BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: March 5, 2019

Title: Co9-03-31 BACKUS - OLD SPANISH TRAIL REZONING (Time Extension)

Introduction/Background:

The applicant requests a five-year time extension for the SR (Suburban Ranch) to CB-1 (Local Business) (.97 acres) and SR ® (Suburban Ranch - Restricted) (2.07 acres) rezoning which was approved by the Board of Supervisors on 1/20/04 and expired on 1/20/19.

Discussion:

The CB-1 portion of the rezoning is approved for small office, retail, or restaurant uses. The SR portion, part of which is steep hills and heavily vegetated, is restricted to natural open space which satisfies Conservation Lands System preservation requirements. The applicant indicates that the site, "... is not quite ready for CB-1 use yet." However, residential development is gradually increasing in the Rincon Valley and there is a lack of varied commercial services in the area. This is the third time extension request and will result in a total of 20 years to complete conditions if approved. Commercial use remains appropriate for this site along Old Spanish Trail and in the vicinity of other small commercial uses. The CB-1 zoning conforms to the comprehensive plan, and concurrency of infrastructure exists. Closure of the rezoning would cause reversion to unrestricted SR which would not conform with the comprehensive plan. Staff recommends modification of a number of rezoning conditions to reflect current standard conditions and protocols and to update a flood control condition for current status.

Conclusion:

A time extension is warranted because the proposed commercial uses use remain suitable at this location. Concurrency of infrastructure exists. The rezoning remains compliant with the comprehensive plan. Reversion to SR zoning would not conform to the Neighborhood Activity Center planned land use designation.

Recommendation:

Staff recommends against closure and approval of a five-year rezoning time extension subject to modified conditions.

Fiscal Impact:

N/A

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ All

Department: Development Services Department - Planning Telephone: 724-9000

Contact: David Petersen Telephone: 724-9000

Department Director Signature/Date: 2/15/19

Deputy County Administrator Signature/Date: 2/19/19

County Administrator Signature/Date: C. Richter 2/19/19

FEB 20 '19 PM 03:36 PC CLK OF BD

PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Steve Christy, Supervisor, District 4

FROM: Chris Poirier, Deputy Director Tom Drazowski
Public Works-Development Services Department-Planning Division

DATE: February 11, 2019

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

The above referenced Rezoning Time Extension is within your district and is scheduled for the Board of Supervisors' **TUESDAY, MARCH 5, 2019** hearing.

REQUEST: A five-year **time extension** of a 3.04-acre rezoning from SR (Suburban Ranch) to CB-1 (Local Business) (.97 acres) and SR ® (Suburban Ranch - Restricted) (2.07 acres).

OWNERS: Scott Strum
12620 E. Camino del Garagon
Tucson, AZ 85747-9396

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

DISTRICT: 4

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of February 11, 2019, staff has received no public comment.

STAFF RECOMMENDATION: APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: A portion of the site is within of the Maeveen Marie Behan Conservation Lands System (CLS) designation of Multiple Use Management Area.

TD/DP/ar
Attachments

PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: Co9-03-31

FOR MARCH 5, 2019 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Deputy Director
Public Works-Development Services Department-Planning Division

DATE: February 11, 2019

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING TIME EXTENSION

Co9-03-31 BACKUS – OLD SPANISH TRAIL REZONING

Request of Scott Strum, represented by Peter Backus, for a five-year **time extension** for the above-referenced rezoning from SR (Suburban Ranch) to CB-1 (Local Business) (.97 acres) and SR ® (Suburban Ranch - Restricted) (2.07 acres). The subject site was rezoned in 2004. The rezoning expired on January 20, 2019. 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 SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS**.
(District 4)

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a **five-year rezoning time extension** to January 20, 2024 for the rezoning from SR (Suburban Ranch) to CB-1 (Local Business) (.97 acres) and SR ® (Suburban Ranch - Restricted) (2.07 acres) 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.~~

~~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.~~

~~6~~1. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.

~~7~~2. 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~~3. 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.~~ A Conditional Letter of Map Revision (CLOMR) shall be submitted to the Flood Control District with the Site Plan prior to any 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~~4. Regional Wastewater Reclamation Department Management conditions:

A. The owners~~/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 owners~~/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 owners/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 owners~~/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 owners~~/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 owners~~/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 owners~~/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~~5. 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~~6. Adherence to the ~~preliminary development~~ sketch plan as approved at public hearing (EXHIBIT B). Uses are restricted to offices, commercial retail, and non-drive-thru restaurants. The subject property shall remain as one parcel.

