BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: September 6, 2016

Title: P16RZ00005 Whisper Canyon Holdings, LLC - W. Hardy Road Rezoning

Introduction/Background:

The applicant requests a rezoning from SR (Suburban Ranch) to CR-5 (Multiple Residence) for residential infill development of a 55-lot single-family residential subdivision on 19.81.

Discussion:

Current SR zoning allows for six single-family residences to be developed. The Comprehensive Plan designation of Medium Low Intensity Urban promotes for a minimum of 2.5 up to a maximum of 5 residences per acre.

Conclusion:

The requested rezoning conforms to the Comprehensive Plan; the rezoning would allow subdivision development similar to most of the residential density and zoning of surrounding neighborhoods with on-site and off-site conservation preservation.

Recommendation:

Staff and the Planning & Zoning Commission recommend approval with conditions.

Fiscal Impact:

0

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

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

Department Director Signature/Date: 8-16-16

Deputy County Administrator Signature/Date: 8/16/16

County Administrator Signature/Date: 8/16/16

PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Ally Miller, Supervisor, District 1

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

DATE: August 15, 2016

SUBJECT: **P16RZ00005 WHISPER CANYON HOLDINGS, LLC – W. HARDY ROAD REZONING**

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, SEPTEMBER 6, 2016** hearing.

REQUEST: For a rezoning of approximately 20 acres from the SR (Suburban Ranch) zone to the CR-5 (Multiple Residence) zone, on property located on the north side of W. Hardy Road, approximately 500 feet east of N. Thornydale Road.

OWNER: Whisper Canyon Holdings, LLC
Attn: Steve Quinlan
4727 N. Camino Ocotillo
Tucson, AZ 85718

AGENT: Projects International, Inc.
Attn: Jim Portner, Principal
10836 E. Armada Lane
Tucson, AZ 85749-9460

DISTRICT: 1

STAFF CONTACT: Terrill Tillman

PUBLIC COMMENT TO DATE: As of August 15, 2016, staff has received two letters of concern (attached) requesting one-story dwelling units. The letters of concern were submitted by the applicant and the applicant has provided options to mitigate the neighborhood concerns, also attached. As such, staff recommends rezoning condition #8 and defers to the preliminary development plan for the location of the one-story height limitation.

PLANNING & ZONING COMMISSION RECOMMENDATION: **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (8-0, Commissioners Membrila and Cook were absent).

STAFF RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located within the Maeveen Marie Behan Conservation Land System (MMBCLS) classified Important Riparian Area, Multiple Use Management Area, and Special Species Management Area. On-site and off-site mitigation of the MMBCLS is proposed.

TD/TT/ar
Attachments

PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: P16RZ00005

FOR SEPTEMBER 6, 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: **August 15, 2016**

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P16RZ00005 WHISPER CANYON HOLDINGS, LLC – W. HARDY ROAD REZONING
Request of **Whisper Canyon Holdings, LLC** represented by **Projects International, Inc** for a rezoning of approximately 20 acres from the SR (Suburban Ranch) zone to the CR-5 (Multiple Residence) zone, on property located on the north side of W. Hardy Road, approximately 500 feet east of N. Thornydale Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Low Intensity Urban. On motion, the Planning and Zoning Commission voted 8-0 to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (Commissioners Membrila and Cook were absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.**
(District 1)

PLANNING AND ZONING COMMISSION HEARING SUMMARY (July 13, 2016)

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

A commissioner discussed the proposed off-site mitigation and questioned why the rezoning policy is not more restrictive. Staff replied that the ability to be flexible in the application of the rezoning policies allows for the applicant, Pima County staff and the Coalition for Sonoran Desert Protection to work collaboratively in the selection of areas with the highest and best resource value.

A commissioner asked for clarification regarding the amendment to Pima Prospers and the resource transition (RT) designation. Staff clarified that the comprehensive plan under Pima Prospers contains mapped Flood Control Resource Areas that achieve the same goal of the RT designation.

The applicant's representative spoke. He presented additional information for the proposed development and described the on-site and off-site compliance with the MMBCLS. He discussed the densities allowed under the subject property's comprehensive plan land use designation of MLIU (Medium Low Intensity Urban) and the desire to maintain a density similar to the surrounding developments with the constraints related to the MMBCLS. He also presented one additional parcel of land to be limited to one-story based upon neighborhood negotiations and presented the amended preliminary development plan. The representative further discussed that there has been a property identified to fulfill the MMBCLS off-site mitigation.

A commissioner asked about the retention/detention basin on-site. The applicant's representative responded that the downstream drainage will not change and the water will be released in the same location as today.

A commissioner asked about the 35-foot bufferyard/water harvesting area. The applicant's representative explained that the bufferyard is larger than required, but there will be additional grading within the planned bufferyard area and landscaping with water harvesting features will be installed. Some of the species from on-site will be salvaged and utilized within the bufferyard.

A commissioner asked about the Hardy Wash Trail and whether it will be dedicated. The representative stated that at the time of subdivision platting the dedication or any improvements will be determined. There is no existing trail to connect to at this time and Pima County owns the up-stream and down-stream properties adjacent to this site. A commissioner questioned whether a dedication to Pima County would be considered. The representative responded that he is open to that at the time of platting.

Speaker #1 stated support of the rezoning and thanked the representative for the collaborative efforts with the neighbors. He stated that traffic along Hardy Road has continued to increase and that his concern is for safety and traffic. He further stated that he is hopeful that Thornydale Road will be improved.

Speaker #2 stated support of the rezoning and that she is representing the Coalition for the Sonoran Desert Protection. The flexibility of the off-site and on-site mitigation will provide better and higher resource value and the coalition will be involved with the selection of the off-site mitigation in conjunction with staff.

A commissioner questioned Speaker #2 regarding the disposition of some of the taller saguaros. The Speaker responded that she is confident that the preservation will be achieved in accordance with the native plant preservation plan.

The applicant's representative discussed the balance achieved with the neighbors and timing of the project in relationship to the road improvements.

The public hearing was closed.

Commissioner Matter made a motion to recommend **APPROVAL** of the rezoning subject to standard and special conditions with the amended preliminary development plan as presented.

Commissioner Johns gave second to the motion.

The commission voted to recommend **APPROVAL** of the rezoning subject to the amended preliminary development plan as presented. (8 – 0, Commissioners Membrila and Cook were absent)

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

1. The owner shall:
   A. Submit a development plan if determined necessary by the appropriate County agencies.
   B. Record the necessary development related covenants as determined appropriate by the various County agencies.
   C. Provide development related assurances as required by the appropriate agencies.
   D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.

