



DATE: February 13, 2015

TO: Board of Supervisors

FROM: Chris Poirier, Assistant Planning Official

SUBJECT: February 17, 2015 Board Agenda Item 16, Rezoning Time Extension – Co9-09-01 Vail UPRR South, LLC – Rocket Road

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A handwritten signature in blue ink, appearing to read "CP" followed by a surname.

Staff was recently informed that by State Statute, the County generally cannot dictate operations of an HOA, particularly on private property. As a result, staff is recommending that the Board of Supervisors strike Environmental Planning Condition 12.B. and retain Condition 12.A as originally adopted:

12. Environmental Planning conditions:

- A. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. 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.