~~12~~7. 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:

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
Arundo donax	Giant reed
Brassica tournefortii	Sahara mustard
Bromus rubens	Red brome
Bromus tectorum	Cheatgrass
Centaurea melitensis	Malta starthistle
Centaurea solstitalis	Yellow starthistle
Cortaderia spp.	Pampas grass
Cynodon dactylon	Bermuda grass (excluding sod hybrid)
Digitaria 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~~8. Structures are limited to a maximum of 24 feet and one story.

~~14~~9. 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~~10. 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)."

Formerly standard condition #'s 1-5 are recommended for deletion based on a recent staff decision to reduce redundant requirements and ease processes. Pertaining to condition #1, a development plan will be required per code for the proposed office/commercial development. Pertaining to condition #'s 2, 3, and 5, staff no longer recommends standard conditions which require recorded covenants. Pertaining to condition #'s 2 and 4, the requirements for recording of a hold harmless covenant against flooding and recording of assurances are usually associated with a subdivision plat which is not proposed for this rezoning site.

The covenant requirement is also recommended for deletion pertaining to the requirement for on-going removal of buffelgrass per renumbered condition #7A and the Proposition 207 rights disclaimer per renumbered condition #10.

The Regional Flood Control District recommends deletion of existing (renumbered) condition #3E which potentially required both a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) and replacement with a condition which requires a CLOMR.

The recommended modifications to conditions do not constitute a substantial change which would require review by the Planning and Zoning Commission and approval by the Board of Supervisors.

STAFF REPORT:

Staff supports the requested third five-year time extension to January 20, 2024. The proposed CB-1 (Local Business) office, retail, or restaurant development meets all applicable concurrency of infrastructure criteria and conforms to the site's Neighborhood Activity Center (NAC) comprehensive plan designation. Approval of the time extension will provide a total of 20 years to satisfy rezoning conditions from the January 20, 2004 date of initial rezoning approval.

Rezoning conditions have not been satisfied. The applicant indicates that the reason for the time extension request, "... is that the area is not quite ready for CB-1 use yet" relative to insufficient population increase. However, the Rincon Valley area is gradually gaining residential development that may eventually support commercial use of the site. The site is at an intersection that has commercial and non-residential use, in addition to residential uses in the vicinity. There is a small CB-1 zoned business that was originally developed as a country store (and has recently reopened for business) to the west of the site across Camino del Garagon; and there is a weekly farmer's market at a nearby stable site. However, there is a lack of varied commercial services in the area. Business-zone property (CB-1 and CB-2) located approximately 2.5 miles southeast of the subject site, at the intersection of Old Spanish Trail and Camino Loma Alta, has mostly been developed for residential subdivision use. There are approximately 10 acres of CB-1 remaining for development. The nearest substantial commercial services are located in Vail, approximately 6.5 miles travel distance to the south.

The property has also recently changed ownership. The new owner has indicated to staff that a self-storage facility may be sought for development. This would require a substantial change modification of rezoning conditions. The owner is aware that only approximately one acre of the 3.04 acre property is allowed for CB-1 development, with the remainder restricted to SR natural open space to satisfy Conservation Lands System preservation policy. The staff site visit found recent removal of some trees within what appears to be the CB-1 portion of the site. Trees and other vegetation are restricted from disturbance with the SR-restricted portion of the site, even in the area of a past disturbance.

The site is located on the southeast corner of Camino del Garanon and Old Spanish Trail. The approved rezoning sketch plan allows 11,000 square feet of commercial space. Denial of the time extension will cause the rezoning case to be closed and the site to revert to unrestricted SR (Suburban Ranch) zoning. SR does not conform to the site's NAC plan designation, but SR otherwise exists in the area. Closure of the rezoning would not preclude the possibility of a similar future rezoning.

SURROUNDING LAND USES/GENERAL CHARACTER:

North:	SR	Old Spanish Trail / Undeveloped
South:	SR	Undeveloped & Single Residence
East:	SP	Undeveloped Rocking K Ranch Specific Plan
West:	CB-1 & SR	Camino del Garagon / Commercial Building / Single Residence & Stables

There has been no change to zoning in the vicinity of the site since the initial rezoning approval. Immediate surrounding development appears to be the same. Some single residences further west have been purchased by Pima County and razed due to floodplain considerations.