2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

3. Transportation conditions:
   A. The property owner/developer shall dedicate 45 feet of right-of-way for Hardy Road.
   B. The property is limited to 2 access points as depicted on the preliminary development plan.

4. Regional Flood Control District conditions:
   A. 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 with the Development Plan.
   B. First flush retention for all impervious surfaces (retention of the first ½ inch of rainfall) shall be provided.

5. Regional Wastewater Reclamation conditions:
   A. The owner 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 to that effect.
   B. The owner 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 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 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 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 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 shall complete the construction of all necessary public and/or private 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.

6. Environmental Planning conditions:

A. The property owner shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a total of 52 acres as Natural Open Space (NOS). No less than 7 acres NOS will be provided on-site and will conform to the approximate location and configuration shown on the approved Preliminary Development Plan. The difference between the total 52 acres NOS and NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11 of Conservation Lands System Mitigation Lands) and comply with all of the following:

1) Off-site NOS is acceptable to the Pima County Planning Official or their designee; and
2) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.

B. 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.

<u>Invasive Non-Native Plant Species Subject to Control</u>

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 solstitalis	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

7. 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. Adherence to the preliminary development plan including the one-story height limitation for specific lots as approved at public hearing.

9. 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.

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

TD/TT/ar
Attachments

cc: Whisper Canyon Holdings, LLC, Attn: Steve Quinlan, 4727 N. Camino Ocotillo
Tucson, AZ 85718
Projects International, Inc., Attn: Jim Portner, Principal, 10836 E. Armada Lane
Tucson, AZ 85749-9460
Tom Drzazgowski, Principal Planner
P16RZ00005 File

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

HEARING July 13, 2016

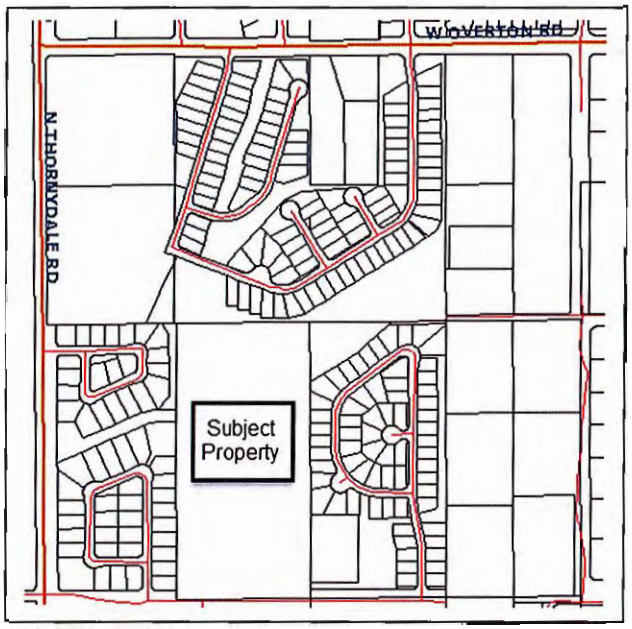
DISTRICT 1

CASE P16RZ00005 Whisper Canyon Holdings, LLC - W. Hardy Road Rezoning

REQUEST Rezone from SR (Suburban Ranch) to CR-5 (Multiple Residence) Zone (19.81 acres)

OWNER Whisper Canyon Holdings, LLC
Attn: Steve Quinlan
4727 N. Camino Ocotillo
Tucson, AZ 85718

APPLICANT Projects International, Inc.
Attn: Jim Portner, Principal
10836 E. Armada Lane
Tucson, AZ 85749



APPLICANT'S PROPOSED USE
The 19.81 acre site will be developed as a 55-lot, single-family residential subdivision.

APPLICANT'S STATED REASON
"The proposed rezoning can rightly be viewed as an infill development that will fit well within its surrounding established residential context and will make efficient use of the existing public and utility infrastructure that is already in-place."

STAFF REPORT SUMMARY
The Development Services Department recommendation is **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The applicant proposes a rezoning to the CR-5 (Multiple Residence) zone on 19.81-acres for a 55-lot residential subdivision with 7 acres of on-site natural open space and 45 acres of future off-site natural open space to meet the rezoning policies of the comprehensive plan amendment and the Maeveen Marie Behan Conservation Lands System. The site is an infill project and consistent with the density of the nearby and surrounding neighborhoods.

PUBLIC COMMENT
Staff has received two letters of concern (attached) requesting one-story dwelling units. The letters of concern were submitted by the applicant and the applicant has provided options to mitigate the neighborhood concerns, also attached. As such, staff recommends rezoning condition #8 and defers to the preliminary development plan for the location of the one-story height limitation.

COMPREHENSIVE PLAN

A plan amendment from Low Intensity Urban 0.3 (LIU 0.3) to Medium Intensity Urban (MIU) for the approximately 19.81-acres subject property was approved for by the Board of Supervisors in 2015 by case Co7-14-02. Resolution 2015-28 was adopted and rezoning Policy 142 was established within the approved plan amendment. The rezoning policies are as follows:

A. The preliminary development plan submitted with the rezoning application shall demonstrate avoidance of the regulatory floodplain and Important Riparian Area associated with the Hardy Wash.
B. Post-development floodplains shall be designated as Resource Transition.
C. The location of off-site mitigation properties should be within the same general geographic region of the original project site.
D. Off-site mitigation property should provide the same or better resource values as the original project site including, but not limited to:
   1. Conservation Lands System (CLS) designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations;
   2. Vegetation community type(s);
   3. Habitat values for applicable CLS Special Species (e.g. breeding and dispersal);
   4. Surface water or unique landforms such as rock outcrops; and
   5. Contribution to landscape connectivity.
E. Demonstration that the resource and conservation values of the off-site mitigation property will be protected in perpetuity.

Subsequent to the comprehensive plan amendment Co7-14-02, the larger comprehensive plan land use update for Pima County (Pima Prospers) was approved by the Board of Supervisors in August of 2015. With the approval of Pima Prospers, the subject property's land use designation was amended from MIU to Medium Low Intensity Urban (MLIU) which reduced the allowable density on the subject property from a minimum of 5 and maximum of 13 residences per acre to a minimum of 2.5 and a maximum of 5 residences per acre. Rezoning Policy 142 (A-E) was not amended during the comprehensive plan update but remains applicable to the subject property. Policy A is met by the demonstration on the preliminary development plan that the regulatory floodplain and important riparian area are proposed as set-aside natural open space. Rezoning policy B has been met through the adoption of the comprehensive plan land use update which designated the floodplain and riparian areas as Flood Control Resource Areas. These resource areas are protected through avoidance of development and preservation meeting the intent of the policy. The Resource Transition designation is no longer a comprehensive plan land use designation. Rezoning Policies C through E will be implemented in conjunction with Environmental Planning at the time of subdivision platting.

