



MEMORANDUM

DATE: August 10, 2021

TO: Clerk of the Pima County Board of Supervisors

FROM: Mark Holden, AICP, Principal Planner *Mark Holden*

SUBJECT: P20RZ00008 SB VENTURES 1, LLC – E. BENSON HIGHWAY
REZONING – Amended Rezoning Conditions

The above listed case is to rezone approx. 8.13 acres from CB-2 (General Business) and TR (Transitional) zoning to the TH (Trailer Homesite) zone for an RV park located on E. Benson Highway. The case was heard before the Planning and Zoning Commission on Wednesday, May 26, 2021 hearing, with a recommendation of APPROVAL, subject to standard and special conditions.

Planning Division staff had included Rezoning Condition #10, requiring documentation of approval of the proposed public water system by the Arizona Department of Water Resources and Rural-Metro Fire. The Site Development Division pointed out to Planning staff that it is, in fact, the Pima County Department of Environmental Quality who would provide approval of construction of the proposed water system. Staff has provided amended Rezoning Condition #10 below for the Board of Supervisors' consideration:

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. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. Prior to Development Plan approval, written proof of coordination with the City of Tucson is required.
 - B. A Traffic Memorandum shall be provided with the Development Plan submittal. The Traffic Memorandum should include the turn lane warrant analysis for the site subject to this rezoning and the adjacent site to the south. Offsite improvements determined necessary as a result of the Traffic Memorandum shall be provided by the property owner.
3. Flood Control District condition: at the time of development the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.

4. Wastewater Reclamation conditions:
 - A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) 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(s) 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(s) 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(s) 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(s) 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(s) 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.
5. Upon the effective date of the Ordinance, the owner(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.
6. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
7. Adherence to the preliminary development plan as approved at public hearing.
8. All RV lots shall provide full connections for water, power and wastewater; no 'dry' parking of RVs shall be permitted.
9. To reduce impacts on surrounding residential neighborhoods, park activities and noise (e.g. running RV generators, outdoor social activities) shall be prohibited between the hours of 9:00 PM and 7:00 AM. All lighting in the vicinity of adjacent residential development shall be shielded and angled away from residences.
10. The owner/applicant shall provide documentation of connection to a water system approved by the Arizona Department of Water Resources and Rural Metro Fire at the time of development acquire

an Approval of Construction (AOC) from the Pima County Department of Environmental Quality for Public Water System #AZ0410967; the owner/applicant shall also provide documentation of approval of the water system by Rural Metro Fire.

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

c: Steven Blair, SB Ventures I, LLC – sblair@fmservicesgroup.com
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