BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 07/07/2015

Title: Co9-99-22 MCGARRY/BAUM/EIDAL, ET AL – VALENCIA ROAD REZONING

Introduction/Background:

A five-year time extension request of a rezoning from CR-3 (Mixed Dwelling Type) to CB-2 (General Business) for an approximately 14.66 acre portion of the original 18.44 acre rezoning site. The property is located on the northwest corner of Benson Highway and Valencia Road.

Discussion:

The rezoning time limit and conditions contained in Ordinance No. 2009-156, as amended by Resolution 2011-37, may be extended and modified by the Board of Supervisors.

Conclusion:

A time extension is warranted.

Recommendation:

Staff recommends **APPROVAL** of a **five-year rezoning time extension** to March 21, 2020 for the approximately 14.66 acre portion of the original 18.44 acre rezoning site from CR-3 (Mixed Dwelling Type) to CB-2 (General Business) with modified standard and special conditions.

Fiscal Impact:

0

Board of Supervisor District:

☐ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

Department: Development Services - Planning Telephone: 724-9000

for Department Director Signature/Date: 6/17/2015

Deputy County Administrator Signature/Date: for John Bernal 6/23/15

County Administrator Signature/Date: C. Bulletbury 6/23/15

PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Ramon Valadez, Supervisor, District # 2

FROM: Arlan M. Colton, Planning Director

DATE: June 15, 2015

SUBJECT: **Co9-99-22 MCGARRY/BAUM/EIDAL, ET AL– VALENCIA ROAD REZONING**

The above referenced Rezoning Time Extension is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JULY 7, 2015** hearing.

REQUEST: Request for a five-year **time extension** for a 59.91-acre rezoning from RH (Rural Homestead) zone to SR-2 (Suburban Ranch Estates) zone

OWNER: McGarry, et al
6220 N. Camino Escalante
Tucson, AZ 85718-3014

AGENT: The Planning Center
Attn: Tim Craven
110 S Church Street, Suite 6320
Tucson, AZ 85701

DISTRICT: 2

STAFF CONTACT: Artemio Hoyos

PUBLIC COMMENT TO DATE: As of June 15, 2015, staff has received no public comments.

STAFF RECOMMENDATION: APPROVAL of a **five-year rezoning time extension** to March 21, 2020 for the approximately 14.66 acre portion of the original 18.44 acre rezoning site from CR-3 (Mixed Dwelling Type) to CB-2 (General Business) with modified standard and special conditions.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: The site is outside of the Maeveen Marie Behan Conservation Lands System.

CP/AH/ar
Attachments

PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

FOR July 7, 2015 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: **June 15, 2015**

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING TIME EXTENSION

Co9-99-22 MCGARRY/BAUM/EIDAL, ET AL– VALENCIA ROAD REZONING
Request of **McGarry, et al**, represented by **The Planning Center**, for a five-year **time extension** of the above-referenced rezoning for an approximately 14.66 acre portion of the original 18.44 acre rezoning site from CR-3 (Mixed Dwelling Type) to CB-2 (General Business). The subject site was rezoned in March 2000; approved for rezoning time extensions in December 2005 and June 2010; and the rezoning expired on March 21, 2015. The property is located on the northwest corner of Benson Highway and Valencia Road. Staff recommends **APPROVAL** of a five-year time extension subject to original and modified standard and special conditions.
(District 2)

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a **five-year rezoning time extension** to March 21, 2020 for the approximately 14.66 acre portion of the original 18.44 acre rezoning site from CR-3 (Mixed Dwelling Type) to CB-2 (General Business) with modified standard and special conditions.

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.
   ~~One development plan shall be submitted for the entire rezoning. Phased development of the site is permitted, provided however:~~

~~A. Each phase shall adhere to the development plan presented at the public hearing on the case.~~

~~B. Each phase shall provide to the satisfaction of the County Development Review Division for shared completion either through actual construction or financial contributions in lieu of construction, of all transportation and other required infrastructure improvements.~~

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 ~~of Transportation, Real Property Division~~.

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

7. Transportation conditions:
   A. The property owner(s)/developer(s) shall provide improvements and/or financial contributions as determined necessary by the Pima County and Arizona Departments of Transportation.
   B. Access to Benson Highway and Valencia Road shall be limited to a maximum of three access points for each road. The location and design of the access points shall need the approval of the Department of Transportation at the time of the submittal of a development plan or subdivision plat for any portion of the subject property.
   C. Internal pedestrian and vehicular access shall be provided within the entire rezoning site (including the self-storage to reduce access driveways to both Benson Highway and Valencia Road.

8. Flood Control conditions:
   A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Pima County Regional Flood Control District.
   B. A drainage study shall be submitted for review and approval that addresses the impacts of development to the federally mapped floodplain and local area drainage.
   C. The property owner shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance.
   D. The property owner(s)/developer(s) shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County 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.

E. The property owner(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 all lots 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 must 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~~9. If during land modifying activities, cultural remains, including human remains, are discovered, work in the vicinity of the discovery shall cease and the Pima County Cultural Resources Manager shall be consulted. If Pima County determines that an archaeological inventory is needed, such an inventory and any subsequent mitigation that may be required, will be conducted in accordance with the Standard and Special Requirements for Archaeological Sites.

~~11~~10. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT A).

~~12~~11. Environmental Planning conditions:

A. Upon the effective date of the Resolution, 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 ~~current and any future~~ 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.

B. The project site shall be inspected by a trained resource specialist for the presence of the Western burrowing owl. A report containing inspection results and dates on which inspections were conducted shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of the development plan. If evidence is found substantiating the presence of Western burrowing owls on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.

~~13~~12. Wastewater Reclamation conditions:

A. The owner/developer shall not construe ~~no~~ 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 time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.~~ The owner/developer shall obtain written documentation from the Pima County Regional Wastewater ~~Management~~ 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 ~~have~~ 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 ~~Pima County Wastewater Management Department~~ 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.

~~C~~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 ~~Wastewater Management Department~~ PCRWRD in its capacity response letter and as specified by ~~the Development Services Department~~ PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.

~~D~~E. The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, ~~including obtaining all necessary off-site easements~~ 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.

~~E. The owner/developer shall design and construct the off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, in the manner specified at the time of review of the tentative plat, development plan, 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.

~~14~~13. Tucson Airport Authority condition:
An Aviation Easement shall be executed and recorded to cover the project area, in accordance with the requirement of the Tucson Airport Authority. The Aviation easement shall run with the property, and will served to educate future purchasers of potential aviation impacts.

~~15~~14. In the event the subject property is annexed, the property 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.

~~16~~15. 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 to 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 supports the requested five-year time extension to March 21, 2020. The property is located at the northwest intersection of Valencia Road and Benson Highway, approximately ¼-mile west of Interstate 10. The property is designated Multifunctional Corridor (MFC) under the Comprehensive Plan and is within the Airport Growth Area. The applicants are proposing to develop commercial and self-storage uses on the property, including approximately 150,000 square feet of retail uses. The area has seen, in recent years, substantial residential development (to the west and to the southeast of the subject property) and the proposed use would provide needed commercial services for the area. The proposed development still meets all applicable concurrency criteria and lies outside of the Maeveen Marie Behan Conservation Lands System.

The subject site was originally rezoned in March 2000. In 2005 the Board approved a five-year time extension for the property, with the exception of a 0.45 strip along the northwestern boundary of the original parcel no longer owned by the applicant. Subsequently, the 1.46 acres at the northwest corner of Valencia and Benson Highway received its Certificate of Compliance and a gas station/convenience store has been developed. The property owners have also dedicated land along Valencia Road for right-of-way. Staff recognizes the downturn in market conditions as a factor in the delay in completion of the entire proposed development.

Staff recommends some modifications to the existing rezoning conditions. The Pima County Regional Wastewater Reclamation Department requests that the existing wastewater conditions, Conditions #9 and #13 be replaced and updated to their current requirements. (See attached letter.)

Denial of the time extension will cause the rezoning case to be closed and the site to revert to CR-3 (Mixed Dwelling Type) zoning. Closure of the rezoning would not preclude the possibility of a similar future rezoning. If the time extension is approved, a resolution will be forwarded to the Board of Supervisors for adoption to memorialize the new conditions and rezoning time limit.

SURROUNDING LAND USES/GENERAL CHARACTER:

North:	CR-3/CB-2	Vacant, Residential/commercial
South:	CR-3	Vacant, residential
East:	CB-2, C-2/R-1 (COT)	Gas station/convenience store, vacant
West:	TH, R-2 (COT)	Residential

CONCURRENCY CONSIDERATIONS		
Department	Concurrency Considerations Met: Yes / No / N/A	Other Comments
TRANSPORTATION	Yes	No objection
FLOOD CONTROL	Yes	No objection
WASTEWATER	Yes	No objection
PARKS & RECREATION	Yes	No objection
WATER	Yes	No objection
SCHOOLS	N/A	No response
ENVIRONMENTAL QUALITY	Yes	No objection

TRANSPORTATION DEPARTMENT REPORT:
The Department of Transportation has no objection to the granting of a 5-year time extension. Concurrency criteria have been met since area roadways are operating below capacity. The most recent traffic counts are as follows:

Roadway	ADT	Capacity (ADT)	# lanes, conditions
Swan Rd	3,173 (2013)	16,700	3, undivided
Benson Hwy	7,190 (2013)	35,820 – 37,600	4 divided, 5 undivided
Valencia Rd	20,328 (2014)	35,820	4 lanes, divided
Interstate 10	65,685 (2013)	74,400	4 lanes, freeway

Swan Road has been paved south of Old Vail Connection Road and Valencia Road from Alvernon to Wilmot Road is being widened to six lanes. Valencia improvements will include multi-use lanes, sidewalks and landscaped shoulders. This project is on schedule to finish in fall of 2015. The Department of Transportation does not recommend any changes to the rezoning conditions that were modified and approved during the last time extension.

REGIONAL FLOOD CONTROL DISTRICT REPORT:
The Pima County Regional Flood Control District has no objection subject to existing conditions.

REGIONAL WASTEWATER RECLAMATION DEPARTMENT REPORT:
The Pima County Regional Wastewater Reclamation Department has no objection to the 5-year extension of the rezoning. (See attached letter)

DEPARTMENT OF ENVIRONMENTAL QUALITY REPORT:
No objection or further comments.

NATURAL RESOURCES, PARKS AND RECREATION (NRPR) DEPARTMENT REPORT:
NRPR has no objection to the time extension request.

RAY WATER COMPANY:
No comments at this time.

TUCSON AIRPORT AUTHORITY (TAA)
TAA supports the time extension.