The objective of the MLIU land use designation is to provide a mix of medium density single-family and lower density attached dwelling units and opportunities for a mix of housing types throughout the region. The proposed 2.75 residences per acre conforms to the MLIU land use density.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CR-5	Developed Residential Subdivision/City of Tucson Undeveloped Residential
South:	CR-5	Developed Residential Subdivision/Unsubdivided Residential
East:	SR, CR-4	Municipal Water Site/Developed Residential Subdivision
West:	CR-3	Developed Residential Subdivision

The surrounding area has a high school, middle school, elementary school, and charter school, churches, a commercial cactus nursery and several convenience stores and gas stations. There is a dentist office, land development group, and insurance office existing at the southeast corner of W. Hardy Road and N. Thornydale Road within a commercial development that is mostly vacant. The nearest services are approximately one-half of a mile south and west of the subject site at the southeast corner of W. Cortaro Farms Road and N. Thornydale Road providing banking, retail, restaurants, groceries and shopping. Approximately 1,000 feet west of the subject property, recreational opportunities exist within the Arthur Pack Regional Park on the northwest corner of W. Hardy Road and N. Thornydale Road. The park contains a golf course, ball fields, batting cages, basketball courts, playground, soccer fields, and hiking trails within the Maeveen Behan Desert Sanctuary Trails. The Tucson Audubon Society Mason Center offers bird watching and other educational programs.

PREVIOUS REZONING CASES ON PROPERTY

There has not been a previous rezoning request for the subject property.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

Rezoning case P15RZ00001 – N. Thornydale Road for SR (Suburban Ranch) to CR-4 (Mixed Dwelling Type) (5 acres) and CR-5 (Multiple Residence Zone) (13.01 acres) located approximately one-half mile north of the subject property. The 18.01-acres rezoning was approved January 19, 2016 for a 36-lot single family residential infill development with both on-site and off-site conservation.

Rezoning case P15RZ00003 – W. Hardy Road for SR to CR-5 located on the south side of Hardy Road adjacent to the subject property. The 30-acres rezoning was approved January 19, 2016 for an 84-lot single family residential infill development with both on-site and off-site conservation.

Rezoning case P15RZ00004 – N. Thornydale Road for SR to CR-5 located at the northwest corner of N. Thornydale Road and W. Magee Road approximately one mile south of the subject property. The 17.77-acres rezoning was approved January 19, 2016 for a 28-lot single family residential infill development with both on-site and off-site conservation.

Rezoning case P15RZ00005 – N. Thornydale Road for SR to CB-1 (Local Business) (8.19 acres) and SR ®(46.7 acres) approximately 1,200 feet south of the subject property. The 55-acres rezoning was approved January 19, 2016 for a commercial shopping center (8.19 acres) and natural open space (46.7 acres) to meet the conservation requirements.

Rezoning case Co9-15-02 - Briar Rose Lane for SR (Suburban Ranch) to CR-4 (Mixed-Dwelling Type) located approximately one-half mile north of the subject property. The 9.79-acres rezoning was approved by the Board of Supervisors October 15, 2015 for a 34-lot residential infill development with both on-site and off-site conservation.

Past activity:

There has been a substantial amount of land in the vicinity of the site that has been rezoned from original SR. An attached map shows properties (in blue) within approximately one-half mile of the site for which rezoning requests have been made from 1961 to 2006. Most rezonings were approved. Some were withdrawn or denied.

Areas adjacent to and near the site were rezoned in the 1980's and early 1990's to CR-4, and CR-5 with resultant single-family subdivision lot development. There has also been a number of lower density CR-1 (Single Residence) and CR-2 (Single Residence) rezonings in the general area.

Rezonings resulting in commercial uses and offices in the CB-1 (Local Business) zone have also occurred in the area to include a shopping center at the southeast corner of Cortaro Farms Road and Thornydale Road and retail and other commercial buildings at the northeast corner of Thornydale Road and Overton Road.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (MMBCLS)

The subject property is located within the Maeveen Marie Behan Conservation Lands System (MMBCLS) classified as Important Riparian Area, Multiple Use Management Area, and Special Species Management Area. The policies of the comprehensive plan amendment address the MMBCLS conservation guidelines and allow both on-site and off-site natural open space set asides to meet the policies. The natural open space provided within this project totals 7 acres or 35% of the site. The proposed off-site mitigation of dedicated natural open space will make up the remaining required difference of 45 acres. The off-site mitigation will be implemented prior to or during the subdivision platting process when the off-site set aside location has been formally negotiated and approved.

PLANNING REPORT

Staff supports the request because the proposed residential development is compatible with the surrounding existing residential, public recreational opportunities, public school, and commercial uses. Concurrency of infrastructure exists to serve the use. The subject property is an infill property that will contain a similar density as the surrounding area.

The property is relatively flat, is mostly undisturbed and is traversed by several washes. The limitations of the site arise from the MMBCLS designations and riparian areas around the washes. The property contains dense populations of saguaros and ironwood trees. Much of the salvaged vegetation from on-site will be incorporated into the proposed bufferyards and streetscapes within the subdivision. A native plant preservation plan will be submitted with the subdivision plat. The northern third of the property is planned as set-aside natural open space. In developed areas, a 35-foot foot bufferyard "D" is proposed along the east and west boundaries of the property. A minimum 10-foot bufferyard "A" is proposed along Hardy Road. The 55-lot subdivision will be accessed by two access points onto Hardy Road and includes both one-story and two-story dwelling units with a maximum height of 34 feet.

