



# MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

**TO:** Honorable Raymond J. Carroll, Supervisor, District # 4

**FROM:** Arlan M. Colton, Planning Director *AMC*

**DATE:** April 2, 2014

**SUBJECT:** Co9-03-31 BACKUS – OLD SPANISH TRAIL REZONING

The above referenced Rezoning Closure/Time Extension within your district is scheduled for the Board of Supervisors' **APRIL 15, 2014** hearing.

**\*This case requires 2 motions.**

- REQUEST:**
- A. To **close** a 3.04 acre rezoning from the SR (Suburban Ranch) to CB-1 (Local Business) (.97 acres) and SR® (Suburban Ranch-Restricted) (2.07 acres) zone. The 3.04 acre subject site was rezoned in 2003.
  - B. For a five-year **time extension** of a 3.04 acre rezoning from the SR (Suburban Ranch) to CB-1 (Local Business) (.97 acres) and SR® (Suburban Ranch-Restricted) (2.07 acres) zone.

**OWNERS:** Peter and Deborah Backus  
14901 E. Old Spanish Trail  
Vail, AZ 85641

**AGENT:** Peter Backus  
14901 E. Old Spanish Trail  
Vail, AZ 85641

**DISTRICT:** 4

**STAFF CONTACT:** Terrill Tillman

**PUBLIC COMMENT TO DATE:** As of April 2, 2014, no written public comments have been received.

**STAFF RECOMMENDATION:** A) AGAINST CLOSURE. B) APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS.

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM:** The subject property is located outside of the Maeveen Marie Behan Conservation Lands System (MMBCLS).

CP/TT/ar  
Attachments



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# Board of Supervisors Memorandum

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Subject: Co9-03-31

Page 1 of 9

**FOR APRIL 15, 2014 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

**FROM:** Arlan M. Colton, Planning Director  
Development Services Department-Planning Division

**DATE:** April 2, 2014

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**ADVERTISED ITEM FOR PUBLIC HEARING**

**REZONING CLOSURE / TIME EXTENSIONS**

**A. CLOSURE**

**Co9-03-31 BACKUS – OLD SPANISH TRAIL REZONING**

Proposal to close a 3.04 acre rezoning from the SR (Suburban Ranch) to CB-1 (Local Business) (.97 acres) and SR® (Suburban Ranch-Restricted) (2.07 acres) zone. The 3.04 acre subject site was rezoned in 2003. The rezoning expired on January 20, 2014. The site is located on the southeast corner of Camino Del Garanon and Old Spanish Trail. Staff recommends **AGAINST CLOSURE**.  
(District 4)

**B. TIME EXTENSION**

**Co9-03-31 BACKUS – OLD SPANISH TRAIL REZONING**

Request of **Peter and Deborah Backus** for a five-year time extension of a 3.04 acre rezoning from the SR (Suburban Ranch) to CB-1 (Local Business) (.97 acres) and SR® (Suburban Ranch-Restricted) (2.07 acres) zone. The 3.04 acre subject site was rezoned in 2003. The rezoning expired on January 20, 2014. The site is located on the southeast corner of Camino Del Garanon and Old Spanish Trail. Staff recommends **APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH MODIFIED AND ADDITIONAL STANDARD AND SPECIAL CONDITIONS**.  
(District 4)

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**STAFF RECOMMENDATION**

Staff recommends **AGAINST CLOSURE AND APPROVAL** of a **five-year time extension** to **January 20, 2019** for approximately **3.04** acres of a rezoning from SR (Suburban Ranch) to CB-1 (Local Business) (.97 acres) and SR@ (Suburban Ranch-Restricted) (2.07 acres) zone with **modified standard and special conditions**. The modified conditions are to update the older standard conditions to the current standard conditions. Rezoning condition #11 was modified because a portion of the condition has been met.

If the decision is made to approve the time extension, the following standard and special conditions should be considered:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. 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, Document Services.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. The property owner(s)/developer(s) shall construct offsite improvements to Camino Del Garanon and Old Spanish Trail as determined necessary by the Department of Transportation.
  - B. The property owner(s)/developer(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, parking areas, drives, physical barriers, drainageways and drainage easements.
  - C. No access shall be allowed on Old Spanish Trail.
8. Flood Control conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.

- B. The property owner(s)/developer(s) shall provide all necessary on-site and off-site drainage related improvements that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
  - C. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
  - D. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.
  - E. The property owner(s)/developer(s) shall contact the Flood control District to determine whether a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to the impact of the federally mapped floodplain (FEMA) on the proposed development.
  - F. All-weather access shall be provided to the development to meet concurrency requirements.
  - G. A riparian mitigation plan shall be required for development in designated riparian areas.
  - H. At the time of development, the applicant shall submit a Final Integrated Water Management Plan consisting of the table identifying internal and external water conservations measures and a site plan showing the location of external measures. First flush retention shall be provided.
9. Regional Wastewater Reclamation Department Management conditions:  
~~The property owner(s)/developer(s) shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit.~~
- 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.
- 10. Cultural Resources and Historic Preservation 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.
- 11. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B). Uses are restricted to offices, commercial retail, and non-drive-thru restaurants. ~~Within 30 days of the Board of Supervisor's approval of a 5-year time extension the owner(s)/developer(s) shall submit a registered survey with attached exhibit map to Development Services delineating the zoning district boundaries of GB-1 and SR@.~~ The subject property shall remain as one parcel.
- 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(s). 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.