CONCURRENCY CONSIDERATIONS		
Department	Concurrency Considerations Met: Yes / No / N/A	Other Comments
TRANSPORTATION	Yes	
FLOOD CONTROL	Yes	Subject to conditions for on- and off-site drainage improvements as required.
WASTEWATER	Yes	Subject to capacity verification and conditions for construction of on- and off-site sewers as necessary.
PARKS & RECREATION	N/A	
WATER	No response	
SCHOOLS	N/A	
AIR QUALITY	Yes	

TRANSPORTATION DEPARTMENT REPORT:

The Department of Transportation recommends the approval of the Rezoning Time Extension and recommends that the transportation rezoning conditions remain the same based upon the following:

According to traffic counts performed on this segment of Old Spanish Trail, traffic in the area has decreased. In 2014 the ADT was 6,111; in 2015 (the most recent traffic counts for this segment of OST) the ADT was 4,765. Due to this decrease, the level of service for Old Spanish Trail is acceptable and has capacity to absorb additional traffic. At the time of development, the applicant will need to perform a traffic study to determine the exact impact of the development on the adjacent roadway. In order to preserve the arterial integrity of Old Spanish Trail, DOT will still prohibit a driveway/access directly onto Old Spanish Trail for this development.

REGIONAL FLOOD CONTROL DISTRICT REPORT:
The Pima County Regional Flood Control District has no objection to the request but recommends that condition 8E be replaced with the following:

A CLOMR shall be submitted to the District with the Site Plan prior to any development.

REGIONAL WASTEWATER RECLAMATION DEPARTMENT REPORT:
The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the request for a rezoning time extension and offers the following comments for your use. The 3.04-acre subject site was conditionally rezoned from SR (Suburban Ranch) to CB-1 (Local Business) and SR® (Suburban Ranch – Restricted) in 2004. The rezoning expired on January 20, 2019. The time extension is sought for the entire rezoning which remains undeveloped. The rezoning is proposed for commercial use (office, retail, or restaurant). The site is located at the southeast corner of Camino del Garanon and Old Spanish Trail.

The rezoning area is within the PCRWRD service area and is tributary to the Agua Nueva Water Reclamation Facility via the Pantano Interceptor. The project site is located within 200 feet from the existing 18-inch public sewer line in Old Spanish Trail and shall connect to the public sewer per Pima Code of Ordinance 7.21.037.D.

The PCRWRD has no objection to proposed five-year extension of the rezoning. The existing wastewater conditions in rezoning Resolution 2015-66 adopted on September 15, 2015 by the Board of Supervisors do not require any revision.

ENVIRONMENTAL PLANNING REPORT:
The existing Environmental Planning condition requiring 2.07 acres be set-aside as Natural Open Space in perpetuity, as indicated on the original site plan is recommended to be retained.

CULTURAL RESOURCES REPORT
The existing requirement for an archeological and historic sites survey for remains in effect.

WATER DISTRICT REPORT
Saguaro Water Company has not responded to a request for comments.