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. Minor Concurrency Concern with Thornydale Road.
FLOOD CONTROL	Yes	No objection, subject to conditions
WASTEWATER	Yes	

CONCURRENCY CONSIDERATIONS		
		No objection, subject to conditions
PARKS AND RECREATION	Yes	No objection
WATER	Yes	Metro Water "will serve" letter in site analysis.
SCHOOLS	Yes	Capacity response letter from Marana USD in site analysis.
AIR QUALITY	Yes	None

TRANSPORTATION REPORT

There is a secondary transportation concurrency concern for this case due to the over-capacity nature of Thornydale Road. The subject property is located on the north side of Hardy Road, 600 feet east of Thornydale Road. The rezoning is proposing 55 single family homes which could generate approximately 550 average daily trips (ADT). Two access points on Hardy Road are proposed. The western access point aligns with Sunnyvale Drive on the south side of Hardy Road.

Hardy Road is a paved, county maintained public roadway which dead ends approximately 100 feet west of this site. As a condition of the rezoning, the entire 45 foot half right-of-way for Hardy Road will need to be dedicated. There are no traffic counts for this segment of Hardy Road.

Thornydale Road has an existing right-of-way of approximately 100 feet. Thornydale Road is a three-lane roadway with a continuous center left turn lane. There are no curbs, sidewalks, or bike lanes. The posted speed is 35 miles per hour, with a capacity estimated at 13,200 ADT. Thornydale Road is scheduled to be widened at which time the capacity will be approximately 34,000 ADT. The most recent traffic count is 19,959 ADT between Cortaro Farms Road and Overton Road.

Major roadway projects in the vicinity of this project include the widening of Thornydale Road north of Cortaro Farms Road to Linda Vista Boulevard. This project was approved through the Regional Transportation Authority (RTA) bond, and will fully reconstruct the road into a four-lane divided urban cross section with curbs, sidewalks, landscaped medians, and bike lanes in both directions. Construction is tentatively scheduled to start in 2018.

The Department of Transportation has no objection to this request subject to the addition of rezoning conditions #3A-B.

FLOOD CONTROL REPORT

Regional Flood Control District has reviewed this request and has the following comments:

- Floodplains, riparian habitat and erosion hazard setbacks have been avoided.
- A complete Preliminary Integrated Water Management Plan has been submitted.
- As required, staff has conducted the Water Resources Impact Analysis (WRIA) as follows:
  A. The site is to be served by Metropolitan Water which does not deliver renewable supplies at this time.

B. Per the ADWR Well Inventory, the closest Metropolitan Water District well had depths to groundwater between 241 in 1982 and 375 feet in 2010. Greater detail has been submitted by the applicant.
C. The site is not located within a covered subsidence zone.
D. The nearest Groundwater-Dependent Ecosystem is the intermittent section of the Santa Cruz River almost 3 miles away.
E. The site is within the Tucson Hydrogeologic Basin, and the depth to bedrock is 1600-3200 feet.

The project is not expected to have adverse impacts on groundwater dependent ecosystems.

The District finds that the project meets concurrency requirements and has no objection subject to the recommended conditions #4A-B.

WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the above referenced rezoning request and has no objection to the request subject to the addition of rezoning conditions #5A-E.

ENVIRONMENTAL PLANNING REPORT

Site Conservation Values and Landscape Context

- The entire 20-acres site lies within the MMBCLS; designations are Multiple Use Management Area and Important Riparian Area with Special Species Management Area overlay.
- The subject site does not lie within the Priority Conservation Areas for the western burrowing owl, needle-spined pineapple cactus, or Pima pineapple cactus. It does lie within the Priority Conservation Area for the cactus ferruginous pygmy-owl.
- No cactus ferruginous pygmy-owl (CFPO) have been detected in Northwest Tucson since 2006 when the last known CFPO was captured and placed in a captive breeding program.
- On-site resources: Portions of Hardy Wash cross the northern part of the site and are regulated by RFCD as Class C Xeroriparian. Saguaros (210) and ironwood trees (194) occur on the site with 96 saguaros less than 6 feet in height, 96 saguaros between 6 and 18 feet tall and 18 saguaros with a height greater than18 feet.
- The site is not within nor is it adjacent to any Pima County Preserve properties. The County owns and manages two properties in this area for conservation – Arthur Pack Regional Park and an approximately 20-acres PCDOT mitigation property. The subject site lies approximately one and one-half miles northeast of the PCDOT mitigation property and approximately 700 feet east of Arthur Pack Regional Park; it is also approximately 700 feet east of the Tucson Audubon Society's Mason Center.
- The site is not identified for acquisition under the 2004 Open Space Conservation Bond Program.
- Landscape context: The amendment site does not occur within any MMBCLS Critical Landscape Connection or any wildlife linkage identified by Arizona Department of Transportation or Arizona Game and Fish Department. Hardy Wash, however, is a key feature in the area that supports landscape permeability for biological resources.

Land uses in the vicinity of the subject property are predominantly residential with some business uses along Thornydale Road. All four corners of the intersection at Thornydale Road and Cortaro Farms Road are devoted to commercial uses. Other land uses in the area are a mixture of high intensity residential uses that are less friendly to retenting native biological resources, low intensity residential uses that are more compatible with retaining native biological resources, and

properties preserved as open space. Residential uses south of Cortaro Farms Road are more intense in nature with most areas built out at CR-4 and CR-3; wildlife movement and retention of native biological resources is constrained south of Cortaro Farms Road.

Resources of the subject property are not physically connected to open space properties in the area. However, because of the presence of Hardy Wash, the property does make a greater contribution to landscape permeability for biological resources than other non-conservation properties in the area.

Potential Impact to Biological Resources and CLS

According to the preliminary development plan (PDP), approximately 7 acres will be retained as natural open space and includes all on-site portions of the Hardy Wash; 27% of the saguaros (including 9 of the 18 saguaros over 18' tall); and 35% of the ironwood trees. Impacts to native vegetation and specifically saguaros and ironwood trees will be addressed when the proposed development is subject to the applicability of the Native Plan Preservation Ordinance (Title 18; Ch. 18.72).

According to the PDP, 13 acres will be developed. In keeping with Rezoning Policies stablished for this proposed project and the applicant's stated intent to fully comply with the 4 acres of conservation to every acre of development ratio cited in MMBCLS Conservation Guidelines, a total of 52 acres of natural open space will be provided in a combination of on-site and off-site areas. The PDP proposes on-site natural open space of approximately 7 acres; the balance of 45 acres is, therefore, to be provided off-site.

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 MMBCLS.

Recommendations

Should the Board of Supervisors approve this rezoning request, staff recommends the addition of conditions #6A-B.

CULTURAL RESOURCES REPORT

Cultural Resources has no objection to this request subject to the addition of condition #7.

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 has no comment.

METRO WATER DISTRICT REPORT

Metro Water District has no comment. A will-serve letter is contained within the site analysis.