B. Invasive Non-Native Plant Species Subject to Removal:

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

C. The 2.07 acres of SR® (Suburban Ranch) (Restricted) shall, in perpetuity, remain as "natural open space" as defined in the zoning code. Natural open space shall be protected from intentional disturbances including, but not limited to, grading, brush clearing, pruning, and deposition of debris.

13. Structures are limited to a maximum of 24 feet and one story.

14. In the event the subject property is annexed, the owner(s)/developer(s) 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.

15. The property owner(s)/developer(s) 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)."

### **STAFF REPORT**

Staff recommends against closure, but, closure must be considered prior to the consideration of a time extension based upon zoning code provision which limits the time to complete rezoning conditions to ten years from the date of rezoning approval.

Staff supports the requested five-year time extension. The applicant cites the lack of economic expansion and population growth in Vail as the reason for delay in completing rezoning conditions. Staff finds that concurrency of infrastructure is met.

The rezoning site is located on the southeast corner of Camino Del Garanon and Old Spanish Trail. The rezoning was conditionally approved to allow office, commercial retail and non-drive thru restaurant uses. The proposed development has the potential to provide needed commercial and retail services in an area where these types of services are limited. Old Spanish Trail is designated as a scenic/major route as designated on the Pima County Major Streets and Scenic Routes Plan and is subject to the scenic routes regulations as described in Section 18.77.040 of the Pima County Zoning Code. The scenic route regulations apply to all new development within 200 feet of the designated route and generally address building height, provisions for a view corridor through the site, and limited signage.

The subject property lies within the Rincon Southeast/Santa Rita Subregion of the Pima County Comprehensive Plan and is designated as Neighborhood Activity Center (NAC). The site is subject to rezoning policy RP-38 (SE corner of Old Spanish Trail and Camino Garanon) that allows the subject property to increase the size of the NAC area by one acre, but requires the balance of the property to remain as natural open space. The CB-1 zone conforms to the Comprehensive Plan designation. Denial of the rezoning time extension shall cause the rezoning case to be closed and the site shall revert to the previous zone of SR (Suburban Ranch) zone which is not in conformance with the Pima County Comprehensive Plan. Closure of the rezoning does not preclude the possibility of future rezoning of the subject property. The site is not located within a designated growth area.



The rezoning site is approximately 3.04 acres and was conditionally approved for a rezoning from SR (Suburban Ranch) zone to the CB-1 (General Business) (.97 acres) and the SR® (Suburban Ranch) (Restricted) (2.07 acres) zone by the Board of Supervisors on January 20, 2004. The SR® zoned area of the site will remain as dedicated natural open space. A five-year time extension was granted May 19, 2009 amending the rezoning time limits to January 20, 2014. If approved, this five-year time extension request would amend the rezoning time limitations to January 20, 2019.

#### **MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (MMBCLS)**

A strip of land approximately 60 feet wide on the eastern boundary of the site falls within the Multiple Use Management Area of the Conservation Lands System (CLS), the remainder of the site falls outside the CLS.

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

North:	SP	Rocking K Specific Plan, undeveloped
South:	SR	Partially developed residential
East:	SP	Rocking K Specific Plan, undeveloped
West:	SR, CB-1	Residentially and commercially developed

<b>CONCURRENCY CONSIDERATIONS</b>		
Department	Concurrency Considerations Met: Yes / No / N/A	Other Comments
TRANSPORTATION	Yes	No objection
FLOOD CONTROL	Yes	No objection
WASTEWATER	Yes	No objection
PARKS	Yes	No comment
WATER	Yes	No comment

#### **TRANSPORTATION REPORT**

The applicant is requesting a time extension for a rezoning of 3.4 acres from SR to SR restricted and CB-1. The preliminary development plan shows a proposed restaurant and office building. The site is located at the corner of Camino Del Gananon and Old Spanish Trail. One access point is shown approximately 185 feet south of the intersection.

Concurrency criteria have been met. The roads in the area are still operating well below capacity. Old Spanish Trail is a rural major collector and designated as a major scenic route in the Major Streets and Scenic Routes Plan. It has a planned right-of-way of 120 feet. The most recent traffic count from April 2011 is 4,843 ADT. The capacity for Old Spanish Trail is 17,700 ADT. There are no traffic counts for Camino Del Garanon as it is a residential collector street.