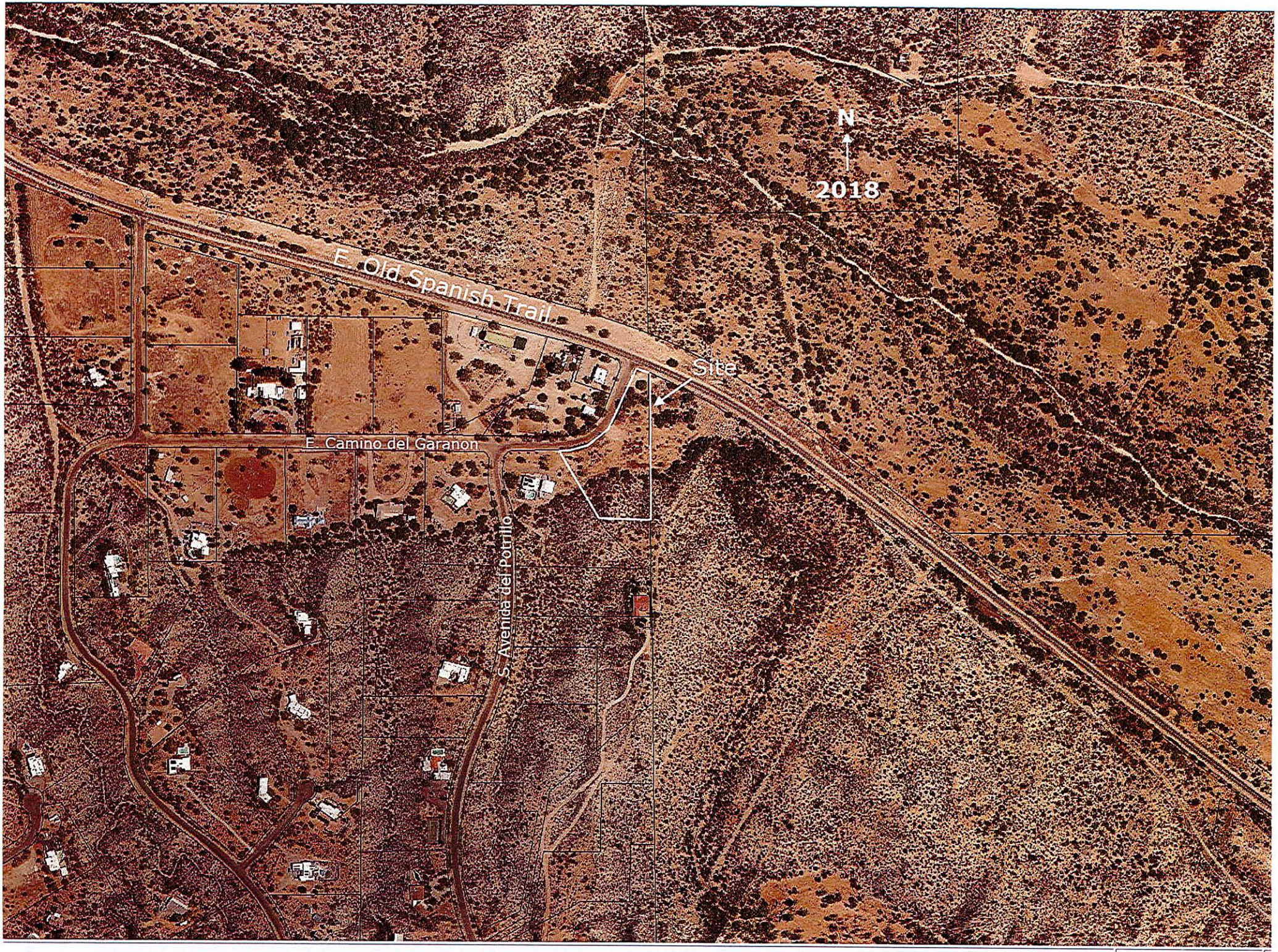
FIRE DISTRICT REPORT
Rincon Valley Fire District does not object in granting a rezoning time extension for the Co9-03-31 Backus - Old Spanish Trail Rezoning, Parcel 205-81-0140 request. In the event that this parcel is rezoned, any improvements would need to comply with the current Rincon Valley Fire Code and local amendments.

UNITED STATE FISH AND WILDLIFE SERVICE COMMENTS:
Staff has not received a response to a request for comments.

PUBLIC COMMENTS:
As of the writing of this report, no written public comments have been received.