RURAL/METRO FIRE DEPARTMENT:
As the development continues into the plan stage, the applicant will be required to submit plans to our fire prevention department for review of fire code compliance. This review will cover fire flow and fire hydrant requirements, fire department access, fire sprinkler systems and all other applicable fire code requirements. As of April 7, 2007 the 2003 edition of the International Fire Code shall be the applicable fire code for this project.

UNITED STATE FISH AND WILDLIFE SERVICE:
No comments received.

DAVIS-MONTHAN AIR FORCE BASE:
D-M planning staff has reviewed the request and have no concerns.

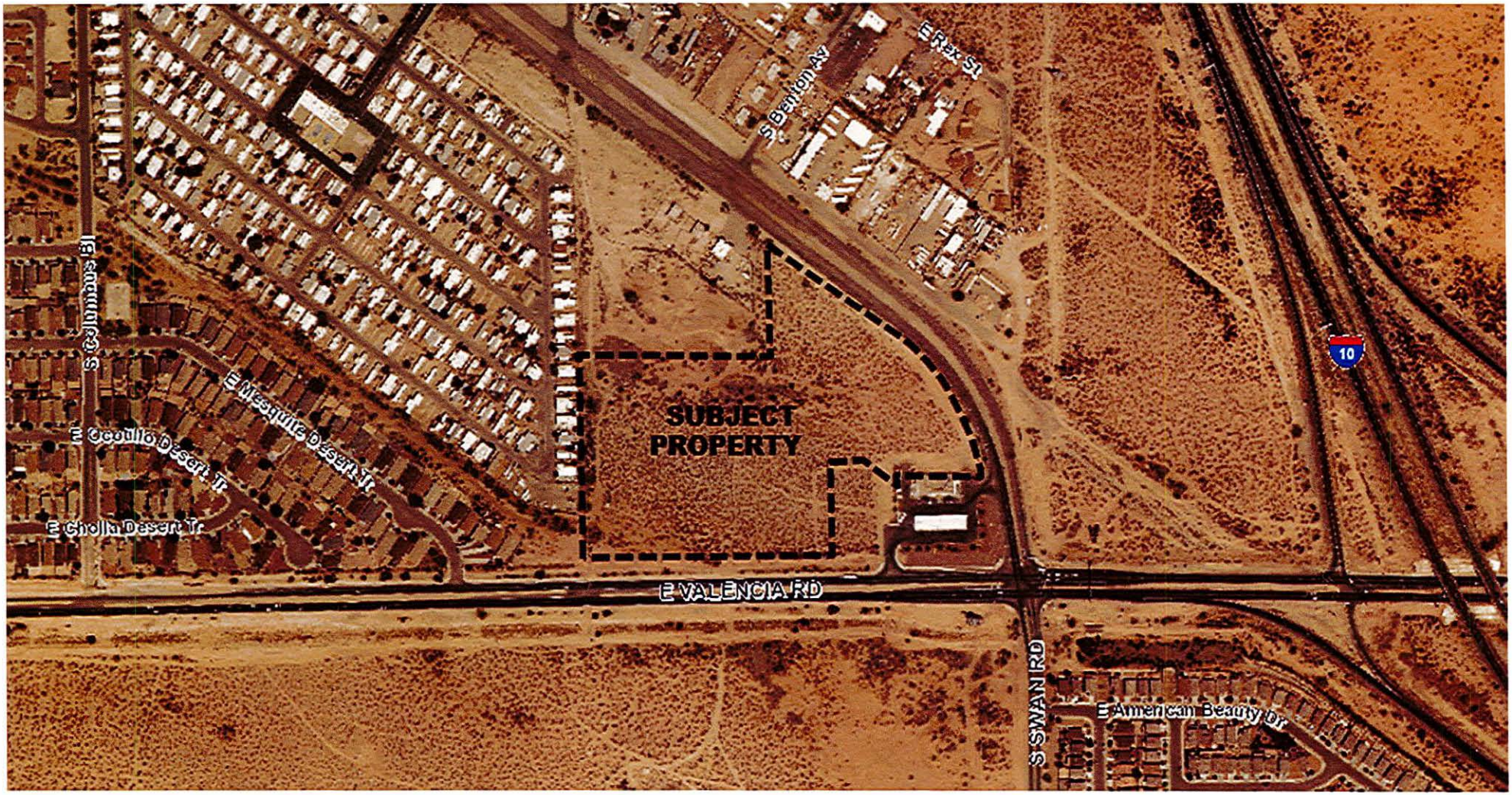
PUBLIC COMMENTS:
To date, no written public comments have been received.

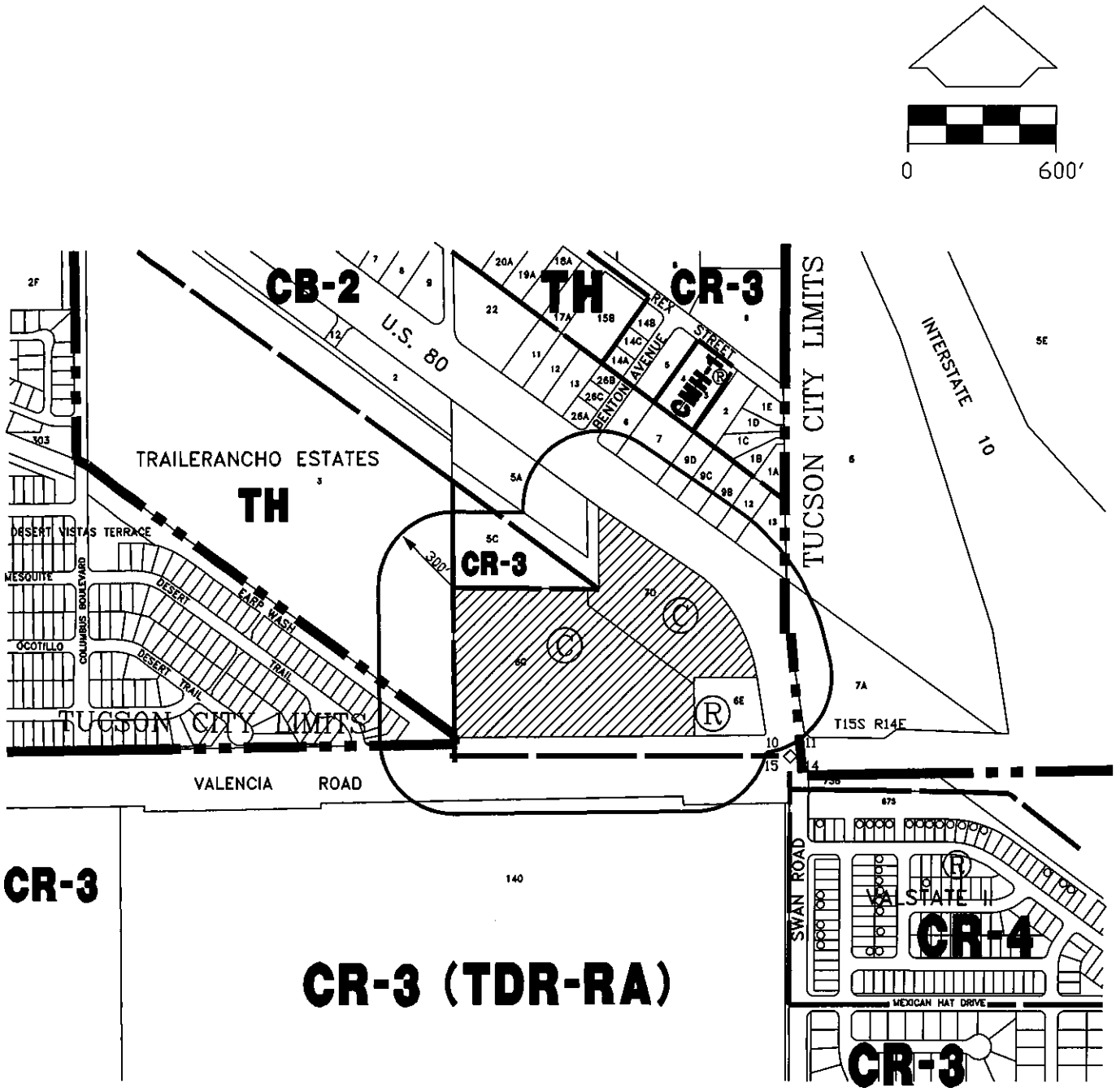
CP/AH/ar
Attachments

c: McGarry, et al, 6220 N. Camino Escalante, Tucson, AZ 85718-3014
The Planning Center, Attn: Tim Craven, 110 S. Church Avenue, Ste. 6320, Tucson, AZ 85701
Chris Poirier, Assistant Planning Director
Co9-99-22 File