SCHOOL DISTRICT REPORT

The Marana Unified School District has no comment. A letter of capacity to accommodate future students is contained with the site analysis.

FIRE DISTRICT REPORT

Northwest Fire District has no objection to this request.

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 owner shall:
   A. Submit a development plan if determined necessary by the appropriate County agencies.
   B. Record the necessary development related covenants as determined appropriate by the various County agencies.
   C. Provide development related assurances as required by the appropriate agencies.
   D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.

2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

3. Transportation conditions:
   A. The property owner/developer shall dedicate 45 feet of right-of-way for Hardy Road.
   B. The property is limited to 2 access points as depicted on the preliminary development plan.

4. Regional Flood Control District conditions:
   A. 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 with the Development Plan.
   B. First flush retention for all impervious surfaces (retention of the first ½ inch of rainfall) shall be provided.

5. Regional Wastewater Reclamation conditions:
   A. The owner 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 to that effect.
   B. The owner 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 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 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 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 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 shall complete the construction of all necessary public and/or private 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.

6. Environmental Planning conditions:

A. The property owner shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a total of 52 acres as Natural Open Space (NOS). No less than 7 acres NOS will be provided on-site and will conform to the approximate location and configuration shown on the approved Preliminary Development Plan. The difference between the total 52 acres NOS and NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11 of Conservation Lands System Mitigation Lands) and comply with all of the following:

1) Off-site NOS is acceptable to the Pima County Planning Official or their designee; and

2) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.

B. 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.

<u>Invasive Non-Native Plant Species Subject to Control</u>

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 solstitalis	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

7. 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. Adherence to the preliminary development plan including the one-story height limitation for specific lots as approved at public hearing.

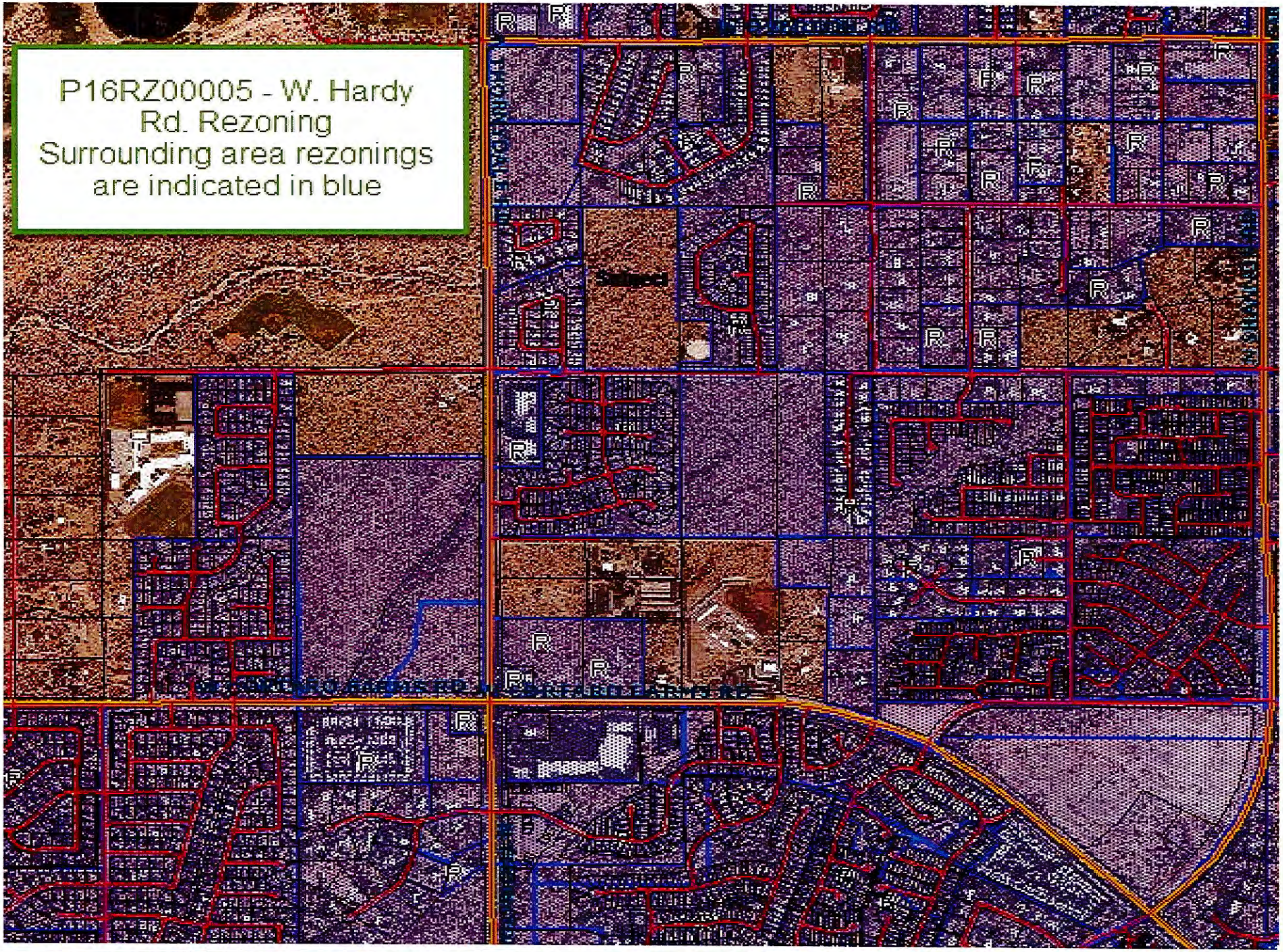
9. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