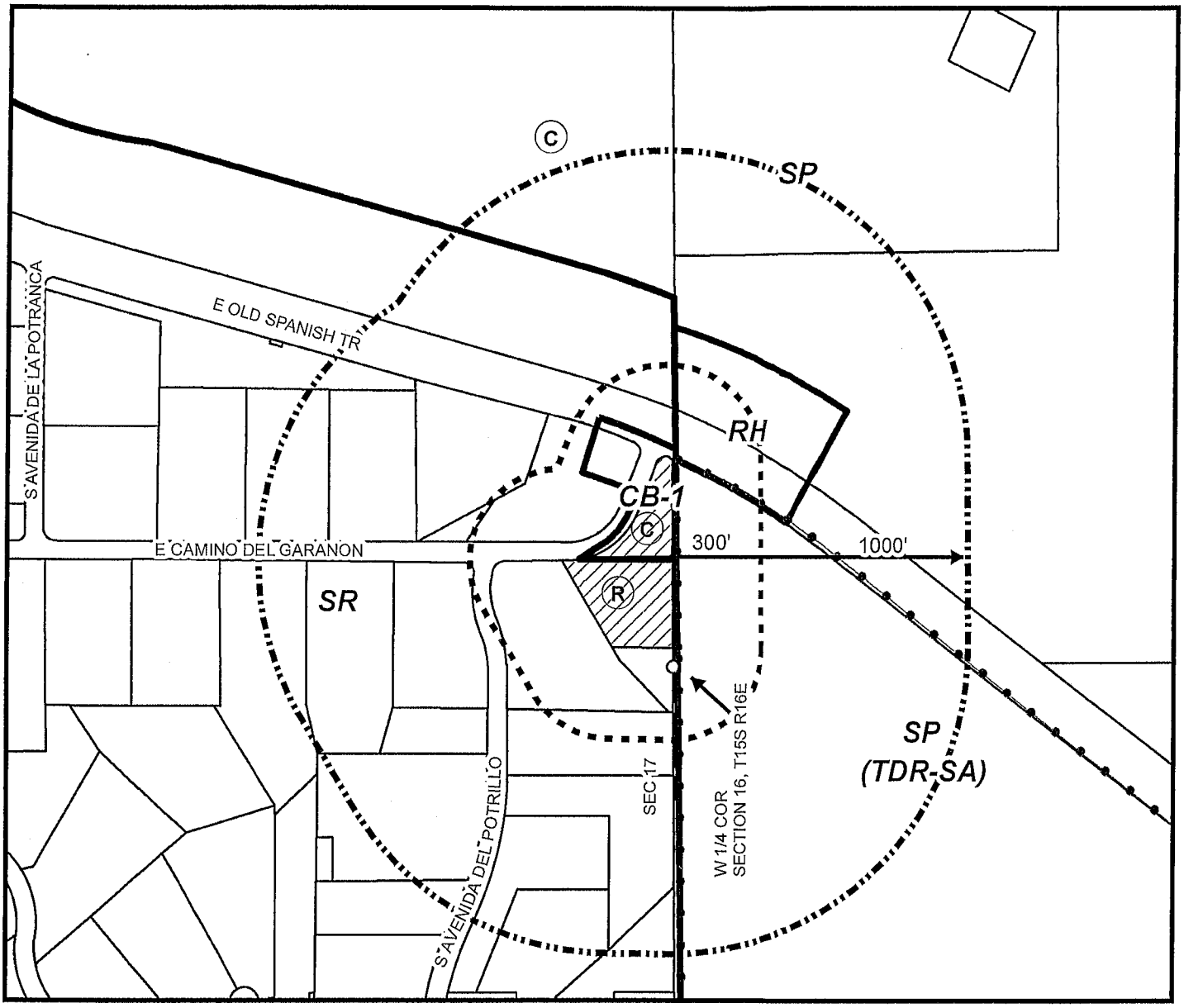
TD/DP/ar
Attachments

cc: Peter Backus, 14901 E. Old Spanish Trail, Vail, AZ 85641
Tom Drzazgowski, Chief Zoning Inspector
Co9-03-31 File


N
2018
E. Old Spanish Trail
Site
E. Camino del Garanon
S. Avenida del Potrillo

Case #: Co9-03-31
Case Name: BACKUS - OLD SPANISH TRIAL REZONING
Tax Code: 205-81-0140

1000' Notification Area
300' Notification Area
Subject Property
Zoning Boundary
TDRS



0 220 440 880 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **Rezoning Time Extension**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Board of Supervisors Hearing: 3/05/19

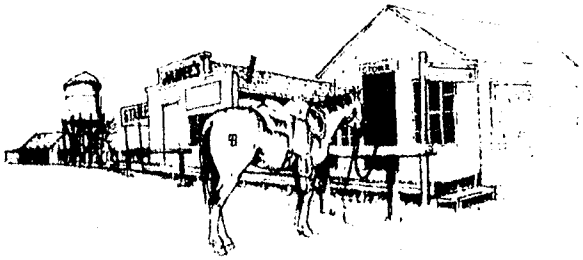
Base Map(s):131 | Map Scale: 1:6,000 | Map Date: 1/28/2019 - ds

N W E S

P B Trading Company, Inc.