McGarry/Baum/Eidel, et al – Valencia Road Rezoning
Co9-99-22 – Time Extension

Aerial





Petition area

Notification area

BASE MAP 59

Notes TIME EXTENSION

Tax codes 140-32-006G & 140-32-007D

Date 05/11/15

Drafter DS

File no. C09-99-22

MCGARRY/ BAUM/ EIDAL ET AL - VALENCIA ROAD REZONING

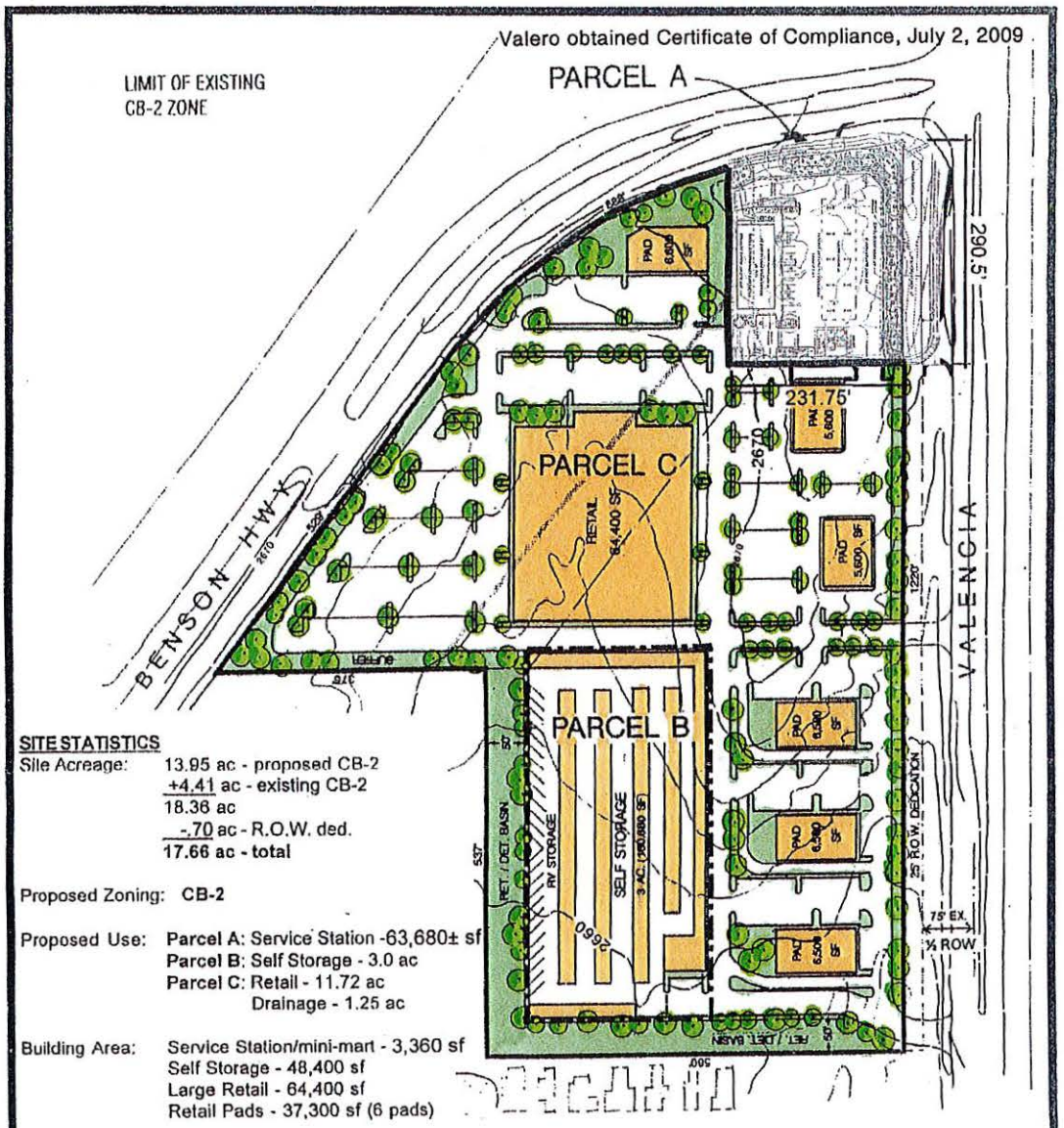
PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT

PLANNING DIVISION

Preliminary Development Plan

Valencia Road Rezoning Time Extension, Co9-99-22

Tax Code Numbers: 140-32-006B & 140-32-007D 15.82 acres



SITE STATISTICS

Site Acreage: 13.95 ac - proposed CB-2
+4.41 ac - existing CB-2
18.36 ac
-.70 ac - R.O.W. ded.
17.66 ac - total

Proposed Zoning: **CB-2**

Proposed Use: **Parcel A**: Service Station -63,680± sf
Parcel B: Self Storage - 3.0 ac
Parcel C: Retail - 11.72 ac
Drainage - 1.25 ac

Building Area: Service Station/mini-mart - 3,360 sf
Self Storage - 48,400 sf
Large Retail - 64,400 sf
Retail Pads - 37,300 sf (6 pads)

Building Height: 39' Maximum

Parking: Service Station - 22 sp
Self Storage - 6 sp
Large Retail - 340 sp
Retail Pads - 10+ sp each

Setbacks:
Front - 20'
Rear - 25'
Sides - 7'
MS&R - 30'

Required Bufferyards:
North - "D"
East - "D"
South - "D"
West - "D"

not to scale

THE PLANNING CENTER
a division of TPC Group, Inc

March 20, 2015

Chris Poirier
Assistant Planning Director
Pima County Development Services
201 North Stone, 2nd Floor
Tucson, AZ 85701-1207

Subject: **Co9-99-22 McGarry/Baum/Eidal, et al. – Valencia Road Rezoning**
MMM-01

Dear Chris:

On behalf of the landowners, we are requesting a denial of the rezoning closure and a 5-year time extension for rezoning Case #Co9-99-22, Valencia Road Rezoning. The subject site is approximately 15.1 acres on Valencia Road, at Benson Highway and located in Township 15 South, Range 14 East, Section 10, on County Assessor's Parcel number 140-32-006G and 140-32-007D. See enclosed location map.

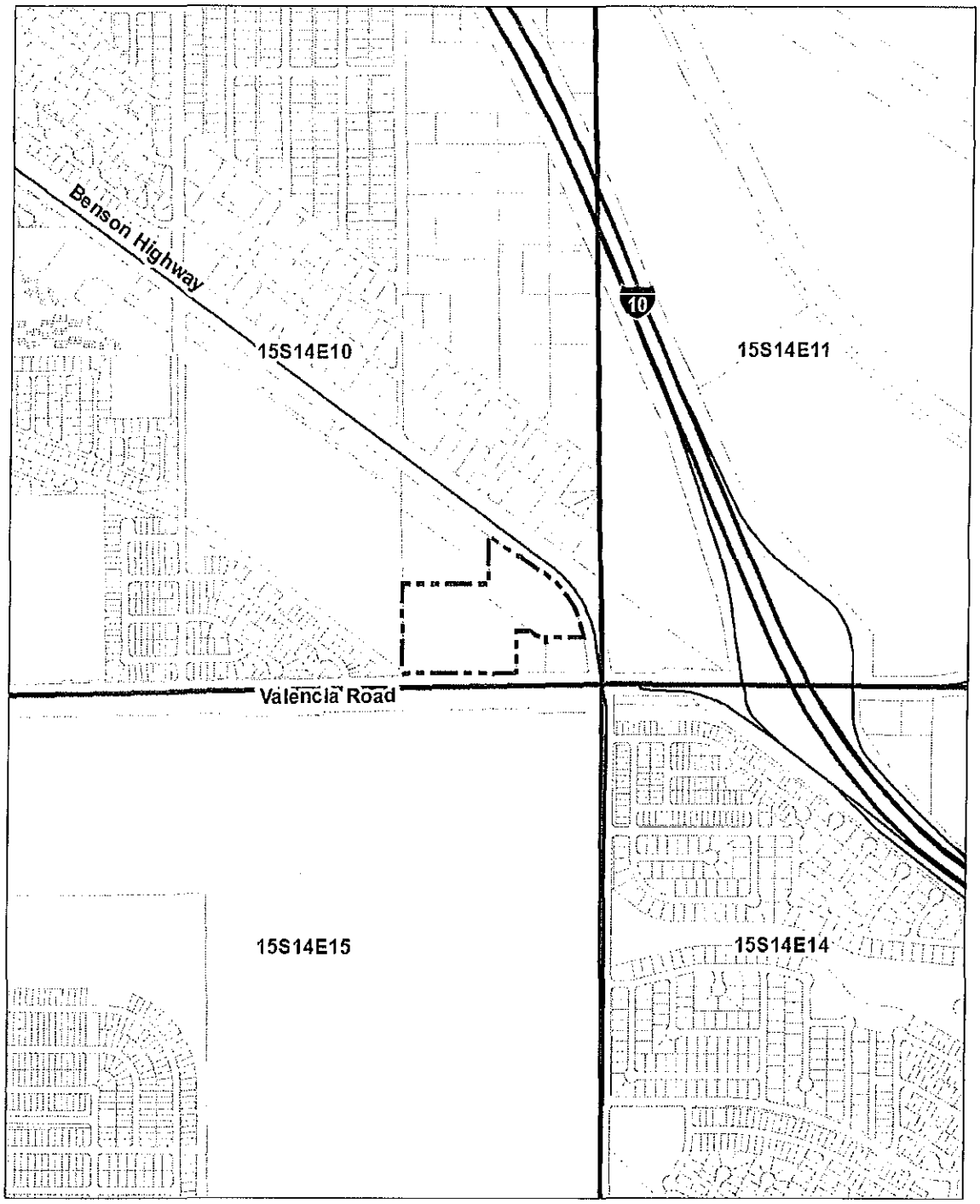
This parcels are still vacant, and since there has been no market for commercial development in recent years, a 5-year time extension is necessary for the market to recover.

If you have any questions, please don't hesitate to contact me.

Sincerely,
THE PLANNING CENTER

Tim Craven
Planner

a 110 s church ste 6320 tucson az 85701
o 520.623.6146
f 520.622.1950
w azplanningcenter.com



LEGEND

- Site Boundary
- Parcels
- Township, Range & Section

NOTES:

Project Location:
Parcel # 140-32-006G, 140-32-007D
Township 15S, Range 14E, and Section 10
Site Acreage: Approximately 15.07

NORTH

0' 500' 1000'

FILE NAME: MMM-01 6x8_Location
SOURCE: Pima County GIS, 2015

THE PLANNING CENTER

Biological Impact Report

Valencia Road Rezone Time Extension
Valencia Road at Benson Highway
Pima County, Arizona

Prepared for:

Pima County Development Services
Planning Division
201 North Stone Avenue
Tucson, Arizona 85701

Project Applicant

Martin M. McGarry, Inc
6220 North Camino Escalante
Tucson, Arizona 85718
Phone (520) 577-2494

Prepared by:

The Planning Center
110 South Church, Suite 6320
Tucson, Arizona 85701
Tel: (520) 623-6146
Fax: (520) 622-1950

March 20, 2015
Co9-99-22, Martin M. McGarry, Inc
Valencia Road Rezone

INTRODUCTION 2

A. LANDSCAPE RESOURCES 5

1. CONSERVATION LAND SYSTEM 5
2. CRITICAL LANDSCAPE LINKAGES 5
3. HABITAT PROTECTION OR COMMUNITY OPEN SPACE 5

B. FEDERALLY LISTED THREATENED AND ENDANGERED SPECIES 6

1. CFPO PRIORITY CONSERVATION AREA 6
2. CFPO SURVEY 6
   a. *Survey Date* 6
   b. *Future Surveys* 6
1. WESTERN BURROWING OWL PRIORITY CONSERVATION AREAS 6
2. WESTERN BURROWING OWL SURVEY 6
   a. *Survey Date* 6
   b. *Future Surveys* 6
1. PIMA PINEAPPLE CACTUS PRIORITY CONSERVATION AREAS 7
2. PRESENCE OF PIMA PINEAPPLE CACTUS ON-SITE 7
3. PIMA PINEAPPLE CACTUS SURVEY 7
   a. *Survey Date* 7
   b. *Future Surveys* 7
1. NEEDLE-SPINED PINEAPPLE CACTUS PRIORITY CONSERVATION AREAS 7
2. PRESENCE OF NEEDLE-SPINED PINEAPPLE CACTUS ON-SITE 7
3. NEEDLE-SPINED PINEAPPLE CACTUS SURVEY 7
   a. *Survey Date* 7
   b. *Future Surveys* 7