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

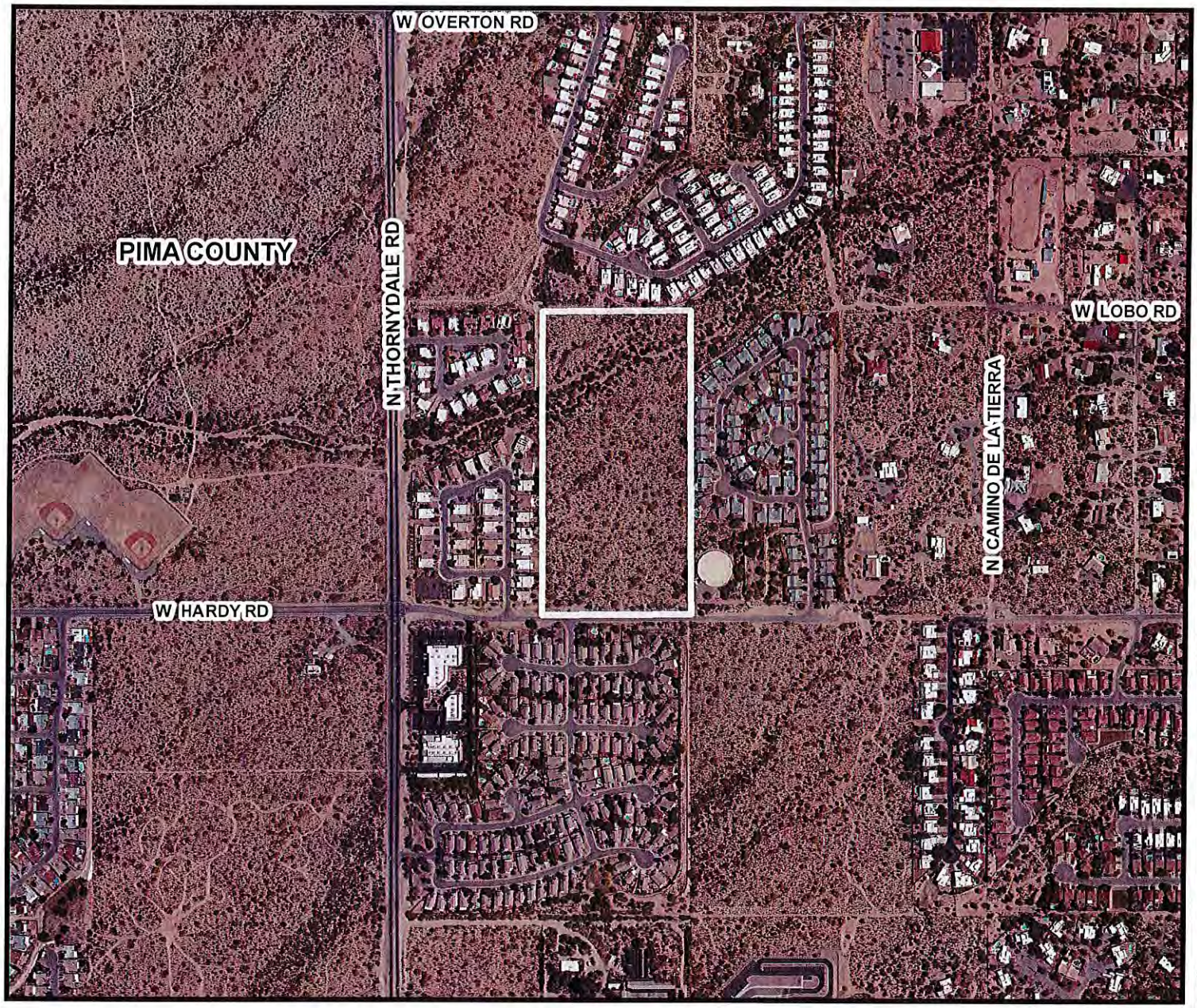
Respectfully Submitted,

Terrill Tillman
Senior Planner

c: Projects International, Inc., Attn: Jim Portner, Principal, 10836 E. Armada Lane
Tucson, AZ 85749


P16RZ00005 - W. Hardy Rd. Rezoning
Surrounding area rezonings are indicated in blue

Case #: P16RZ00005
Case Name: WHISPER CANYON HOLDINGS LLC - W. HARDY ROAD REZONING
Tax Code(s): 225-02-029C



0 285 570 1,140 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: REF: CO7-14-02

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Planning & Zoning Hearing: 07/13/16 (scheduled)