14901 E. Old Spanish Trail
Vail, AZ 85641

Tel: (520) 647-0030
Fax: (520) 647-0020
email: pbtradingarizona@yahoo.com



October 16, 2018

RECEIVED
OCT 23 2018
By

Peter and Deborah Backus
14901 East Old Spanish Trail
Vail, AZ 85641

Pima County Board of Supervisors
201 North Stone
Tucson, AZ 85701
Tax Code Number(s) 205-81-0140
Re: Co9-03-31

Dear Pima County Supervisors,

I am writing this letter to request a time extension on our land located on Old Spanish Trail, Vail, AZ. The area is gathering more homes and population but at this time it would be premature to build any commercial activity. There is a similar parcel across the street that is a small country store that has recently reopened after being closed for a few years. Hopefully it will do well. I am hoping to build a small office and/or restaurant and the timing is certainly not acceptable for that type of venture. I would appreciate an extension and feel that the land still needs time to mature before a building is justified. No one would want to see a building sit idle, quite before its time. The land will be mush better for CB-1 than residential. As the surrounding area develops further in homes, commercial activity will be important.

Land on the hill behind our proposed area will remain natural.

Thank you for your consideration. I am always happy to present this request in person if needed.

Sincerely,

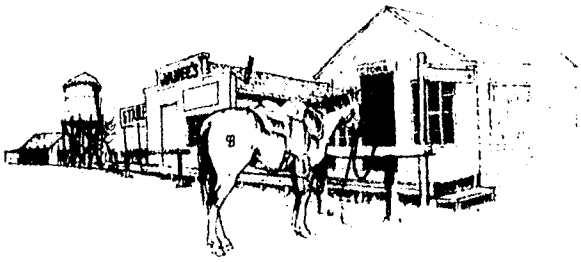
Deborah and Peter Backus

Cc: Tom Drzazgowski
Public Works Building
201 N. Stone
Tucson, AZ

P B Trading Company, Inc.