Staff has no objection to the request for a 5-year time extension, and does not request any changes to the existing rezoning conditions at this time. Staff does note that the Subdivision and Development Street Standards has thresholds of development that require a Traffic Impact Study. This case may be required to submit a Traffic Impact Study although it is difficult to tell with what is shown on the Preliminary Development Plan. This requirement will be determined with the submittal of a Development Plan.

The driveway and parking lot as shown on the Preliminary Development Plan do not appear to meet Subdivision and Development Street Standards per Sections 8.1.1.2 and 8.1.3.5 and will either need to be revised or a modification to the Subdivision and Development Street Standards may be needed. This may be addressed during the submittal of the Development Plan. The small size and unusual shape of the developed portion of the site may make it difficult to fit the parking, landscaping, drainage and buildings as proposed.

#### **REGIONAL FLOOD CONTROL DISTRICT (PCRFCD) REPORT**

The District has no objection to this request subject to the addition of condition #8H and has the following comments:

1. The northern half of the parcel is with FEMA Special Flood Hazard Area Zone A. South of that there is a band of Pima County Regulated Riparian Habitat classified as Xeroriparian Class B.
2. The portion to be developed per the sketch plan is within the floodplains and the NOS corresponds roughly with the habitat.
3. Existing conditions are in place to address these resources and should be continued.
4. Since the original rezoning the County adopted the Comprehensive Plan Regional Water Policy. While the requirement for a Preliminary Integrated Management Plan is not applicable as the Site Analysis was submitted prior to adoption of the policy, when the development plan is submitted the applicant will be required to adopt water conservation measures consistent with this policy and a Final Integrated Water Management Plan consisting of Table B identifying selected measures shall be required. Furthermore new standards requiring first flush retention have been adopted.

**REGIONAL WASTEWATER RECLAMATION DEPARTMENT (RWRD) REPORT**

The PCRWRD has no objection to the proposed 5-year time extension of the rezoning and requests the deletion of rezoning condition #9 and the addition of rezoning conditions #9A-F.

**SPANISH TRAIL WATER REPORT**

Spanish Trail water did not respond.

**NATURAL RESOURCES, PARKS AND RECREATION REPORT**

Natural Resources, Parks and Recreation has no comment.

