approximately 1 mile uphill from the site had depths to groundwater of 242 feet when tested in 1982. The wells downhill from the site near the railroad had depth to groundwater over 150 feet in the 1980s. Per the Tucson Active Management Area Safe Yield Task Force: Between the years 2010 and 2025 groundwater depth is predicted to decline between 30 to 50 feet by 2025. The local water table depth in 2025 is projected to be between 251 and 350 feet. It should be noted that these maps are rasterized and visually interpolated to the project site.
  - Neither the site nor closest Farmer's Water Company wells are located within a mapped subsidence zone.
  - Neither the site nor closest Farmer's Water Company wells is within 5 miles of a Groundwater-Dependent Ecosystem.
  - The site is within the Tucson Hydrogeologic Basin, and the depth to bedrock is 1600-4800 feet. The range is broad due to the site straddling two isopleths.

Pima County's Water Resources Impact Assessment finds that, under existing conditions, the proposed project **will not have access to renewable water**. However, based upon projections provided in the PIWMP, the location of the site and supply wells in relation to subsidence and shallow groundwater areas **adverse impacts are not expected**. Furthermore appropriate conservation measures will be required as noted above.

#### **WASTEWATER RECLAMATION REPORT**

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the request and have no objection to the rezoning.

#### **ENVIRONMENTAL PLANNING REPORT**

##### *Site Conservation Values and Landscape Context*

- The 36.6-acre rezoning site is a portion of a 54.8-acre parcel (304-18-9760) that lies mostly within the CLS Multiple Use Management Area (MUMA); approx. 7 acres of the rezoning site along Whitehouse Canyon Road falls outside the CLS.
- The subject site does not lie within the Priority Conservation Areas for the western burrowing owl, needle-spined pineapple cactus, Pima pineapple cactus, or the cactus ferruginous pygmy-owl.
- On-site resource conditions: One riparian corridor crosses the site and is regulated by RFCD as Class C Xeroriparian. This wash directly connects to the culvert that conveys flow under the 2-lane Camino de la Canoa. This culvert appears to have dimensions suitable to accommodate the passage of larger wildlife species. Site inventory resulted in no saguaros or ironwood trees. The site appears to be relatively undisturbed and in a natural condition.
- The site is not within nor is it adjacent to any Pima County Preserve properties. Canoa Ranch is the closest County Preserve and it's over 3 miles away. It does, however, lie within about 1,000 feet of the Santa Rita Experimental Range.
- The site is not identified for acquisition under the 2004 Open Space Conservation Bond Program.
- Landscape context: The rezoning site is undeveloped and contributes to landscape connectivity between two important landscape resources – the Santa Cruz River and the Santa Rita Experimental Range/Santa Rita Mts. The wash and associate uplands within Parcel 304-18-

9760 are key connective features and are buffered by undeveloped uplands and low density rural residential land uses to the south and CR-1 residential development north of Whitehouse Canyon Road. Research indicates that these areas of residential development to the north and south are also compatible with wildlife movement. Additionally, the Arizona Game & Fish Dept. recognizes the area between parcel 304-18-9760 and the Santa Cruz River as a Wildlife Movement Area. Significantly, other recent land use approvals have incorporated measures to support this connectivity between the Santa Cruz River and the Santa Rita Experimental Range/Santa Rita Mts. The Continental Farms Specific Plan (approved 3/2014) establishes a 295-acre block of natural open space to protect the Santa Cruz River. The wash that extends from the rezoning site flows into this block of natural open space.

#### *Potential Impact to Biological Resources and CLS*

According to information provided in the Site Analysis and on the PDP, the proposed project fully conforms to CLS natural open space (NOS) set-aside objectives:

- Approx. 8.8 acres out of the 36.6 acre site will be developed.
- Of the 8.8 acres, only 6.3 acres are designated MUMA.
- The project provides 23.3 acres of MUMA-NOS which exceeds the MUMA conservation MUMA-NOS objective of 12.6 acres (2 acres of NOS for each developed acre).

However, there is potential for the project to impact biological resources. Although the proposed project provides a significant amount of NOS that includes the on-site wash, the lot layout narrows the breadth of NOS as it approaches the culvert. Introducing a more immediate human presence here will create indirect effects such as artificial lighting and noise that can compromise the wash's contribution to landscape connectivity and wildlife movement between the Santa Cruz River and the Santa Rita Experimental Range/Santa Rita Mts.