EXHIBITS

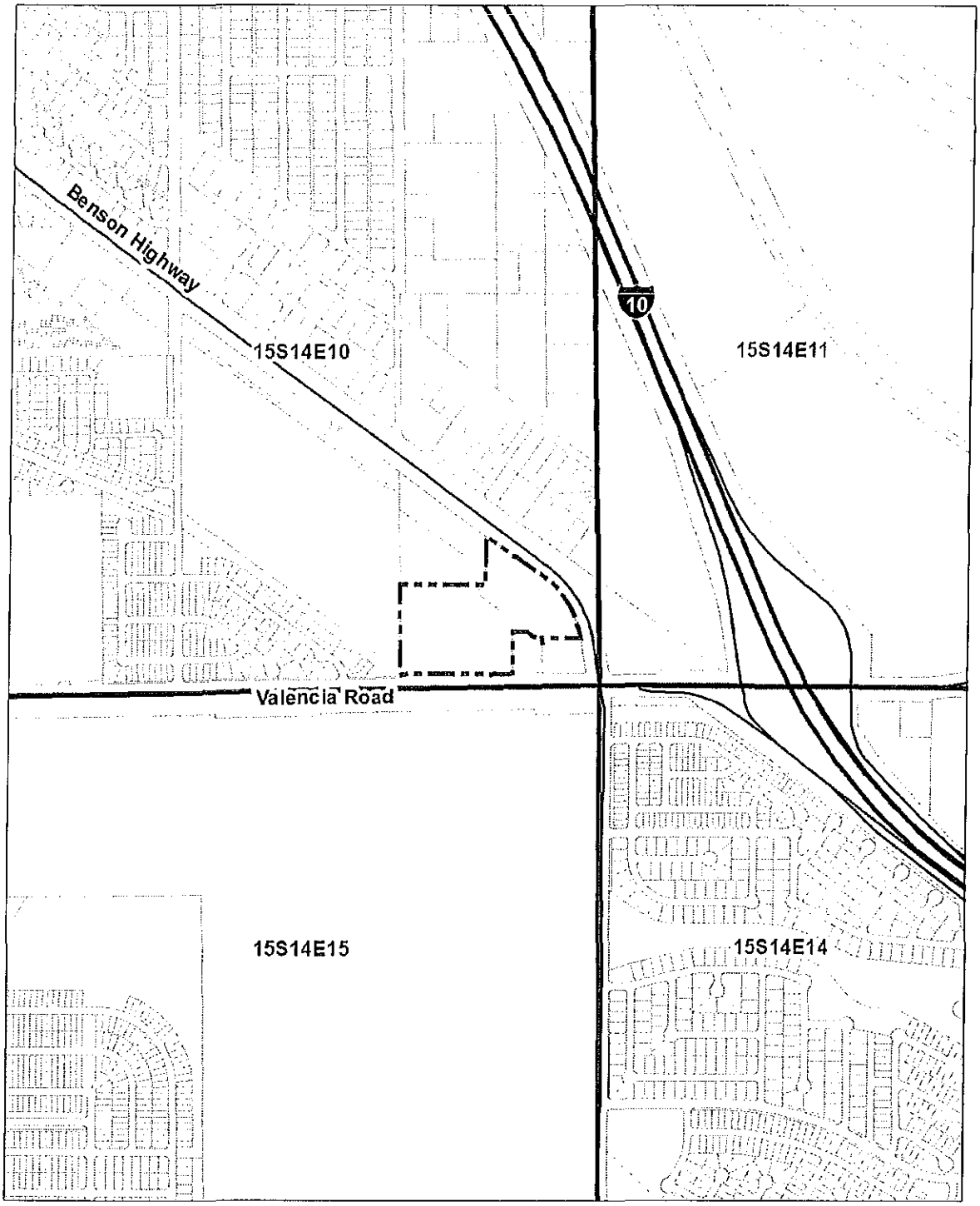
EXHIBIT 1: LOCATION MAP 3
EXHIBIT 2: AERIAL PHOTOGRAPH 4

INTRODUCTION

This Biological Impact Report (BIR) is provided in support of the rezoning time extension application for the subject property located on Valencia Road at the intersection of Benson Highway in Pima County, Arizona. The 15.07-acre project site is composed of assessor parcel numbers 140-32-006G and parcel 140-32-007D. The proposal is to deny the rezoning closure and extend the CB-2 (General Business) zone for a period of 5 years to allow for future commercial development.

The Pima County Sonoran Desert Conservation Plan (SDCP) MapGuide Map website was consulted to determine the absence or presence of biological resources on-site, pursuant to the document entitled *Pima County Development Services Biological Impact Report Guidelines,* issued by Pima County (March 2010).

Exhibit 1: Location Map



LEGEND

- Site Boundary
- Parcels
- Township, Range & Section

NOTES:

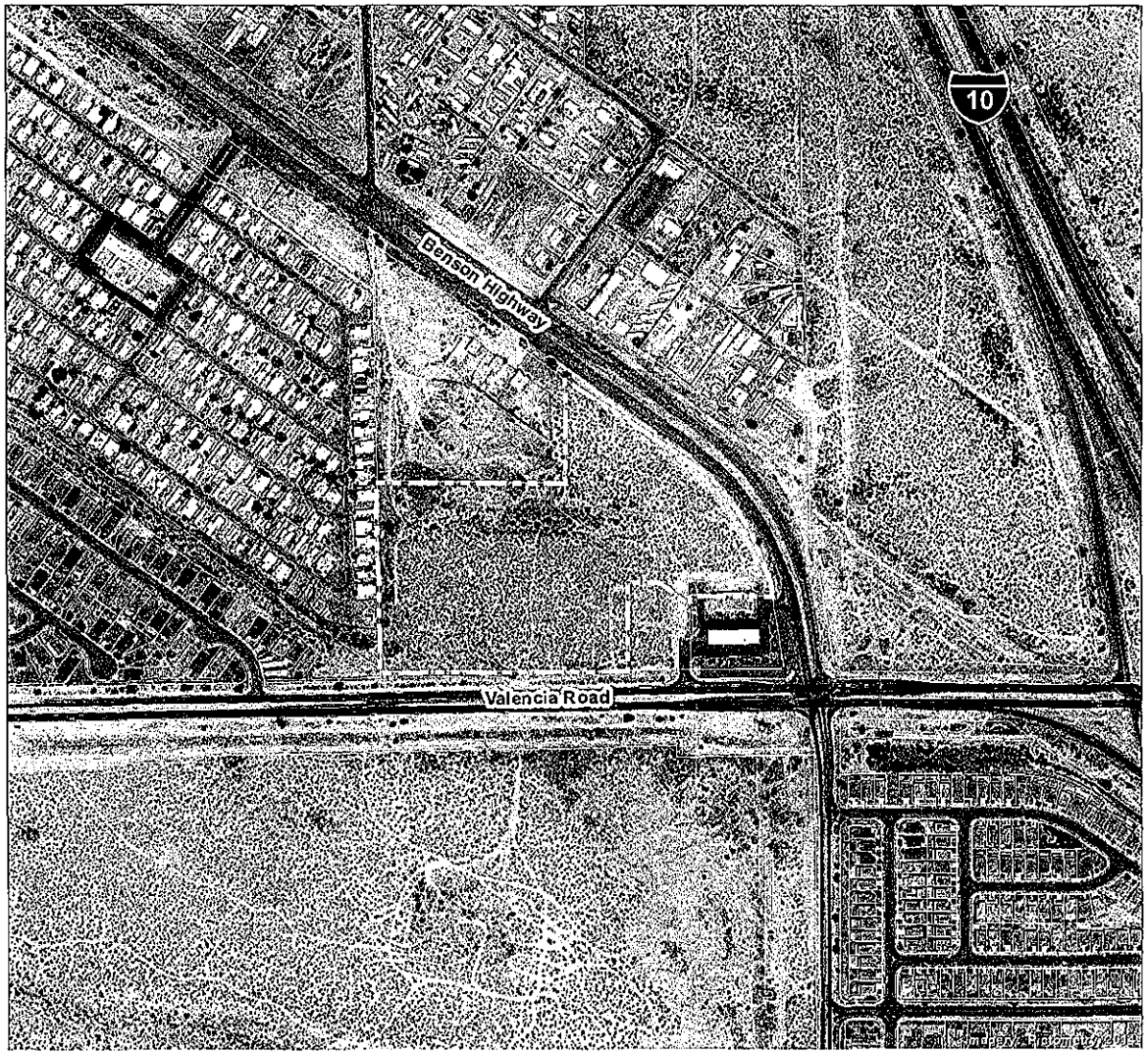
Project Location:
Parcel # 140-32-006G, 140-32-007D
Township 15S, Range 14E, and Section 10
Site Acreage: Approximately 15.07

NORTH

0' 500' 1000'

FILE NAME: MMM-01 6x8_Location
SOURCE: Pima County GIS, 2015

Exhibit 2: Aerial Photograph



LEGEND

Site Boundary

Parcels

NORTH

0' 250' 500'

FILE NAME: MMM-01_Aerial
SOURCE: Pima County GIS, 2015

A. Landscape Resources

The Pima County Sonoran Desert Conservation Plan (SDCP) maps available on the SDCP MapGuide web site and prepared by Pima County Department of Transportation, GIS Division, and the Maeveen Marie Behan Conservation Lands System Map were consulted for the preparation of this section of the BIR.

1. Conservation Land System

   According to the Maeveen Marie Behan Conservation Land System (CLS) information provided in the SDCP MapGuide web site, this site is located outside of any CLS category, and the site is not located in areas designated as Important Riparian Areas or Special Species Management Areas.

2. Critical Landscape Linkages

   According to the CLS information provided on the SDCP MapGuide web site, this site is not located within any areas designated as Critical Landscape Linkages.

3. Habitat Protection or Community Open Space

   According to the 2004 Conservation Bond Program and the proposed 2015 Conservation Bond Program shown on the SDCP MapGuide, the site is not located within Community Open Space or Habitat Protection Priorities areas.

B. Federally Listed Threatened and Endangered Species

Cactus Ferruginous Pygmy Owl (CFPO)

1. CFPO Priority Conservation Area

   According to the SDCP MapGuide, the project site does not occur within the CFPO Priority Conservation Area.

2. CFPO Survey

   A CFPO Survey has not been conducted on the site.

   a. Survey Date

   Not applicable.

   b. Future Surveys

   No surveys are planned at this time.

Western Burrowing Owl

1. Western Burrowing Owl Priority Conservation Areas

   According to the SDCP MapGuide map, the site is located within the Priority Conservation Area for the Western Burrowing Owl.

2. Western Burrowing Owl Survey

   A Western Burrowing Owl Survey has not been conducted on the site. The adjacent Valero property was surveyed for the owl in October 2008 and no western burrowing owls were found onsite.

   a. Survey Date

   Not applicable.

   b. Future Surveys

   No surveys are planned at this time.