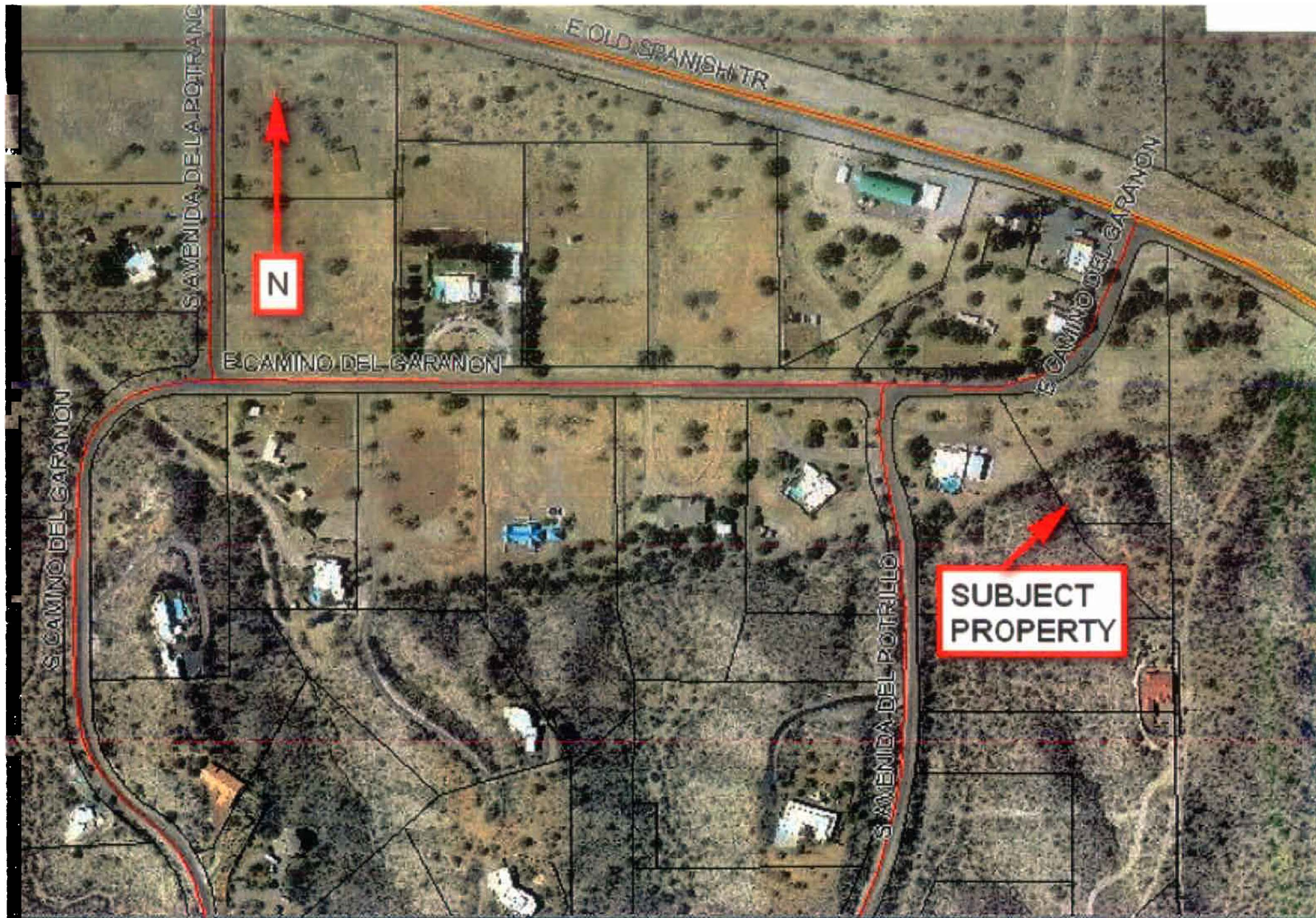
**CULTURAL RESOURCES REPORT**

Cultural Resources staff has no objection to the proposed time extension contingent upon rezoning condition #10 remaining.

CP/TT/ar  
Attachments

c: Peter and Deborah Backus, 14901 E. Old Spanish Trail, Vail, AZ 85641  
Chris Poirier, Assistant Planning Director  
Co9-03-31File

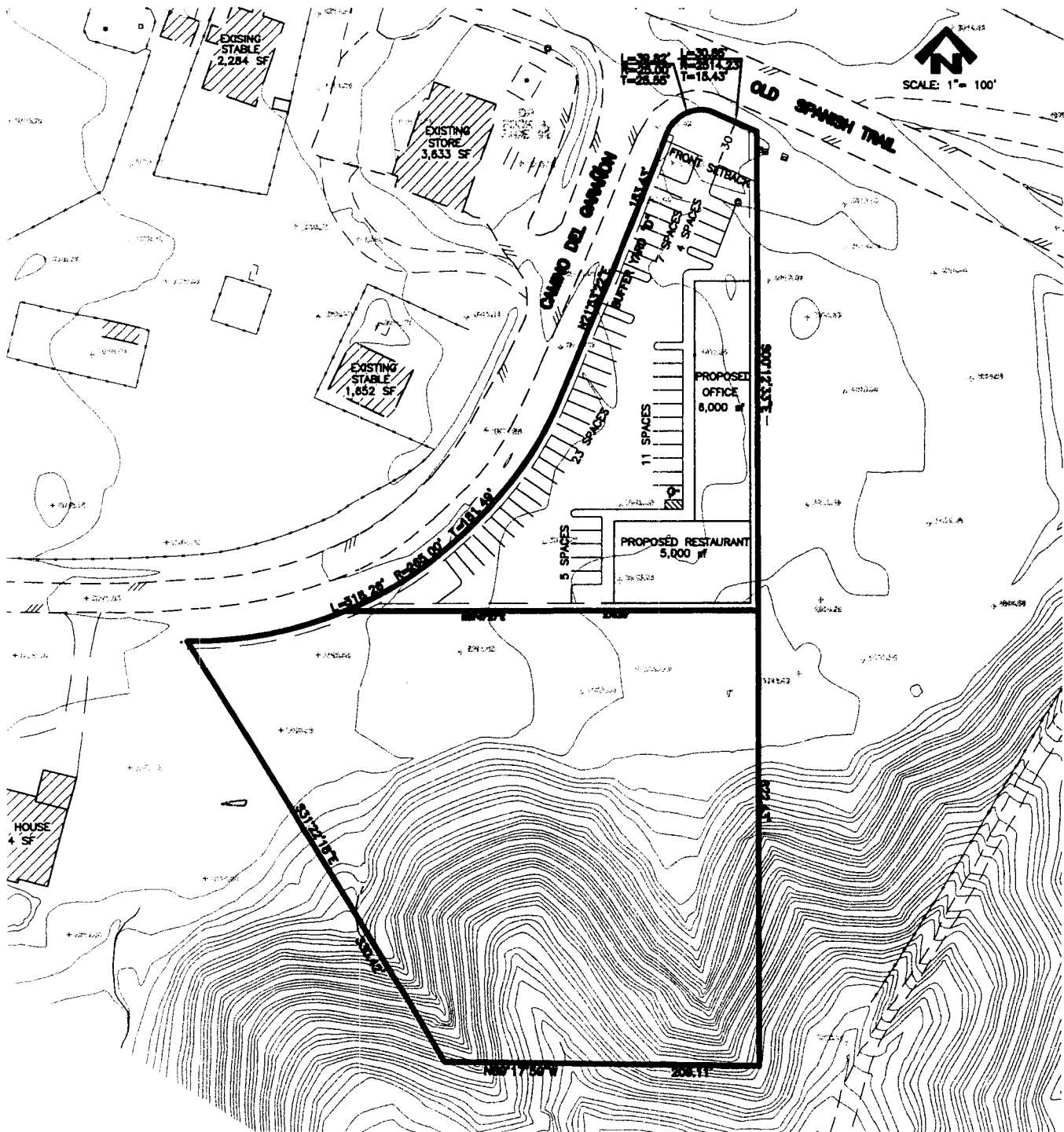




**Co9-03-31 Backus - Old Spanish Trail Rezoning  
Five-Year Time Extension Request**







HORIZ 1" = 100'