In summation, given the site's on-site resources, landscape context, and the on-site set-aside of natural open space in conjunction with the following recommended Special Conditions, this project is not expected to significantly alter the condition or integrity of biological resources in the area or the viability of the CLS.

#### **CULTURAL RESOURCES REPORT**

The site analysis is considered complete as it includes all the appropriate cultural resources sections (including an ASM records check) and has correctly stated the current cultural resources status of the subject property. A review of the subject property (parcel 304-18-9760) shows that it is located within close proximity to multiple archaeological sites.

#### **NATURAL RESOURCES, PARKS AND RECREATION REPORT**

Natural Resources, Parks and Recreation have no comments or conditions.

#### **UNITED STATES FISH AND WILDLIFE SERVICE REPORT**

U.S. Fish and Wildlife Service have no comments.

#### **FARMERS WATER CO. (FWC)**

FWC have no comments, but has provided comments to the applicant and their letter is attached to this report.

#### **PUBLIC COMMENT**

As of the writing of this staff report, staff has received two (2) letters of protest. The letters are attached to this report.

**Neighborhood Meeting Summary:**

A preliminary neighborhood meeting was held in November 2014 for the purpose of introducing the project and garner feedback from neighbors. All neighbors within 1,000 feet and all neighborhood associations within one-mile were invited to this meeting. Initially the project plans included 29 residential lots. Feedback from neighbors, especially those neighbors directly adjacent to Whitehouse Canyon Road to the north of the subject property, led to the reduction in the number of lots to 23.

Residents of the properties to the south of the proposed development voiced concern with the increased traffic congestion at the intersection of Camino De La Canoa and Whitehouse Canyon Road brought on by the development. A meeting with the Pima County Department of Transportation in February 2015 was held in order to discuss the traffic concerns. A potential solution to the traffic congestion came in the form of a roundabout being installed at the intersection in order to keep traffic flowing during peak travel times. This solution is being considered by County DOT officials.

At a meeting on April 30, 2015, the Green Valley Council's Planning and Architecture Committee (letter attached) voted to approve the proposed project and recommends Pima County approve the application for rezoning.

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

Respectfully Submitted,

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Artemio Hoyos, AICP  
Case Planner

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



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# MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION  
**Design Review Committee**

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## DECISION LETTER

DATE: April 22, 2016

TO: Tim Craven, The Planning Center

FROM: Artemio Hoyos, Case Planner

RE: April 21, 2016, Design Review Committee (DRC) Public Meeting

SUBJECT: **P16VA00009, Whitehouse Canyon Road Cluster Subdivision**

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**APPLICANT REQUEST:** The applicant requested DRC approval of a cluster subdivision design, as allowed by Chapter 18.09.040.C of the Pima County Zoning Code, for 23 single family detached residential units on approximately 36.62 acres.

**VOTE:** The Motion made by Member Drzazgowski and Seconded by Member Lilien PASSED unanimously by a 6-0 vote. Member Laidlaw abstained.

**MOTION:** The Motion was made to approve the P16VA00009 Whitehouse Canyon Road Preliminary Cluster Development Plan (PCDP), subject to the conditions identified by Pima County staff and DRC members as follows:

