



*Town of Oro Valley
Community Development and Public Works*

Date: April 17, 2017

Subject: Zoning Interpretation – Zoning rights relative to State Land access from Honey Bee Trail #180 (OV1602908)

REQUEST

A zoning interpretation and complaint was submitted by Steven Beeler, who is a resident of Rancho Vistoso. The aim is to discover how/if access to abutting State Land from Honey Bee Canyon Trail #180 is governed by the zoning code.

Over the past 20 years or more, this trail has been used by the general public to access State Land. The Estates at Honey Bee Ridge HOA has erected a locked gate in order to restrict access from Honey Bee Trail #180 to State Land. Mr. Beeler's specific question is whether this action violates certain rights established in Town zoning.

It is important to note that this interpretation only addresses trail areas that are represented in the planning documents referenced herein. It does not apply to the on ground location of the Honey Bee Trail #180 – which trespasses onto three private properties.

APPLICABLE ZONING REFERENCES

The subject trail and the two adjoining subdivisions are governed by the Rancho Vistoso Planned Area Development and Development Plan (adopted on July 29, 1987). There are several additional zoning related documents pertinent to this request, including the Estates at Honey Bee Ridge Preliminary Plat, Landscape Plan & Final Plat.

Below are related references from each of the aforementioned documents:

- a. Rancho Vistoso Planned Area Development Plan and document

The attached Rancho Vistoso Development Plan, approved as part of the rezoning, specifically designates the subject area as "Equestrian/Hiking Trails" overlaid on "Open Space" zoning. This is one link that is part of a trail and open space zoning system that bisects the entirety of Rancho Vistoso and connects Tangerine Road and State Land.

The Development Plan designates "Open Space" along the northern border of the PAD in relationship to the topography and drainage that extends from and into State Land. Neighborhoods 2, 11, 12 and 13 all include significant wash/drainage, topographic and trail linkages to State Lands.

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The Rancho Vistoso PAD document provides the following:

Pg. 41. 1. *OBJECTIVES: This plan establishes:*

- b. A proximity of home, workplace and recreation opportunity;*
- d. A circulation plan linking the neighborhoods and establishing a clear relationship between pedestrians, equestrians, bicyclists, golf carts and automobiles;*
- e. A hierarchy of developed recreational facilities to meet anticipated community needs;*
- f. An open space network preserving and linking significant natural areas; AND*

Section 1.1

A. Nature of Development Proposed

Rancho Vistoso is a master-planned self-sufficient community which will have residential uses at all densities, parks, schools, community and neighborhood shopping, an office park, a hospital, an adult community, a trail system, and natural and developed open space.

b. Estates at Honey Bee Ridge Preliminary Plat and Landscape Plan

The following plat notes are germane to the trail and general access. Both plans provide for trail access by all Rancho Vistoso residents.

#34: "A homeowners association will be formed to accept responsibility for maintenance, control, safety, and liability of private drainage ways, streets, drainage easements, and trails."

#36: "Recreational trail improvements shall and phase I of the 60 ac recreation area south of Ranch Vistoso shall be completed prior to the issuance of 40% of the Building Permits for this subdivision."

#39: "This project is subject to all applicable polices of the Rancho Vistoso PAD."

Sheets 5, 7 and 9 of the plat labels trail as "8' Wide Rancho Vistoso Residents Equestrian/Hiking Trail"

Sheet 11 includes a detail of the trail with the following description "R.V. residents equestrian/hiking trail"

c. Estates at Honey Bee Ridge Final Plat

The following plat notes are germane to the trail and access. The "open space" designation is recognized on the Final Plat and common areas were "reserved" for subdivision property owners and guests.

#24: "The WAPA recreational trail improvements, the Honey Bee Canyon trail improvements and Phase I of the 60 ac recreation area south of Ranch Vistoso Blvd will be completed prior to the issuance of more than 40% of the Building Permits in this subdivision."

The trail area is labeled as "Common Area A". "Common areas, as shown hereon, are reserved for the private use and conveyance of all property owners in this subdivision, their guests, and invitees...."

Multiple sheets on the final plat label the trail area as "(Natural open space) Common Area A"

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INTERPRETATION

The intent of the Rancho Vistoso Planned Area Development (PAD) zoning is to provide a non-motorized trail and passage (entry and exit) to State Land. Furthermore, this right is only reserved for Rancho Vistoso residents. This is directly supported by the following facts:

1. The stated PAD “objective” is to provide an “open space network preserving and linking significant natural areas”. This Open Space zoned area, known as Honey Bee trail #180, is the last segment of an overall “system” that bisects the entire length of Rancho Vistoso - in-between Tangerine Road and State Land. State Land is a “significant natural area”.
2. All of the land designated “Open Space” on the northern border of Rancho Vistoso was done in relationship with topography and drainage that extends into State Land. Designations were made to ensure continuity and linkages with State land. Rancho Vistoso Neighborhoods 2, 11, 12 and 13 all include significant wash/drainage, topographic and trail linkages to State Lands.
3. Unlike other trails in Rancho Vistoso, this PAD makes no provisions for public use.
4. Because this open space trail system crosses the entirety of Rancho Vistoso and multiple Rancho Vistoso subdivisions, it is readily apparent that it was intended to serve all residents of Rancho Vistoso as a continuous network...not just a single adjoining neighborhood. This also comports with the objective to create “A circulation plan linking the neighborhoods” for “pedestrians, equestrians, bicyclist”...etc.
5. The Estates at Honey Bee Ridge Preliminary Plat, which is a more detailed planning document than a final plat, clearly enables access by all residents of Rancho Vistoso. The Final Plat includes language that does not comply with the PAD zoning intent and preliminary plat.

APPEALS

Persons aggrieved by a Zoning Interpretation may file an appeal to the Board of Adjustment within twenty (20) days from the date it is published on the Town’s website, in accordance with Section 21.6.G of the Town of Oro Valley Zoning Code.

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11000 N. La Cañada Drive, Oro Valley, Arizona 85737
www.orovalleyaz.gov | phone: (520) 229-4800 | fax: (520) 742-1022