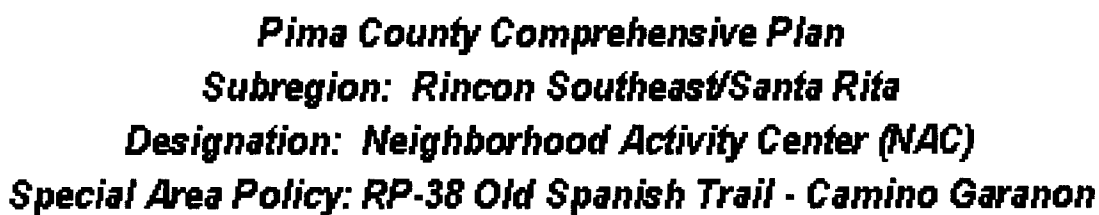
# SITE PLAN FOR OLD SPANISH TRAIL



**MMLA**

McGovern MacVittie Lodge & Associates, Inc.  
800 EAST WETMORE SUITE 110 TUCSON AZ, 85719  
(520) 292-2300 FAX (520) 292-1290

PROJ NO: 01044-01  
DATE: AUGUST 2003



**Neighborhood Activity Center**  
**'NAC' on the Land Use Plan Maps**

a. Purpose: To designate low intensity mixed-use areas designed to provide convenience goods and services within or near suburban residential neighborhoods for day-to-day living needs.

b. Objective: The center provides commercial services that do not attract vehicle trips from outside the immediate service area. A grocery market may be the principle anchor tenant along with other neighborhood services, such as a drugstore, variety/hardware store, self-service laundry, church, and bank. The center may include a mix of medium density housing types. Neighborhood Activity Centers are generally less than fifteen acres in size.

c. Residential Gross Density: Only land area zoned and planned for residential use, or natural or cluster open space areas, shall be included in gross density calculations. Natural and cluster open space shall be defined as set forth in Section 18.09.040B, except that cluster open space shall not include land developed under the GC Golf Course Zone. Residential gross density shall conform with the following:

- 1) Minimum - none
- 2) Maximum - 10 RAC

d. Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's). Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements; however the Board of Supervisors, on appeal at public hearing, may modify the required minimum density if environmental site constraints preclude the ability to achieve the minimum density.

- 1) Minimum – 3 RAC
- 2) Maximum – 5 RAC

e. Zoning Districts: Only the following zoning districts shall be deemed in conformance with the land use plan, except as provided for under the Major Resort Community designation, Section 18.89.030C plan policies, or Section 18.90.030E specific plans:

- 1) CR-2 Single Residence Zone
- 2) CR-3 Single Residence Zone
- 3) CR-4 Mixed-Dwelling Type Zone
- 4) CMH-1 County Manufactured and Mobile Home-1 Zone
- 5) CMH-2 County Manufactured and Mobile Home-2 Zone
- 6) TR Transitional Zone
- 7) RVC Rural Village Center Zone
- 8) CB-1 Local Business Zone
- 9) CB-2 General Business Zone, provided however that the uses in such zone shall be limited to those set forth in Section 18.45.030B through 18.45.030C.



**RP-38 Corner of Old Spanish Trail and Camino Garanon (RS/SR)**

**General Location**

Southeast Corner of Old Spanish Trail and Camino Garanon, in Section 17 of Township 15 South, Range 17 East.

**Description**

Allows expansion of Neighborhood Activity Center with natural open space design.

**Policy**

The subject property may increase the Neighborhood Activity Center by one acre. The balance of the property shall be left as natural open space.

# P B Trading Company, Inc.

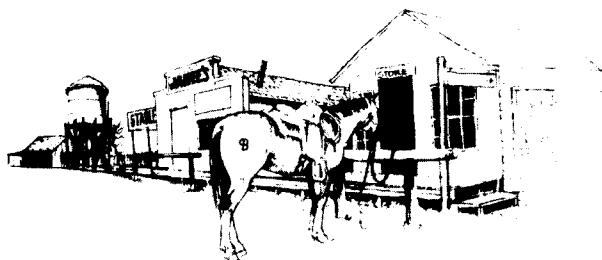
14901 E. Old Spanish Trail  
Vail, AZ 85641

Tel: (520) 647-0030

Fax: (520) 647-0020

email: [pbtrading@cox.net](mailto:pbtrading@cox.net)

email: [pbtradingarizona@yahoo.com](mailto:pbtradingarizona@yahoo.com)



January 6, 2014

Mr. Thomas Coyle, Principal Planner  
Pima County Development Services  
Public Works Building  
201 North Stone Ave., 1<sup>st</sup> Floor  
Tucson, AZ 85701-1207

Dear Mr. Coyle:

Due to the lack of economic expansion and population growth in Vail, Arizona, I am requesting a time extension on Co9-03-31, Old Spanish Trail tax #205-81-0140. This parcel is approximately 3.04 acres.