Base Map(s): 161 | Map Scale: 1:8,000 | Map Date: 06/13/2016 - ds

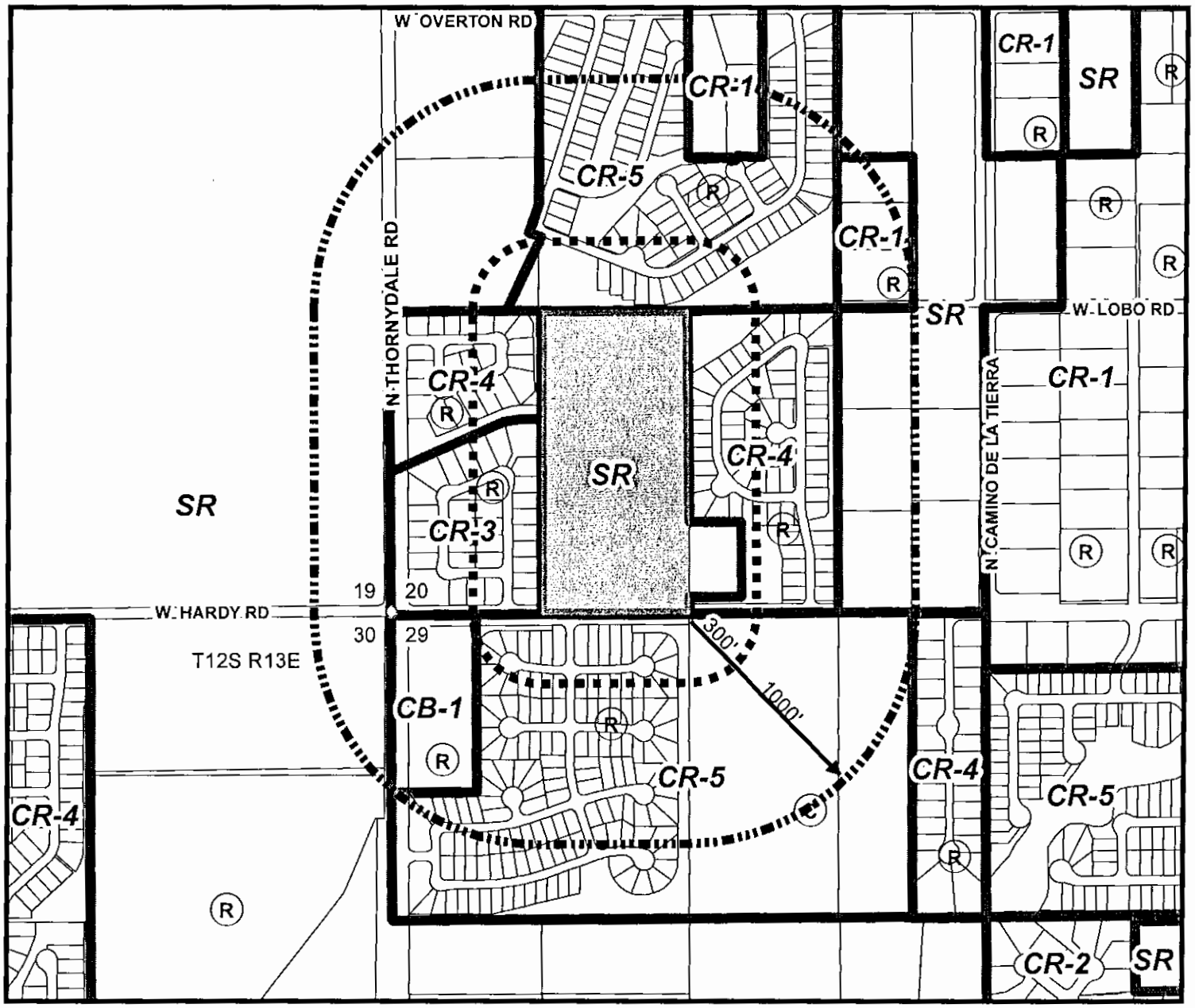
N W E S

Case #: P16RZ00005

Case Name: WHISPER CANYON HOLDINGS LLC - W. HARDY ROAD REZONING

Tax Code(s): 225-02-029C

1000' Notification Area
300 Notification Area
Zoning Boundary



0 285 570 1,140 Feet

Area of proposed rezoning from SR to CR-5

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

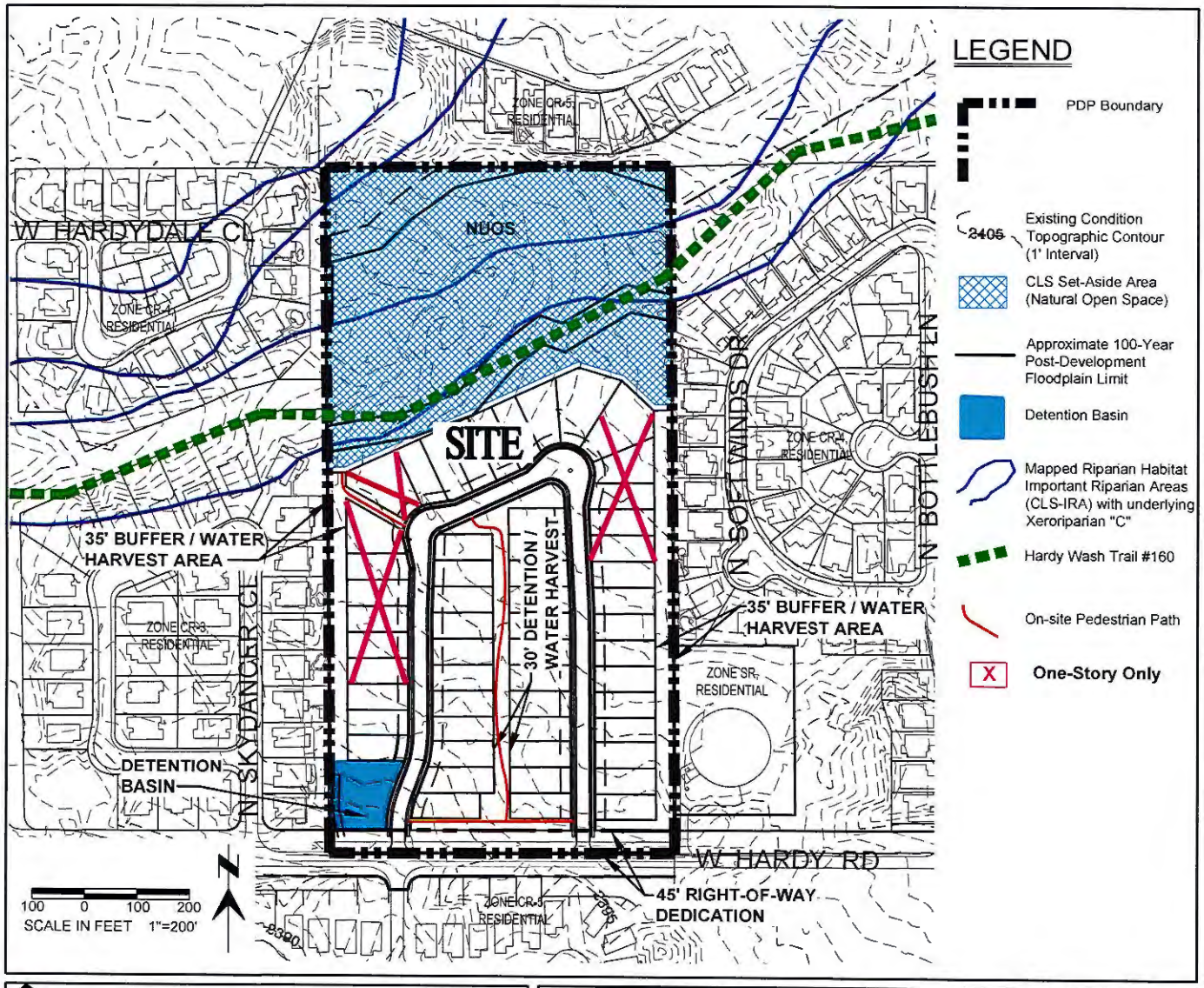
Notes: REF: CO7-14-02

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Planning & Zoning Hearing: 07/13/16 (scheduled)

Base Map(s): 161 | Map Scale: 1:8,000 | Map Date: 06/09/2016 - ds

N W E S



LEGEND

- PDP Boundary
- 2405 Existing Condition Topographic Contour (1' Interval)
- CLS Set-Aside Area (Natural Open Space)
- Approximate 100-Year Post-Development Floodplain Limit
- Detention Basin
- Mapped Riparian Habitat Important Riparian Areas (CLS-IRA) with underlying Xeroriparian "C"
- Hardy Wash Trail #160
- On-site Pedestrian Path
- X One-Story Only

PROJECT AREA

Gross Area:	20.00 AC (Approximate)
Net Area (Post R.O.W. Dedication):	19.30 AC (Approximate)

PROJECT PARTICULARS

Existing Zoning:	SR
Proposed Zoning:	CR-5
Comprehensive Plan:	MLIU

PROPOSED USE(S)

Single-Family Residential Subdivision (55 Lots)

Typical Lot Size: 50'x120' (6,000 SF)

BUILDING HEIGHT

Maximum 34' Permitted; Project will contain both 1-Story and 2-Story Residences.