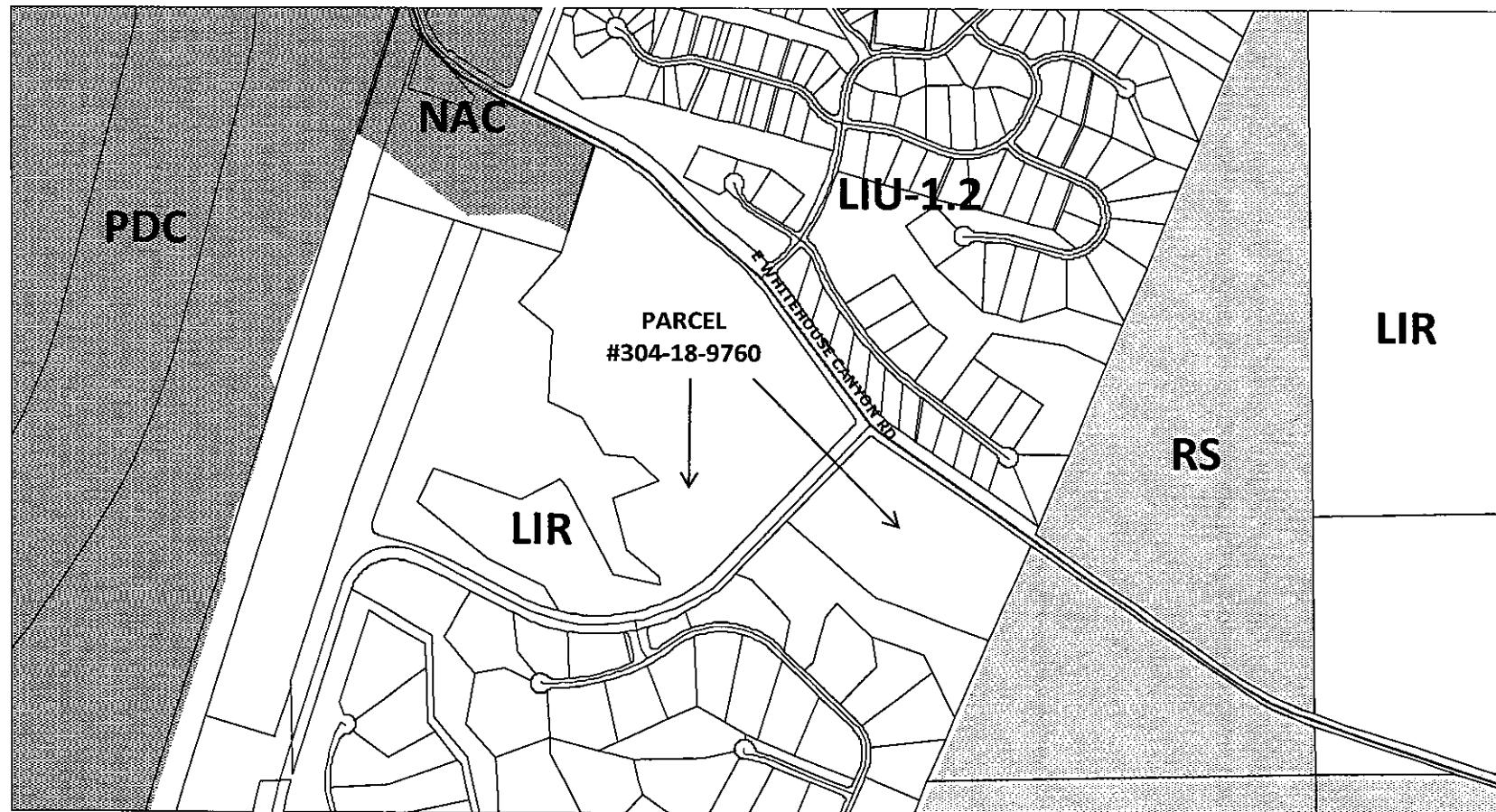
1. Subdivision plat shall conform to the approved PCDP;
2. A note shall be placed on the subdivision plat that the DRC approval expires concurrently from the date of the tentative Board of Supervisors rezoning approval;
3. Applicant shall provide staff with one hardcopy and one electronic copy of the approved DRC documents for staff sign-off in compliance with the DRC decision.

For details, refer to the DRC meeting minutes, recordings, and/or the applicant's DRC submittal package.

If you have any questions or need clarification, please contact me at (520) 724-6781.

COMPREHENSIVE PLAN MAP

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



## COMPREHENSIVE PLAN LAND-USE CATEGORY DEFINITION

### Low Intensity Urban (LIU)

Objective: To designate areas for low density residential and other compatible uses and to provide incentives for residential conservation subdivisions to provide more natural open space. Density bonuses are offered in exchange for the provision of natural and/or functional open space. Natural open space must be set aside, where applicable, to preserve land with the highest resource value and be contiguous with other dedicated natural open space and public preserves.

#### A. *Low Intensity Urban 1.2 (LIU-1.2)*

##### 1. Residential Gross Density:

- a. Minimum – none
- b. Maximum – 1.2 RAC. The maximum gross density may be increased in accordance with the following options:
  - i. Gross density of 2.5 RAC with 45 percent open space; or
  - ii. Gross density of 4 RAC with 60 percent open space.

##### 2. Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:

- a. Minimum density – none
- b. Maximum – 1.2 RAC. The maximum gross density may be increased in accordance with the following option:
  - i. Gross density of 2 RAC with 50 percent open space.

### Low Intensity Rural (LIR)

Objective: To designate areas for residential uses at densities consistent with rural and resource-based characteristics.