Enclosed is the original biological impact report and nothing has been done on the property since this report was written.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter G. Backus".

Peter G. Backus

A handwritten signature in black ink, appearing to read "Deborah G. Backus".

Deborah G. Backus

/Enclosure

P0230

PIMA CO CLERK OF THE BOARD

PICKUP



DOCKET: 13621  
PAGE: 3372  
NO. OF PAGES: 7  
SEQUENCE: 20091560739  
08/13/2009  
ORDIN 18:00  
PICKUP  
AMOUNT PAID \$ 0.00

ORDINANCE 2009- 71

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODE 205-81-0140) OF 3.4 ACRES FROM SR (SUBURBAN RANCH) TO SR® (SUBURBAN RANCH) (RESTRICTED) (2.07 ACRES) AND CB-1 (LOCAL BUSINESS) (0.97 ACRES) IN **CASE Co9-03-31 BACKUS – OLD SPANISH TRAIL REZONING**; LOCATED ON THE SOUTHWEST CORNER OF CAMINO DEL GARANON AND OLD SPANISH TRAIL; AMENDING PIMA COUNTY ZONING MAP NO. 131.

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:**

**Section 1.** The 3.4 acres, located on the southwest corner of Camino Del Garanon and Old Spanish Trail, illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map No. 131 is hereby rezoned from SR (Suburban Ranch) to SR® (Suburban Ranch) (Restricted) (2.07 acres) and CB-1 (Local Business) (0.97 acres).

**Section 2. Rezoning Conditions.**

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. 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, Document Services.

6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. The property owner(s)/developer(s) shall construct offsite improvements to Camino Del Garanon and Old Spanish Trail as determined necessary by the Department of Transportation.
  - B. The property owner(s)/developer(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, parking areas, drives, physical barriers, drainageways and drainage easements.
  - C. No access shall be allowed on Old Spanish Trail.
8. Flood Control conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
  - B. The property owner(s)/developer(s) shall provide all necessary on-site and off-site drainage related improvements that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
  - C. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
  - D. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.
  - E. The property owner(s)/developer(s) shall contact the Flood control District to determine whether a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to the impact of the federally mapped floodplain (FEMA) on the proposed development.
  - F. All-weather access shall be provided to the development to meet concurrency requirements.
  - G. A riparian mitigation plan shall be required for development in designated riparian areas.
9. Wastewater Management condition:

The property owner(s)/developer(s) shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit.

10. Cultural Resources and Historic Preservation 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.

11. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B). Uses are restricted to offices, commercial retail, and non-drive-thru restaurants. Within 30-days of the Board of Supervisor's approval of a 5-year time extension the owner(s)/developer(s) shall submit a registered survey with attached exhibit map to Development Services delineating the zoning district boundaries of CB-1 and SR®. The subject property shall remain as one parcel.

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(s). 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.

B. Invasive Non-Native Plant Species Subject to Removal:

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> 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
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

- C. The 2.07 acres of SR® (Suburban Ranch) (Restricted) shall, in perpetuity, remain as "natural open space" as defined in the zoning code. Natural open space shall be protected from intentional disturbances including, but not limited to, grading, brush clearing, pruning, and deposition of debris.
13. Structures are limited to a maximum of 24 feet and one story.
  14. In the event the subject property is annexed, the owner(s)/developer(s) 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.
  15. The property owner(s)/developer(s) 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)."

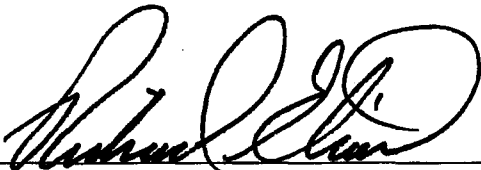
### **Section 3. Time limits, extensions and amendments of conditions.**

1. Conditions 1 through 15 shall be completed by January 20, 2014.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.

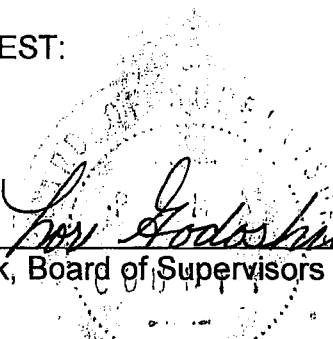
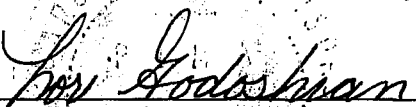
3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 15 are satisfied and the Planning Official issues a Certificate of Compliance.
4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

**Section 4.** The effective date of this Ordinance shall be August 7, 2009.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, this  
4th day of August, 2009.