Pima Pineapple Cactus

1. Pima Pineapple Cactus Priority Conservation Areas

   SDCP MapGuide map indicates the subject property is not within the Priority Conservation Area for the Pima Pineapple Cactus.

2. Presence of Pima Pineapple Cactus On-Site

   There are no known occurrences of the Pima pineapple cactus on the subject property.

3. Pima Pineapple Cactus Survey

   A PPC survey has not been conducted on the site.

   a. *Survey Date*

      Not applicable.

   b. *Future Surveys*

      No surveys are planned at this time.

Needle-Spined Pineapple Cactus

1. Needle-Spined Pineapple Cactus Priority Conservation Areas
   The site is not located within the Priority Conservation Area for the needle-spined pineapple cactus according to the SDCP Mapguide map.

2. Presence of Needle-Spined Pineapple Cactus On-Site

   There are no known occurrences of the needle-spined pineapple cactus on the subject property.

3. Needle-Spined Pineapple Cactus Survey

   A needle-spined pineapple cactus survey has not been conducted on the site.

   a. *Survey Date*

      Not applicable.

   b. *Future Surveys*

      No surveys are planned at this time.

Bibliography:

Maeveen Marie Behan Conservation Lands System Map, Pima County Development Services. 2015

Mapguide. Pima County Department of Transportation. 2015

Mapguide. Sonoran Desert Conservation Plan. 2015

Pima County Development Services Biological Impact Report Guidelines. Pima County. 2010

Book-Map-Parcel: 140-32-006G Oblique Image Tax Year: Tax Area: 1200

Property Address:

Street No	Street Direction	Street Name	Location
4545	E	VALENCIA RD	Pima County

Taxpayer Information:

EIDAL JACQUELINE TR 40/96 &MCGARRY MARTIN M &JOAN
18/96&MCGARRY MARTIN M S/S 8/96&MCGARRY
JENNA 6/96 & ANDERSON TYLER 6/96 ET AL
6220 N CAMINO ESCALANTE
TUCSON AZ
85718- 3014

Property Description:

PTN N580' S680' W950.98' E1338.42' EXC PTN
N276.75' S376.75' E197' W950.98' SE4 SE4
9.34 AC SEC 10-15-14

Valuation Data:

	2015				2016			
	LEGAL CLASS	VALUE	ASMT RATIO	ASSESSED VALUE	LEGAL CLASS	VALUE	ASMT RATIO	ASSESSED VALUE
LAND FCV	Vacant/Ag/Golf (2)	$914,996	16.0	$146,399	Vacant/Ag/Golf (2)	$914,996	15.0	$137,249
IMPR FCV		$0				$0		
TOTAL FCV	Vacant/Ag/Golf (2)	$914,996	16.0	$146,399	Vacant/Ag/Golf (2)	$914,996	15.0	$137,249
LIMITED VALUE	Vacant/Ag/Golf (2)	$871,991	16.0	$139,519	Vacant/Ag/Golf (2)	$914,996	15.0	$137,249

Property Information:

Section:	10
Town:	15.0
Range:	14.0E
Map & Plat:	/
Block:	
Tract:	
Rule B District:	20
Land Measure:	406665.00F
Group Code:	
Census Tract:	4104
Use Code:	0012 (VACANT RESIDENTIAL URBAN NON-SUBDIVIDED)
File Id:	1
Date of Last Change:	2/6/2014

Valuation Area:

Condo Market:	111
DOR Market:	7
MFR Neighborhood:	ST_FAIRGROUNDS
SFR Neighborhood:	08017212
SFR District:	16

Supervisor District:

(2) RAMON VALADEZ

Recording Information:

Sequence No.	Docket	Page	Date Recorded	Type
20133380277	0	0	12/4/2013	QUIT CLAIM DEED
20130720668	0	0	3/13/2013	DEED
20130720669	0	0	3/13/2013	DEED
20130720670	0	0	3/13/2013	DEED
20130720672	0	0	3/13/2013	DEED
20121800906	0	0	6/28/2012	DEED
20121800907	0	0	6/28/2012	DEED
20121800908	0	0	6/28/2012	DEED
20121800909	0	0	6/28/2012	DEED
20121230481	0	0	5/2/2012	DEED
20113641379	0	0	12/30/2011	DEED
20113641380	0	0	12/30/2011	DEED
20113641381	0	0	12/30/2011	DEED
20113641382	0	0	12/30/2011	DEED
20113641383	0	0	12/30/2011	DEED
89077628	8567	192	6/27/1989	DEED
0	7956	495	1/21/1987	
0	7956	497	1/21/1987	
0	7615	853	9/10/1985	
0	7244	692	3/21/1984	
0	7188	701	12/29/1983	
0	7132	1084	10/6/1983	
0	7003	35	4/5/1983	
20130720671	0	0	1/1/1753	

Parcel Note: Click to see/expand 18 note(s)

Book-Map-Parcel: 140-32-007D Oblique Image **Tax Year:** **Tax Area:** 1200

Property Address:

Taxpayer Information:

ADAMSON LARRY R 25% & ADAMSON
HAROLD D JR 25% & BAUM FRED A 7% ET AL
30 E CALLE CLARAVISTA
TUCSON AZ

85716- 4907

Property Description:

PTN NWLY 520' SELY 944' SE4 SE4 EXC RDS
5.32 AC SEC 10-15-14

Valuation Data:

	2015				2016			
	LEGAL CLASS	VALUE	ASMT RATIO	ASSESSED VALUE	LEGAL CLASS	VALUE	ASMT RATIO	ASSESSED VALUE
LAND FCV	Vacant/Ag/Golf (2)	$347,446	16.0	$55,591	Vacant/Ag/Golf (2)	$347,446	15.0	$52,117
IMPR FCV		$0				$0		
TOTAL FCV	Vacant/Ag/Golf (2)	$347,446	16.0	$55,591	Vacant/Ag/Golf (2)	$347,446	15.0	$52,117
LIMITED VALUE	Vacant/Ag/Golf (2)	$333,821	16.0	$53,411	Vacant/Ag/Golf (2)	$347,446	15.0	$52,117

Property Information:

Section:	10
Town:	15.0
Range:	14.0E
Map & Plat:	/
Block:	
Tract:	
Rule B District:	20
Land Measure:	231631.00F
Group Code:	000
Census Tract:	4104
Use Code:	0012 (VACANT RESIDENTIAL URBAN NON-SUBDIVIDED)
File Id:	1
Date of Last Change:	12/21/2011

Valuation Area:

Condo Market:	111
DOR Market:	7
MFR Neighborhood:	ST_FAIRGROUNDS
SFR Neighborhood:	08017212
SFR District:	16

Supervisor District:

(2) RAMON VALADEZ

Recording Information:

Sequence No.	Docket	Page	Date Recorded	Type
20111820176	0	0	7/1/2011	WARRANTY DEED
20111820177	0	0	7/1/2011	WARRANTY DEED
20111820178	0	0	7/1/2011	WARRANTY DEED
20011451358	11600	6229	7/27/2001	DEED
20010130784	11468	2895	1/19/2001	WARRANTY DEED
20010130785	11468	2898	1/19/2001	WARRANTY DEED
20010130786	11468	2901	1/19/2001	WARRANTY DEED
0	7539	1331	5/22/1985	
0	6575	1209	7/20/1981	
0	6575	1212	7/20/1981	
0	4759	634	5/3/1974	
0	4600	191	9/18/1973	
0	507	522	1/1/1753	
0	1284	500	1/1/1753	

Petition Information:

Tax Year	Owner's Estimate	Petition
2014	$500	
2013	$500	
2012	$500	
2011	$10,000	
2010	$100,000	

Parcel Note: Click to see/expand 8 note(s)

March 18, 2015

Pima County Development Services Department-Planning Division
Public Works Building, 201 N. Stone Avenue, 2nd Floor
Tucson, Arizona 85701

RE: Co9-99-22 McGarry/Baum/Eidal, et al. – Valencia Road Rezoning

To Whom It May Concern:

As the authorized representative of the owners of the properties totaling approximately 15.07 acres (Parcels # 140-32-006G, and 140-32-007D) located on Valencia Road at Benson Highway, I hereby authorize The Planning Center to act on our behalf in planning related matters including the rezoning time extension of this site in Pima County.

The parcels are situated in Pima County, Arizona and are located in Township 15 South, Range 14 East, Section 10, Gila and Salt River Base and Meridian.

Sincerely,

Martin M. McGarry

May 28, 2015

Pima County Development Services Department-Planning Division
Public Works Building, 201 N. Stone Avenue, 2nd Floor
Tucson, Arizona 85701

Subject: Co9-99-22 McGarry/Baum/Eidal, et al. – Valencia Road Rezoning
On Tax Parcel 140-32-007D

To Whom It May Concern:

As owners of the above referenced tax parcel located on Benson Highway at Valencia Road, I hereby authorize The Planning Center to act on our behalf in planning related matters including the rezoning time extension of this site in Pima County.

The parcel is situated in Pima County, Arizona and located in Township 15 South, Range 14 East, Section 10, Gila and Salt River Base and Meridian.

Sincerely,

Adamson Larry R. 25% & Adamson Harold D. Jr. 25% & Baum Fred A. 7% Et Al.

By: _____ 6/1/15

May 28, 2015

Pima County Development Services Department-Planning Division
Public Works Building, 201 N. Stone Avenue, 2nd Floor
Tucson, Arizona 85701

Subject: Co9-99-22 McGarry/Baum/Eidal, et al. – Valencia Road Rezoning
On Tax Parcel 140-32-007D

To Whom It May Concern:

As owners of the above referenced tax parcel located on Benson Highway at Valencia Road, I hereby authorize The Planning Center to act on our behalf in planning related matters including the rezoning time extension of this site in Pima County.

The parcel is situated in Pima County, Arizona and located in Township 15 South, Range 14 East, Section 10, Gila and Salt River Base and Meridian.

Sincerely,

Adamson Larry R. 25% & Adamson Harold D. Jr. 25% & Baum Fred A. 7% Et Al.

By: Larry R. Adamson
5-29-15

May 28, 2015

Pima County Development Services Department-Planning Division
Public Works Building, 201 N. Stone Avenue, 2nd Floor
Tucson, Arizona 85701

Subject: Co9-99-22 McGarry/Baum/Eidal, et al. – Valencia Road Rezoning
On Tax Parcel 140-32-007D

To Whom It May Concern:

As owners of the above referenced tax parcel located on Benson Highway at Valencia Road, I hereby authorize The Planning Center to act on our behalf in planning related matters including the rezoning time extension of this site in Pima County.

The parcel is situated in Pima County, Arizona and located in Township 15 South, Range 14 East, Section 10, Gila and Salt River Base and Meridian.