ON-SITE STREETS

Proposed Right-of-Way Width:	45'
Travel Lanes:	Two (2) 12' Lanes; 2' Wedge Curbs
Total Pavement Width:	28' (Including Wedge Curbs)
Sidewalks:	4' Sidewalks Both Sides

PARKING

Parking will be in accordance with Section 18.75

BUFFER YARDS

Bufferyard "A" is required along Hardy Road frontage. Bufferyard "C" is required along the east, west and north boundaries.

CONSERVATION LANDS SYSTEM (CLS)

Natural Open Space per this PDP: 7.0 AC

Jim Portner, Agent for Owner
PROJECTS INTERNATIONAL, INC.
10836 E. ARMADA LANE
TUCSON, ARIZONA 85749
520 850-0917

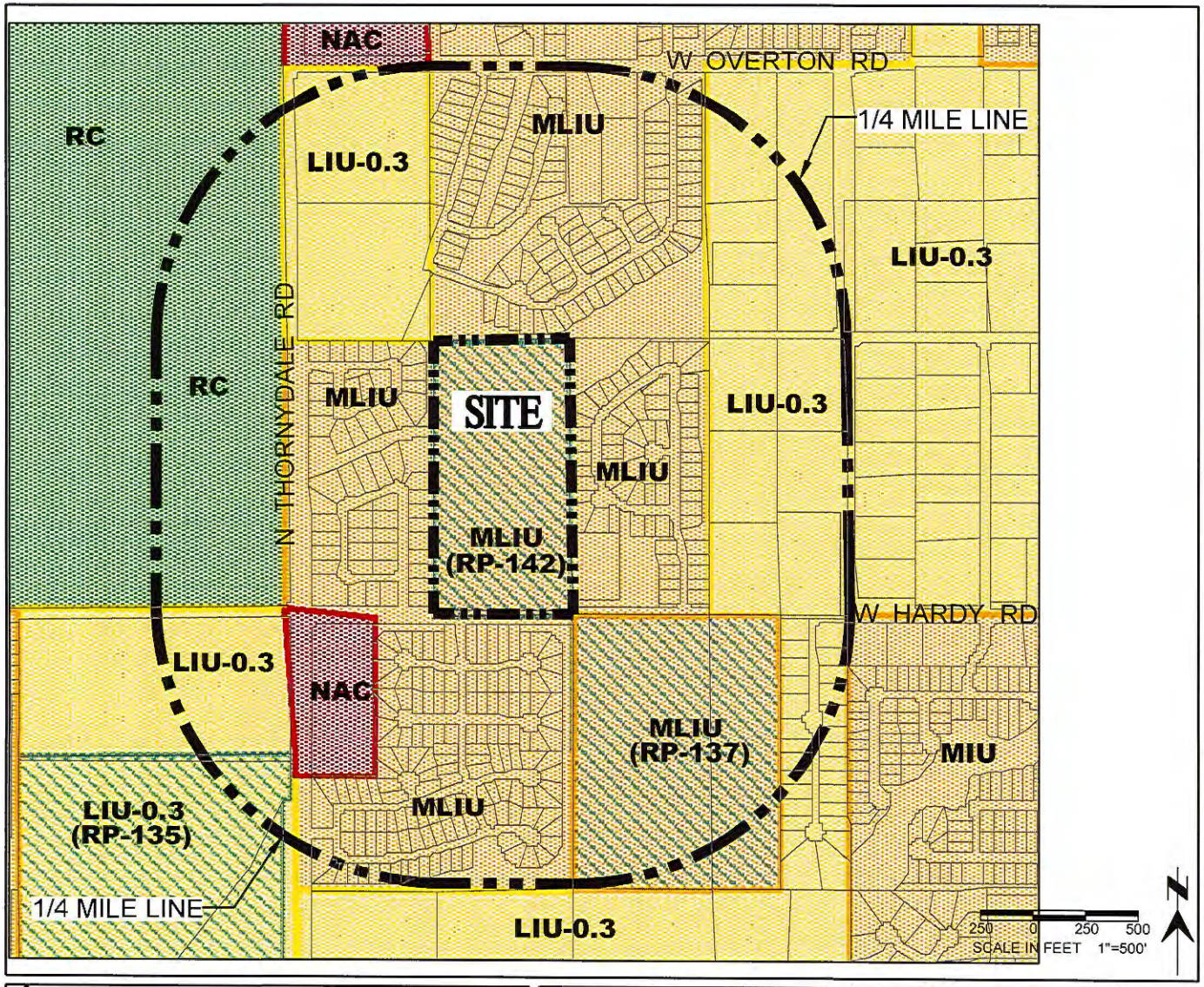
PROJECTS INTERNATIONAL, Inc.
STRATEGIC GUIDANCE
ENTITLEMENT PROCESSES
LOCAL ADVICE & COUNSEL

GRS LANDSCAPE ARCHITECTS, LLC

Hardy Estates

NORTH SIDE HARDY RD, EAST OF THORNYDALE RD
(Ownership Entity: Whisper Canyon Holdings, LLC)
REZONING: SR to CR-5

EXHIBIT II-B.1a-p
PRELIMINARY DEVELOPMENT PLAN



LEGEND

SITE — Rezoning Site
Medium Intensity Urban (MIU)
Comprehensive Plan Designation

- NAC -- Neighborhood Activity Center
- MLIU -- Medium Low Intensity Urban
- MIU -- Medium Intensity Urban
- LIU-0.3 -- Low Intensity Urban 0.3
- RC -- Resource Conservation
- RP -- Rezoning Policy

Jim Portner, Agent for Owner
PROJECTS INTERNATIONAL, INC.
10836 E. ARMADA LANE
TUCSON, ARIZONA 85749
520 850-0917

PROJECTS INTERNATIONAL, Inc.
STRATEGIC GUIDANCE
ENTITLEMENT PROCESSES
LOCAL ADVICE & COUNSEL

GRS LANDSCAPE ARCHITECTS, LLC

Hardy Estates

NORTH SIDE HARDY RD, EAST OF THORNYDALE RD
(Ownership Entity: Whisper Canyon Holdings, LLC)
REZONING: SR to CR-5

EXHIBIT I-A.2c, 4e
COMPREHENSIVE PLAN
DESIGNATIONS
PAGE 7