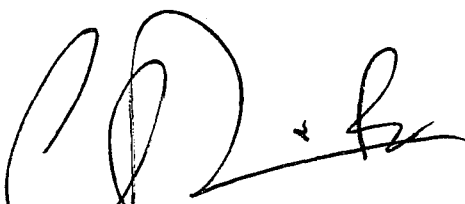
  
Chairman of the Board of Supervisors  
AUG 04 2009

ATTEST:

  
  
Clerk, Board of Supervisors

APPROVED AS TO FORM:

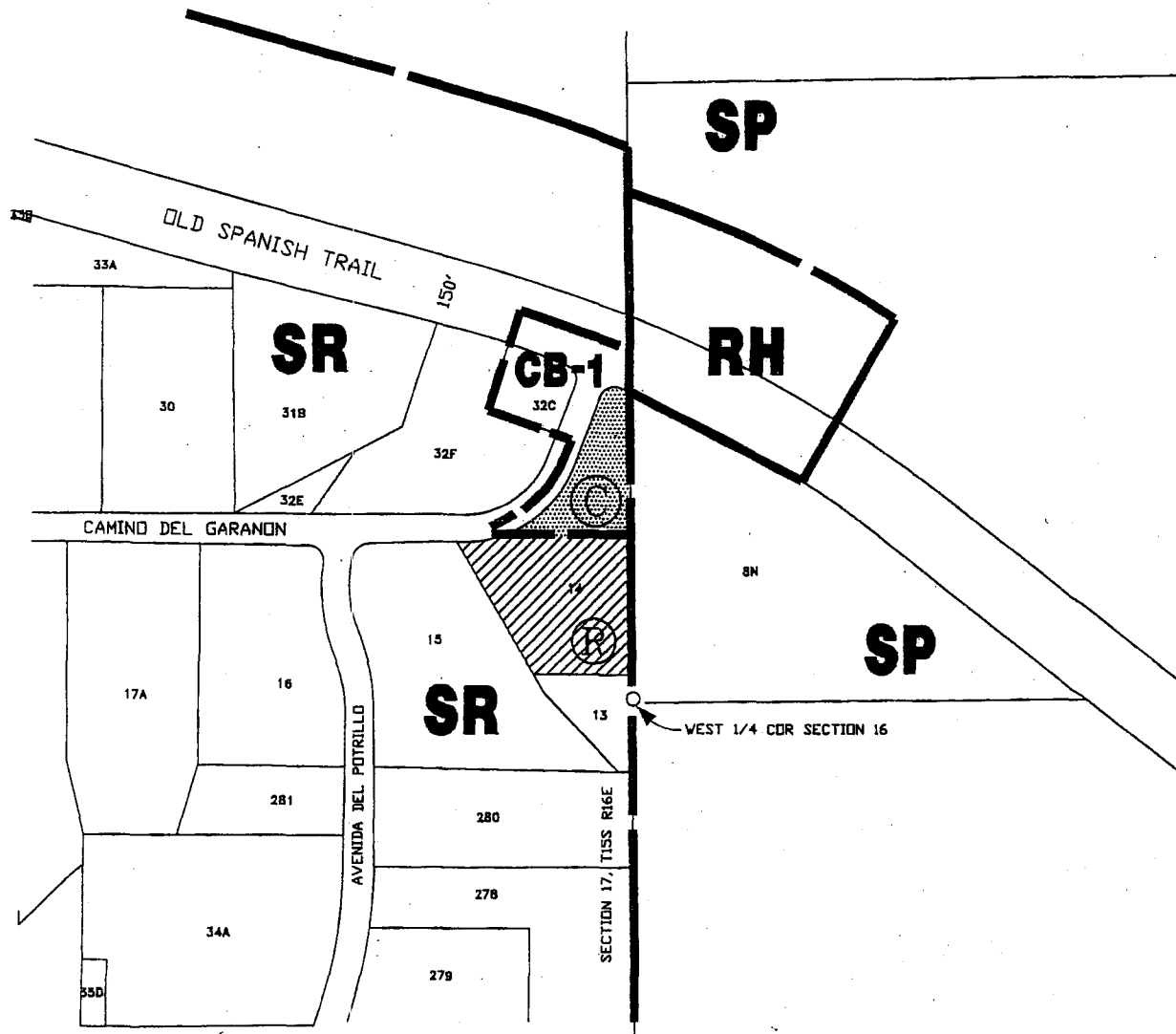
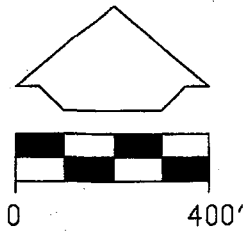
  
Deputy County Attorney  
**ANDREW FLAGG**

  
Executive Secretary,  
Planning and Zoning Commission

# EXHIBIT A

AMENDMENT NO. 8 BY ORDINANCE NO. 2009-71  
TO PIMA COUNTY ZONING MAP NO. 131 TUCSON, ARIZONA  
LOT 1 OF RANCHOS PEQUENOS BEING A PART OF THE SE 1/4 OF  
THE NE 1/4 OF SECTION 17, T15S R16E.