Sincerely,

Adamson Larry R. 25% & Adamson Harold D. Jr. 25% & Baum Fred A. 7% Et Al.

By: C Baum 5/28/15

CLAYTON BAUM
16.3% owner of the Adamson/Baum parcel

May 28, 2015

Pima County Development Services Department-Planning Division
Public Works Building, 201 N. Stone Avenue, 2nd Floor
Tucson, Arizona 85701

Subject: Co9-99-22 McGarry/Baum/Eidal, et al. – Valencia Road Rezoning
On Tax Parcel 140-32-007D

To Whom It May Concern:

As owners of the above referenced tax parcel located on Benson Highway at Valencia Road, I hereby authorize The Planning Center to act on our behalf in planning related matters including the rezoning time extension of this site in Pima County.

The parcel is situated in Pima County, Arizona and located in Township 15 South, Range 14 East, Section 10, Gila and Salt River Base and Meridian.

Sincerely,

Adamson Larry R. 25% & Adamson Harold D. Jr. 25% & Baum Fred A. 7% Et Al.

By: Margaret B D'Maggio 6-1-15

PIMA COUNTY
REGIONAL WASTEWATER RECLAMATION DEPARTMENT
201 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1207

JACKSON JENKINS
DIRECTOR

PH: (520) 724-6500
FAX: (520) 724-9635

April 9, 2015

TO: Artemio Hoyos
Planning Division
Pima County Development Services Department

FROM: Mirela Hromatka
Mirela Hromatka, Senior Planner
Planning and Engineering Division
Pima County Regional Wastewater Reclamation Department

SUBJECT: **Rezoning Time Extension for Co9-99-22 McGarry/Eidal et al – Valencia Road Rezoning**
Tax Parcels #140-32-006G & 007D; 15.1 acres

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the request for a five year time extension for the above referenced rezoning case and offers the following comments for your use. The 15.1-acre rezoning site is located at the northwest corner of Benson Highway and Valencia Road. The site is currently zoned CB-2 (general business) for commercial, retail and other uses.

The PCRWRD has no objection to the 5 year extension of the rezoning.

The PCRWRD requests the existing wastewater conditions in rezoning Ordinance 2011-37 adopted March 1, 2011 by the Board of Supervisor be replaced with the following updated conditions:

1. 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.
2. 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.

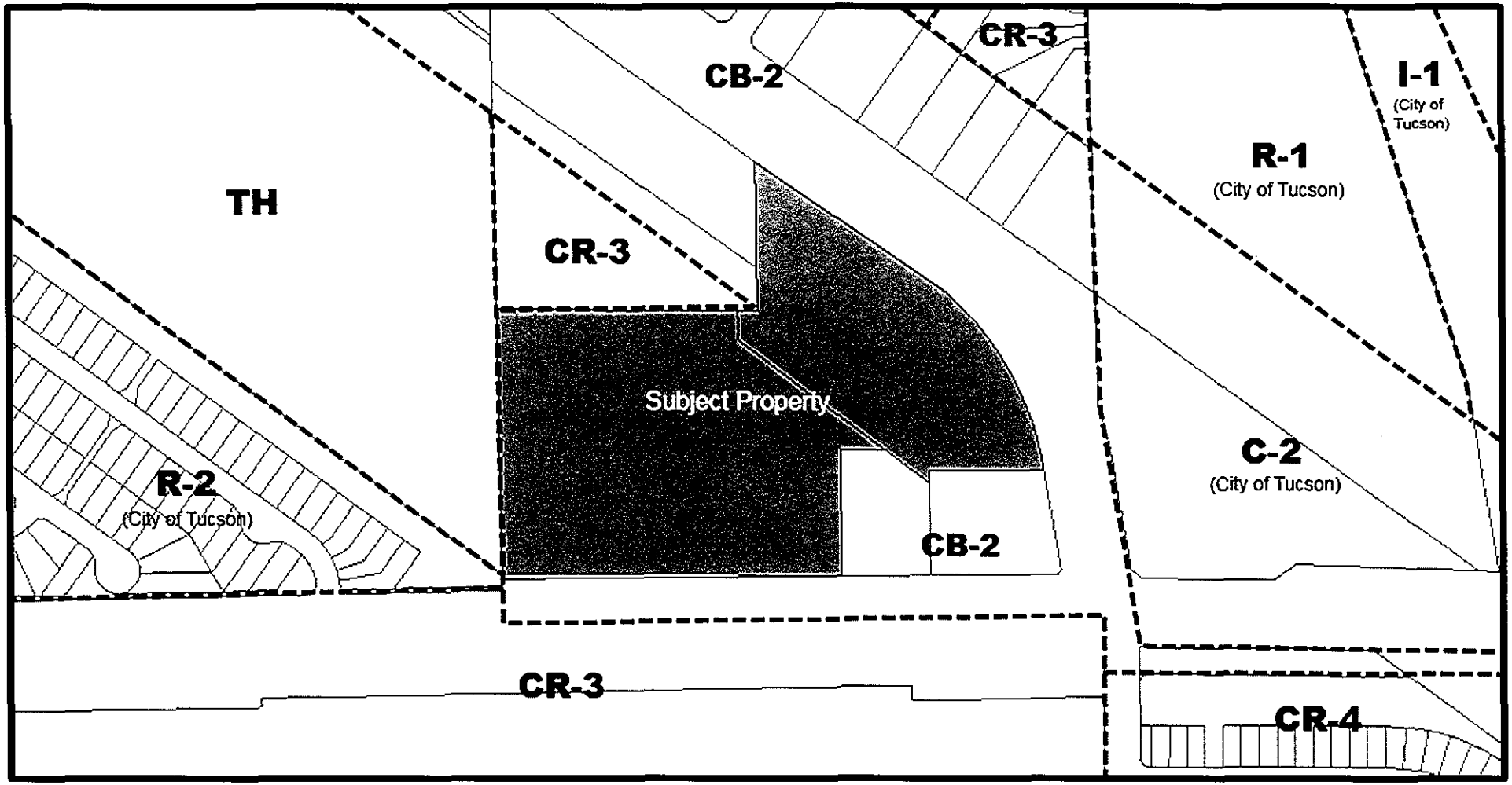
3. The owner / developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
4. The owner / developer shall connect all development within the rezoning area to Pima County's public sewer 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.
5. 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.
6. 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.

If you wish to discuss the above conditions, please contact me at 724-6488.

MH
Copy: Project

McGarry/Baum/Eidel, et al – Valencia Road Rezoning
Co9-99-22 – Time Extension

Zoning



COMPREHENSIVE PLAN LAND-USE CATEGORY DEFINITION

Multifunctional Corridor
'MFC' on the Land Use Plan Maps

a. Purpose: To designate areas for the integrated development of complementary uses along major transportation corridors.

b. Objective: These areas contain commercial and other non-residential use services and high density residential clusters in a linear configuration along major transportation corridors. Potential adverse impacts of strip commercial development are mitigated through application of special design standards, such as standards for building setbacks, open space, signs, parking, and landscaping. Special attention is given in site design to provide an atmosphere that is pleasant to the pedestrian.

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 - 44 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 – 6 RAC
2) Maximum – 18 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) GC Golf Course Zone
2) TH Trailer Homesite Zone
3) CR-3 Single Residence Zone
4) CR-4 Mixed-Dwelling Type Zone
5) CR-5 Multiple Residence Zone
6) TR Transitional Zone
7) CMH-2 County Manufactured and Mobile Home-2 Zone
8) MR Major Resort Zone
9) CB-1 Local Business Zone
10) CB-2 General Business Zone
11) CPI Campus Park Industrial Zone

F. ANN RODRIGUEZ, RECORDER
Recorded By:
DEPUTY RECORDER
1951
P0230
PIMA CO CLERK OF THE BOARD
PICKUP

SEQUENCE: 20110690879
NO. PAGES: 9
ORDIN 03/10/2011
18:00
PICK UP
AMOUNT PAID: $0.00

RESOLUTION 2011- 37

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING IN CASE **Co9-99-22 McGARRY / BAUM / EIDEL, ET AL – VALENCIA ROAD REZONING** LOCATED ON THE NORTHWEST CORNER OF BENSON HIGHWAY AND VALENCIA ROAD; AMENDING CONDITIONS SET FORTH IN SECTION 2 AND TIME LIMITS SET FORTH IN SECTION 3 OF ORDINANCE NO. 2009-156.

WHEREAS, on June 22, 1999, the owner(s) of approximately 18.44 acres applied for a rezoning from CR-3 (Mixed Dwelling Type) for 14.12 acres to CB-2 (General Business) and for 4.32 acres to CB-2® (General Business) (Restricted);

WHEREAS, on March 21, 2000, the Pima County Board of Supervisors approved the rezoning, subject to standard and special conditions;

WHEREAS, on May 16, 2000, the Pima County Board of Supervisors adopted rezoning Ordinance No. 2000-51, as recorded in Docket 11336 at Page 675, rezoning the approximate 18.44 acres described in rezoning case Co9-99-22 and memorializing the standard and special conditions;

WHEREAS, on March 18, 2005, the owner(s) of approximately 18.44 acres applied for a 5-year time extension;

WHEREAS, on December 13, 2005, the Pima County Board of Supervisors approved a 5-year time extension for parcels 140-32-006A (11.84 acres) and 140-32-007B (6.15 acres), subject to additional and modified standard and special conditions;

WHEREAS, on December 13 2005, the Pima County Board of Supervisors denied a 5-year time extension for parcel 140-32-007C (0.45 acres);

WHEREAS, on July 2, 2009, a Certificate of Compliance was issued for 1.46 acres of the original rezoning;

WHEREAS, on July 7, 2009, the Pima County Board of Supervisors approved a 5-year time extension for parcels 140-32-006A (11.84 acres) and 140-32-007B (6.15 acres), subject to additional and modified standard and special conditions;

WHEREAS, on June 15, 2010, the Pima County Board of Supervisors approved a 5-year time extension for parcels 140-32-006A (10.50 acres) and 140-32-007B (5.32) acres), subject to additional and modified standard and special conditions;

WHEREAS, Ordinance No. 2000-51 allows the Board of Supervisors to amend the rezoning conditions by resolution.

****

NOW, THEREFORE, BE IT RESOLVED, that the Pima County Board of Supervisors hereby reaffirms and modifies the rezoning conditions represented in Ordinance No. 2000-51 as follows:

1. One development plan shall be submitted for the entire rezoning. Phased development of the site is permitted, provided however:

   A. Each phase shall adhere to the development plan presented at the public hearing on the case.

   B. Each phase shall provide to the satisfaction of the County Development Review Division for shared completion either through actual construction or financial contributions in lieu of construction, of all transportation and other required infrastructure improvements.