#### A. Residential Gross Density:

1. Minimum – none
2. Maximum - 0.3 RAC

#### B. Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:

1. Minimum – none
2. Maximum – 0.3 RAC

## COMPREHENSIVE PLAN SPECIAL AREA POLICY

### **S-11 Green Valley Height Policy**

#### Description

The policies associated with this Special Area will guide the protection of the community's character. The policies are derived in part from the Green Valley Community Plan of March 21, 1989 (Area modified by Co7-06-01, Resolution 2007-40).

#### Policies

- A. Building height will not exceed 24 feet.
- B. Architectural design shall promote the Southwestern style. Colors will blend with their desert surroundings and the existing built environment.

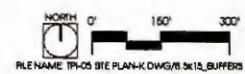


Exhibit III.P.1: Green Valley Council Letter

TP1-05



**Green Valley Council**

555 N. La Cañada Drive, Suite 117 • Green Valley, AZ 85614  
(520) 648-1936 • Fax (520) 648-5079 • e-mail: [info@gvcouncil.phxcoxm.com](mailto:info@gvcouncil.phxcoxm.com) • web site: [www.gvcc.org](http://www.gvcc.org)

June 25, 2015

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

Re: Whitehouse Canyon Road Rezoning

Dear Elva:

At its meeting on April 30, the Green Valley Council's Planning and Architecture Committee heard a presentation by The Planning Center on the Whitehouse Canyon Road Rezoning. The request is to rezone 8.8 acres from RI1 to CR-1, as shown on the attached Preliminary Development Plan, dated 3/30/15, to allow the development of 23 lots for single family homes.

Based on the presentation, the Planning & Architecture Committee approved the project rezoning and recommends Pima County approve the application for rezoning.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "William D. O'Malley".

William D. O'Malley  
Chair  
GVC Planning & Architecture

Cc: Linda Morales, The Planning Center  
Eddie Peabody, GVC  
Don Weaver, GVC

WDO:lmc



January 25, 2016

Supervisor Ray Carroll  
Pima County, AZ  
District 4  
130 W. Congress 11<sup>th</sup> Floor  
Tucson, AZ 85701

FEB 01 2016

Dear Supervisor Carroll,

This letter is another written request that you please **deny the request for rezoning by TPC Group for the parcel of land located on Whitehouse Canyon Road in Green Valley, directly across from my home.**

**This land was NOT intended for the development they plan. It would be an eyesore and seriously devalue my property. This land is and always has been zoned for Rural Homestead and the owners of the property knew that when they purchased it. They are now trying to have it rezoned so they can build a housing development that is not intended for this area. Please, please deny their request. There are already too many homes for sale in the Green Valley area, including mine. A development such as this would only bring more unwanted traffic to the area. PLEASE DENY THE REQUEST. Please abide by the original zoning for this parcel of land and see that it remains rural homestead.**

Thank you for your understanding.

*Jill M. Carter*  
Jill M. Carter  
818 E. Sawmill Canyon Place  
Green Valley, AZ 85614  
520-725-9358 – home  
520-237-1237 – cell

Cc: Pima County Planning & Zoning Commission  
1<sup>st</sup> Floor Hearing Room  
130 W. Congress St.  
Tucson, AZ 85701

April 30, 2016

Pinx County Planning Commission.

MAY 02, 2016

I realize this correspondence is late. I am still inclined to submit it.

In regards to the rezoning of 36.62 acres in Green Valley to CR-1. The property value it will lessen, far outweighs the tax revenue generated by this proposal. The developer out and out lied - he said this was to be single story high end homes at the meeting I attended last fall. The correspondence I received from him said -

Two story homes - These homes are not aimed at "retirees" looking to downsize - he specifically argued with me. These are family homes as I accused him of trying to dip by.

Twenty three family homes will generate approximately \$60,000 in tax revenue. On an average of 2 children per family. It will cost Green Valley more for 2 teachers they will have to pay for in the school system. The amount of additional resources they will use FAR exceeds what they will contribute. Furthermore, it blocks the listing rights of Madre Reserve residents - therefore begins the decline of desirability. Thus price of home decreases and community begins its decline as a premier retirement place. Crime goes up. People will leave. There is plenty of room for this - less than 5 miles away in Sacramento - which we have already realized an increase in <sup>(in GV)</sup> crime. There is enough pressure with illegals and drug trafficking in the area - along with GVR struggling to maintain their facilities. GVR is a main attraction to Green Valley. It's not for people and their kids.

The short-sighted gain for the developer and builder of this rezoned site, will have long reaching negative impact on the entire community. (Cathy Saunders)