ADOPTED August 4, 2009 EFFECTIVE August 7, 2009



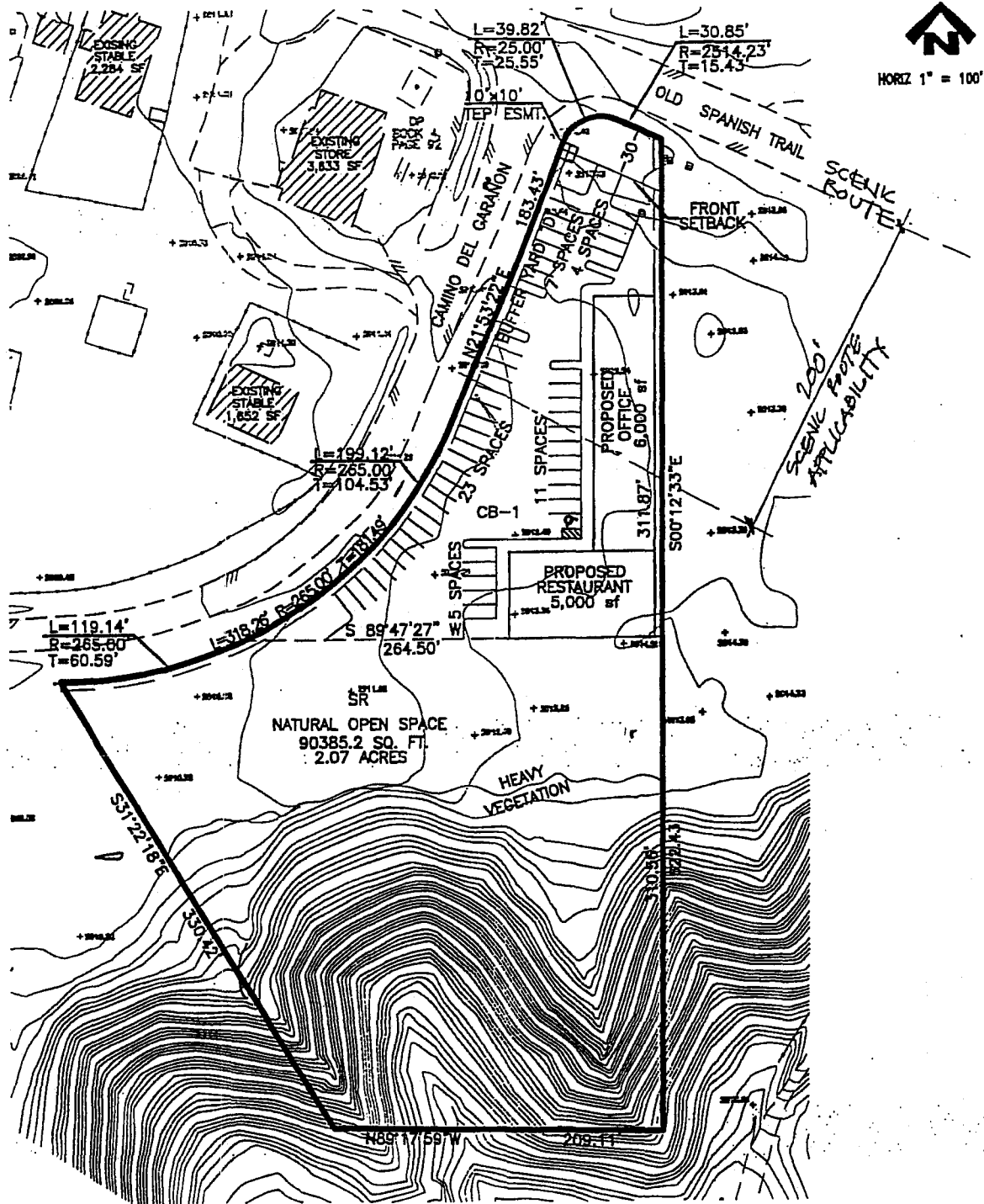
*for*   
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

SURVERIED ZONING BOUNDARIES BETWEEN THE CB-1 AND THE SR(R)  
ZONING SHALL BE DETERMINED DURING THE DEVELOPMENT PLAN REVIEW.

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM SR 3.10 ac±  
MA - JUNE 24, 2009

Co9-03-31  
Co7-00-20  
205-81-0140  
BK 21 PG 98





Sketch Plan  
Co9-03-31

SITE PLAN  
FOR  
**OLD SPANISH TRAIL**

CB-1	.97 ACRES
SR	2.07 ACRES
<b>TOTAL</b>	<b>3.04 ACRES</b>



McGovern MacVittie Lodge & Associates, Inc.  
800 EAST WETMORE SUITE 110 TUCSON AZ, 85719  
(520) 292-2300 FAX (520) 292-1290

PROJ NO: 01044-01  
DATE: AUGUST 2003