   ~~C. The required dedication for Valencia Road shall occur at the time of development plan approval for Phase I.~~

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 Department of Transportation, Real Property Division.

6. There shall be no further lot splitting <u>or subdividing of residential development</u> without the written approval of the Board of Supervisors.

7. Transportation conditions:

   A. ~~A Traffic Impact Analysis for the project area roads including the Valencia Road/Interstate 10 interchange shall be provided by the property owner(s) for~~

~~review and approval by the Pima County Department of Transportation and Flood Control District (DOT/FCD) and the Arizona Department of Transportation (ADOT). The limits of study and scope of work shall be determined by DOT/FCD and ADOT. The results of the study will be used to establish the need for roadway improvements by the property owner(s) to area roads impacted by the proposed development.~~ The property owner(s) / developer(s) shall provide improvements and/or financial contributions as determined necessary by the Pima County and Arizona Departments of Transportation.

~~B. The property owner(s) shall reach a financial contribution and/or construction agreement (Development Agreement) with and acceptable to the Department of Transportation and Flood Control District prior to any development plan or subdivision plat approvals. Said agreement shall address the construction of needed area roadway improvements, including the signalization of the Benson Highway/Valencia Road intersection and/or a fair share financial contribution for the needed improvements to the area roads impacted by the proposed development.~~

~~C~~B. Access to Benson Highway and Valencia Road shall be limited to a maximum of three access points for each road. The location and design of the access points shall need the approval of the Department of Transportation at the time of the submittal of a development plan or subdivision plat for any portion of the subject property.

~~D. Property owner(s) shall dedicate 25 feet of right-of-way for the north half right-of-way of Valencia Road adjacent to the subject property.~~

~~E~~C. Internal pedestrian and vehicular access shall be provided within the entire rezoning site (including the self-storage) to reduce access driveways to both Benson Highway and Valencia Road.

8. Flood Control conditions:

A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Pima County Regional Flood Control District.

B. ~~All internal drainage improvements and any external drainage improvements required to mitigate drainage impacts caused by the proposed development shall be constructed at no cost to Pima County.~~ A drainage study shall be submitted for review and approval that addresses the impacts of development to the federally mapped floodplain and local area drainage.

C. The property owner shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance.

D. The property owner(s) shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County 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.

E. The property owner(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 all lots 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 must 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. If during land modifying activities, cultural remains, including human remains, are discovered, work in the vicinity of the discovery shall cease and the Pima County Cultural Resources Manager shall be consulted. If Pima County determines that an archaeological inventory is needed, such an inventory and any subsequent mitigation that may be required, will be conducted in accordance with the Standard and Special Requirements for Archaeological Sites.

11. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT A).

12. Environmental Planning conditions:
~~A. Unless Development Services is provided with information from the U.S. Fish & Wildlife Service which indicates a site survey is not necessary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Or, as an alternative to contacting the U.S. Fish & Wildlife Service, heavy construction activity shall occur only between August 1 and January 31of any given calendar year. However, if surveys are performed, results of these surveys and copies of any data collected shall be provided to Development Services.~~

~~B. Unless Development Services is provided with information from the U.S. Fish & Wildlife Service, which indicates a site survey is not necessary; the site shall be surveyed for Pima pineapple cactus. The survey shall be conducted by an entity qualified to perform biological surveys. Surveys shall be done according to~~

~~the most recent protocol approved by the U.S. Fish & Wildlife Service. A report containing the results of these surveys and copies of any data collected shall be provided to Development Services. If Pima pineapple cactus are found to be present on the project site, a copy of the report shall also be sent to the Arizona Game & Fish Department's Heritage Data Management System.~~

~~C. Under no circumstances shall the following exotic plant species be planted anywhere on the site:~~
~~Fountain grass (Pennisetum setaceum)~~
~~Buffelgrass (Pennisetum ciliare)~~
~~Johnson grass (Sorghum halapense)~~
~~Giant reed (Arundo donax)~~
~~Common crabgrass (Digitaria sanguinalis) Pampas grass (Cortaderia selloana)~~
~~Red brome (Bromus rubens)~~
~~Mediterranean grass (Schismus spp.)~~
~~Tree of heaven (Ailanthus altissima)~~
~~African sumac (Rhus lancea)~~
~~Russian olive (Eleagnus angustifolia)~~
~~Salt cedar/Tamarisk (Tamarix pertandra & T. ramosissima)~~
~~Bermuda grass (Cynodon dactylon) excluding sod hybrid Bermuda~~
~~Lovegrasses (Eragrostis spp.) excluding Plains lovegrass (Eragrostis intermedia)~~
~~African rue (Peganum harmala)~~
~~Iceplant (Mesembryanthemem crystallinum)~~
~~Arabian Grass (Schismus arabicus)~~
~~Natal Grass (Melinis repens (=Rhynchelythrum repens))~~

A. Upon the effective date of the Resolution, 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 current and any future 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.

~~D~~B. The project site shall be inspected by a trained resource specialist for the presence of the Western burrowing owl. A report containing inspection results and dates on which inspections were conducted shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of the development plan. If evidence is found substantiating the presence of Western burrowing owls on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.

13. Wastewater conditions:

A. The owner / developer shall construe no 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 time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system. The owner / developer shall obtain written documentation from the Pima County Wastewater Management Department 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, 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 have 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 Pima County Wastewater Management Department.

C. 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 Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.

D. The owner / developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, including obtaining all necessary off-site easements.

E. The owner / developer shall design and construct the off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, in the manner specified at the time of review of the tentative plat, development plan, 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.

14. Tucson Airport Authority condition:

An Aviation Easement shall be executed and recorded to cover the project area, in accordance with the requirements of the Tucson Airport Authority. The

Aviation easement shall run with the property, and will served to educate future purchasers of potential aviation impacts.

15. 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.

16. 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 to 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)."

****

NOW, THEREFORE, BE IT RESOLVED, that the Pima County Board of Supervisors hereby modifies the time limits represented in Section 3 of Ordinance No. 2000-51, as follows:

1. Conditions 1 through ~~14~~ 16 shall be completed by March 21, 20~~10~~15.

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 Resolution until all conditions 1 through ~~14~~ 16 are satisfied and the Planning Official issues a Certificate of Compliance.

4. The rezoning conditions of Section 1 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

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Passed and adopted this 1st day of March, 2011, by the Board of Supervisors of Pima County, Arizona.

Chairman, Board of Supervisors

MAR 01 2011

ATTEST:

Clerk, Board of Supervisors

APPROVED AS TO FORM:

Deputy County Attorney

APPROVED:

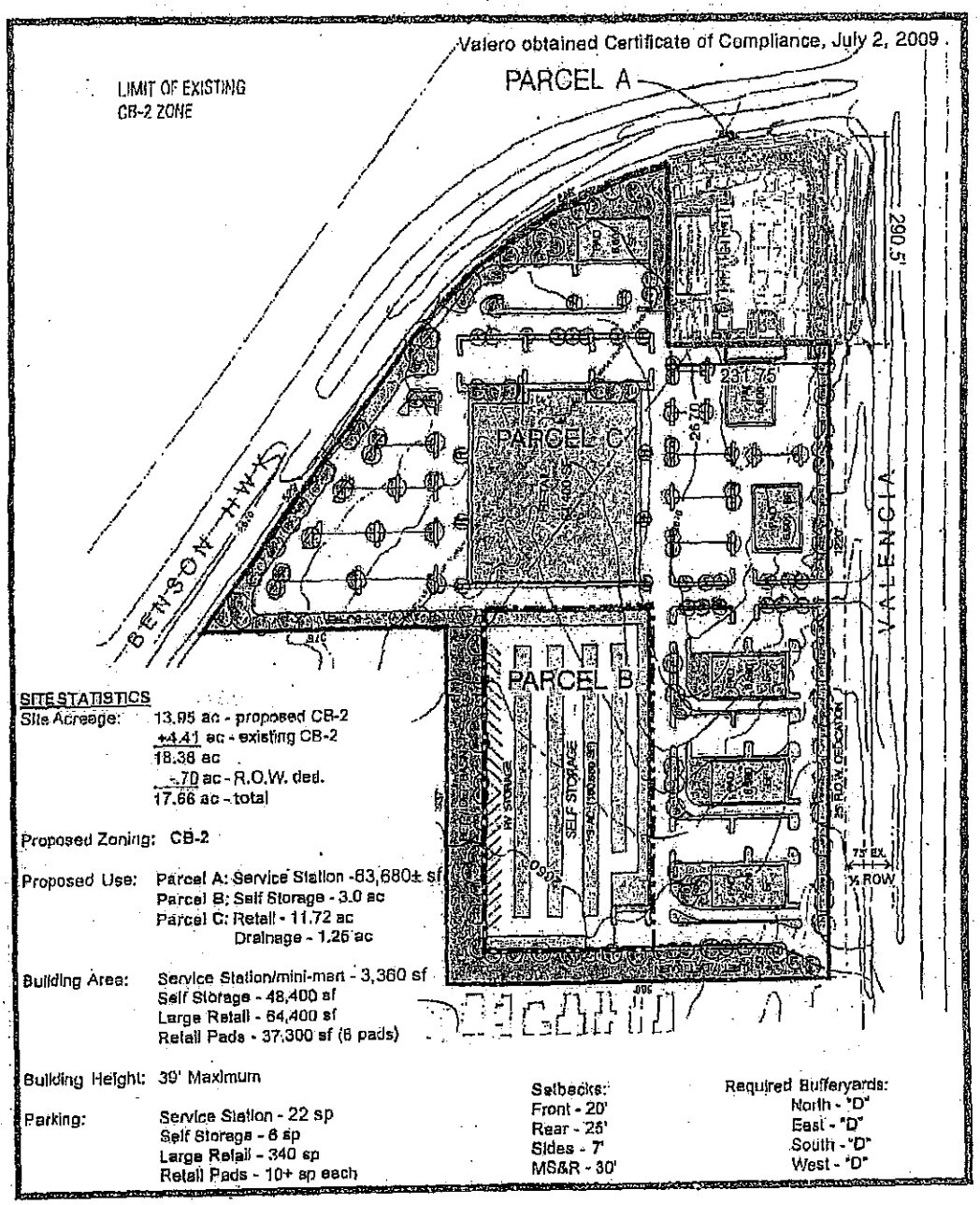
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

Preliminary Development Plan

Valencia Road Rezoning Time Extension, Co9-99-22

Tax Code Numbers: 140-32-006B & 140-32-007D 15.82 acres



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MINUTES, BOARD OF SUPERVISORS' MEETING

JUNE 15, 2010

The Pima County Board of Supervisors met in regular and special session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, June 15, 2010. Upon roll call, those present and absent were as follows:

All Present: Ramón Valadez, Chairman
Sharon Bronson, Vice Chair
Ray Carroll, Member
Ann Day, Member
Richard Elías, Member
Lori Godoshian, Clerk

1. **INVOCATION**

The invocation was given by Pastor Mike Simpson of First Church of God.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PAUSE 4 PAWS**

The Pima County Animal Care Center showcased an animal available for adoption.

4. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Dr. Jay C. St. John, Superintendent of the Sahuarita School District, in recognition of his contributions and accomplishments. (District 3)

Supervisor Bronson read and presented the proclamation to Dr. St. John. He accepted the proclamation and expressed his appreciation to the Board.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the proclamation.

5. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Elizabeth Sparks, Pima County Cooperative Extension, in support of the 4-H Adventure Leader and Portable Challenge Program. (District 3)

discovery. State Laws ARS 41-865 and 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."

Tom Hudson, Zoning Administrator, provided a staff report. He stated that the uses on the site would be restricted to CB-1 even though the property was zoned CB-2. He informed the Board that there had been a deletion of use of the property for a church and requested that the use be allowed. He said that the only CB-2 use that would be permitted was the current one for auto sales which would be subject to the same operating restrictions and an additional requirement would be added that stated all auto service doors would open only to the north and east. Staff received sixteen protests, but a super majority vote of the Board was not required. Staff recommended approval with the amended rezoning modifications.

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-00-35, Co9-93-08 and Co9-83-08, as modified, subject to conditions as recommended by staff and with the additional condition to eliminate the use of self-service car washes.

30. **DEVELOPMENT SERVICES: REZONING CLOSURE/REZONING TIME EXTENSION**

Co9-99-22, MCGARRY/BAUM/EIDAL, ET. AL. – VALENCIA ROAD REZONING

A. Proposal to close a rezoning of approximately 11.50 acres from CR-3 (Single Residence) to CB-2 (General Business) and approximately 4.32 acres from CB-2 to CB-2 ® (Restricted) located on the northwest corner of the intersection of Valencia Road and Benson Highway. This rezoning was conditionally approved on March 21, 2000 and received a five-year time extension in 2005. The rezoning expired March 21, 2010. Staff recommends AGAINST CLOSURE. (District 2)

B. Request of McGarry/Baum/Eidal, et. al. represented by Stantec Consulting, Inc. for a five-year time extension for the above-referenced rezoning. The rezoning is approximately 11.50 acres from CR-3 (Single Residence) to CB-2 (General Business) and approximately 4.32 acres from CB-2 to CB-2 ® (Restricted) located on the northwest corner of the intersection of Valencia Road and Benson Highway. This rezoning was conditionally approved on March 21, 2000 and received a five-year time extension in 2005. The rezoning expired March 21, 2010. Staff recommends APPROVAL OF THE FIVE-YEAR TIME EXTENSION REQUEST WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 2)

*1. One development plan shall be submitted for the entire rezoning. Phased development of the site is permitted, provided however:

A. Each phase shall adhere to the development plan presented at the public hearing on the case.

B. Each phase shall provide to the satisfaction of the County Development Review Division for shared completion either through actual construction or financial contributions in lieu of construction, of all transportation and other required infrastructure improvements.

~~C. The required dedication for Valencia Road shall occur at the time of development plan approval for Phase I.~~

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 Department of Transportation, Real Property Division.

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

7. Transportation conditions:

A. ~~A Traffic Impact Analysis for the project area roads including the Valencia Road/Interstate 10 interchange shall be provided by the property owner(s) for review and approval by the Pima County Department of Transportation and Flood Control District (DOT/FCD) and the Arizona Department of Transportation (ADOT). The limits of study and scope of work shall be determined by DOT/FCD and ADOT. The results of the study will be used to establish the need for roadway improvements by the property owner(s) to area roads impacted by the proposed development.~~ The property owner(s) / developer(s) shall provide improvements and/or financial contributions as determined necessary by the Pima County and Arizona Departments of Transportation.

~~B. The property owner(s) shall reach a financial contribution and/or construction agreement (Development Agreement) with and acceptable to the Department of Transportation and Flood Control District prior to any development plan or subdivision plat approvals. Said agreement shall address the construction of needed area roadway improvements, including the signalization of the Benson Highway/Valencia Road intersection and/or a fair share financial contribution for the needed improvements to the area roads impacted by the proposed development.~~

~~C~~B. Access to Benson Highway and Valencia Road shall be limited to a maximum of three access points for each road. The location and design of the access points shall need the approval of the Department of Transportation at the time of the submittal of a development plan or subdivision plat for any portion of the subject property.

~~D. Property owner(s) shall dedicate 25 feet of right-of-way for the north half right-of-way of Valencia Road adjacent to the subject property.~~

~~E~~C. Internal pedestrian and vehicular access shall be provided within the entire rezoning site (including the self-storage) to reduce access driveways to both Benson Highway and Valencia Road.

8. Flood Control conditions:

A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Pima County Regional Flood Control District.

B. ~~All internal drainage improvements and any external drainage improvements required to mitigate drainage impacts caused by the proposed development shall be constructed at no cost to Pima County.~~ A drainage study shall be submitted for review and approval that addresses the impacts of development to the federally mapped floodplain and local area drainage.

C. The property owner shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance.

D. The property owner(s) shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County 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.

E. The property owner(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 all lots 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 must 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. If during land modifying activities, cultural remains, including human remains, are discovered, work in the vicinity of the discovery shall cease and the Pima County Cultural Resources Manager shall be consulted. If Pima County determines that an archaeological inventory is needed, such an inventory and any subsequent mitigation that may be required, will be conducted in accordance with the Standard and Special Requirements for Archaeological Sites.

11. Adherence to the preliminary development plan as approved at public hearing ~~(EXHIBIT B)~~.

12. Environmental Planning conditions:

~~A. Unless Development Services is provided with information from the U.S. Fish & Wildlife Service which indicates a site survey is not necessary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Or, as an alternative to contacting the U.S. Fish & Wildlife Service, heavy construction activity shall occur only between August 1 and January 31 of any given calendar year. However, if surveys are performed, results of these surveys and copies of any data collected shall be provided to Development Services.~~

~~B. Unless Development Services is provided with information from the U.S. Fish & Wildlife Service, which indicates a site survey is not necessary; the site shall be surveyed for Pima pineapple cactus. The survey shall be conducted by an entity qualified to perform biological surveys. Surveys shall be done according to the most recent protocol approved by the U.S. Fish & Wildlife Service. A report containing the results of these surveys and copies of any data collected shall be provided to Development Services. If Pima pineapple cactus are found to be present on the project site, a copy of the report shall also be sent to the Arizona Game & Fish Department's Heritage Data Management System.~~

~~C. Under no circumstances shall the following exotic plant species be planted anywhere on the site:~~
~~Fountain grass (Pennisetum setaceum)~~
~~Buffelgrass (Pennisetum ciliare)~~
~~Johnson grass (Sorghum halapense)~~
~~Giant reed (Arundo donax)~~
~~Common crabgrass (Digitaria sanguinalis) Pampas grass (Cortaderia selloana)~~
~~Red brome (Bromus rubens)~~
~~Mediterranean grass (Schismus spp.)~~
~~Tree of heaven (Ailanthus altissima)~~
~~African sumac (Rhus lancea)~~
~~Russian olive (Eleagnus angustifolia)~~
~~Salt cedar/Tamarick (Tamarix pertandra & T. ramosissima)~~
~~Bermuda grass (Cynodon dactylon) excluding sod hybrid Bermuda~~
~~Lovegrasses (Eragrostis spp.) excluding Plains lovegrass (Eragrostis intermedia)~~
~~African rue (Peganum harmala)~~
~~Iceplant (Mesembryanthemem crystallinum)~~
~~Arabian Grass (Schismus arabicus)~~
~~Natal Grass (Melinis repens (=Rhyncholythrum repens))~~

A. Upon the effective date of the Resolution, 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 current and any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall

record a convenant, to run with the land, memorializing the terms of this condition.

~~D~~B. The project site shall be inspected by a trained resource specialist for the presence of the Western burrowing owl. A report containing inspection results and dates on which inspections were conducted shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of the development plan. If evidence is found substantiating the presence of Western burrowing owls on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.

13. Wastewater conditions:

A. The owner / developer shall construe no 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 time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system. The owner / developer shall obtain written documentation from the Pima County Wastewater Management Department 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, 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 have 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 Pima County Wastewater Management Department.

C. 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 Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.

D. The owner / developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, including obtaining all necessary off-site easements.

E. The owner / developer shall design and construct the off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, in the manner specified at the time of review of the tentative plat, development plan, 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.

14. Tucson Airport Authority condition:

An Aviation Easement shall be executed and recorded to cover the project area, in accordance with the requirements of the Tucson Airport Authority. The Aviation easement shall run with the property, and will served to educate future purchasers of potential aviation impacts.

15. 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.

16. 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 to 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)."

Tom Hudson, Zoning Administrator, gave a staff report. He stated that no public comment had been received regarding this request and that staff recommended against closure and approval of the five-year time extension with modified standard and special conditions.

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve Co-9-99-22 with staff recommendations against closure and approval of the five-year time extension with modified standard and special conditions.

31. **DEVELOPMENT SERVICES: REZONING RESOLUTIONS**

A. RESOLUTION NO. 2010 – 130, Co7-10-01, South Wilmot Land Investors, L.L.C. – S. Wilmot Road Plan Amendment. Owner: South Wilmot Land Investors, L.L.C. (District 2)

B. RESOLUTION NO. 2010 – 131, Co7-09-06, Tucson Unified School District – N. Sabino Canyon Road Plan Amendment. Owner: J. DeGrazia Company, L.L.C. (District 1)

C. RESOLUTION NO. 2010 – 132, Co7-09-07, HSL Rio Cancion Properties, L.L.C. – N. La Cholla Blvd. Plan Amendment. Owner: HSL Rio Cancion Properties, L.L.C. (District 1)

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearings and adopt Resolution Nos. 2010 - 130, 131 and 132.

32. **TRANSPORTATION: TRAFFIC RESOLUTIONS**

A. RESOLUTION NO. 2010 – 133, of the Pima County Board of Supervisors, permitting the temporary closure of segments of Hoover Street and West Plaza Street in Ajo, Arizona, for the Fourth of July Parade. Staff recommends APPROVAL. (District 3)

B. RESOLUTION NO. 2010 – 134, of the Pima County Board of Supervisors, permitting the temporary closure of segments of Arivaca Road in Arivaca, Arizona, for the Fourth of July Parade. Staff recommends APPROVAL. (District 3)

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearings and adopt Resolution Nos. 2010 - 133 and 134.