14901 E. Old Spanish Trail
Vail, AZ 85641

Tel: (520) 647-0030
Fax: (520) 647-0020
email: pbtradingarizona@yahoo.com



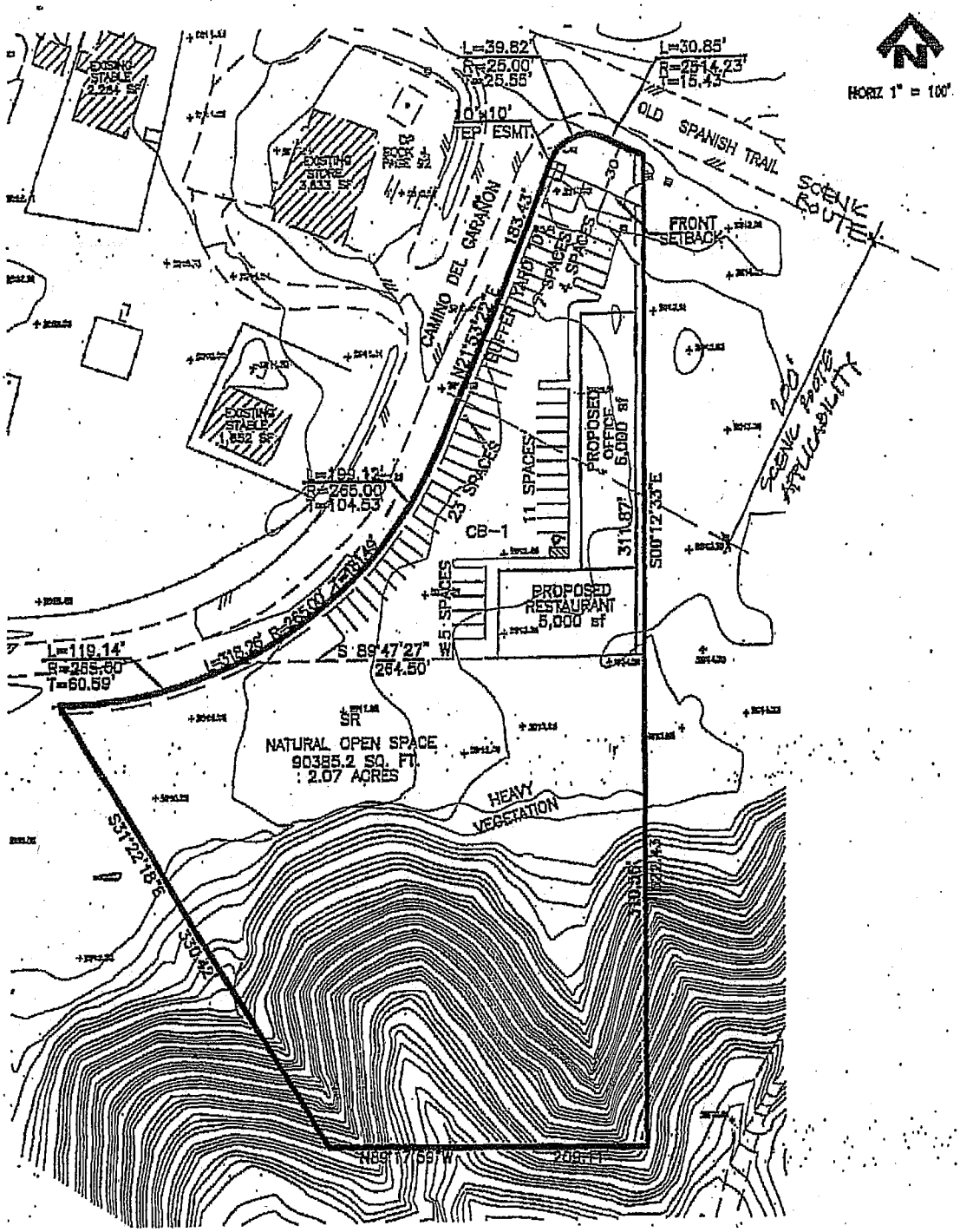
Dear Sir,

Please accept this check for the extension of a rezoning on 12630 E. Camino del Garanon. held in the names Peter G. and Deborah G. Backus

My best
Peter G. Backus

P.S. The reason for the extension is that the area is not quite ready for CB1 use yet.
PGB

EXHIBIT B



Sketch Plan
Co9-03-31

SITE PLAN
FOR
OLD SPANISH TRAIL

CB-1	.97 ACRES
SR	2.07 ACRES
TOTAL	3.04 ACRES

MMLA
McGovern MacWhae 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

RESOLUTION **2015-** 66

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-03-31 BACKUS – OLD SPANISH TRAIL REZONING; LOCATED ON THE SOUTHEAST CORNER OF CAMINO DEL GARANON AND OLD SPANISH TRAIL, AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2009-71.

The Board of Supervisors of Pima County, Arizona finds that:

1. On January 20, 2004, in rezoning case Co9-03-31, the Pima County Board of Supervisors approved the rezoning of approximately 3.04 acres located on the southeast corner of Camino Del Garanon and Old Spanish Trail, illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), from SR (Suburban Ranch) to CB-1 (Local Business) for approximately .97 acres and SR® (Suburban Ranch-Restricted) for approximately 2.07 acres, subject to standard and special conditions.
2. On October 10, 2008, the owner(s) applied for a five-year extension of a rezoning from SR (Suburban Ranch) of approximately 3.04 acres to CB-1 (Local Business) for approximately .97 acres and SR® (Suburban Ranch-Restricted) for approximately 2.07 acres, subject to additional and modified standard and special conditions.
3. On May 19, 2009, the Pima County Board of Supervisors approved the five-year time extension subject to modified standard and special conditions.
4. On August 4, 2009, the Pima County Board of Supervisors adopted rezoning Ordinance No. 2009-71, recorded in Docket 13621 at Page 3372, rezoning the approximate 3.04 acres described in rezoning case Co9-03-31 and memorializing the standard and special conditions.
5. On January 6, 2014, the owner(s) applied for a five-year 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 of the time limit set forth in Section 3 of Ordinance No. 2009-71;
6. On May 13, 2014, the Pima County Board of Supervisors denied closure of the rezoning and approved the five-year time extension subject to modified standard and special conditions;
7. Section 3 of Ordinance No. 2009-71 and the Pima County Code allow the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance No. 2009-71 are restated and modified as follows:

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.

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) shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of the 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 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:

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
Arundo donax	Giant reed
Brassica tournefortii	Sahara mustard
Bromus rubens	Red brome
Bromus tectorum	Cheatgrass
Centaurea melitensis	Malta starthistle
Centaurea solstitalis	Yellow starthistle
Cortaderia spp.	Pampas grass
Cynodon dactylon	Bermuda grass (excluding sod hybrid)
Digitaria 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 2. Section 3 of Ordinance No. 2009-71, is amended and the time limit extended as follows:

1. Conditions 1 through 15 shall be completed by January 20, ~~2014~~ 2019.

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 15 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.

Passed and adopted, this 15th day of September, 2015.

Sharon Bronson

Chair, Pima County Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

Deputy County Attorney
Michael LeBlanc

APPROVED:

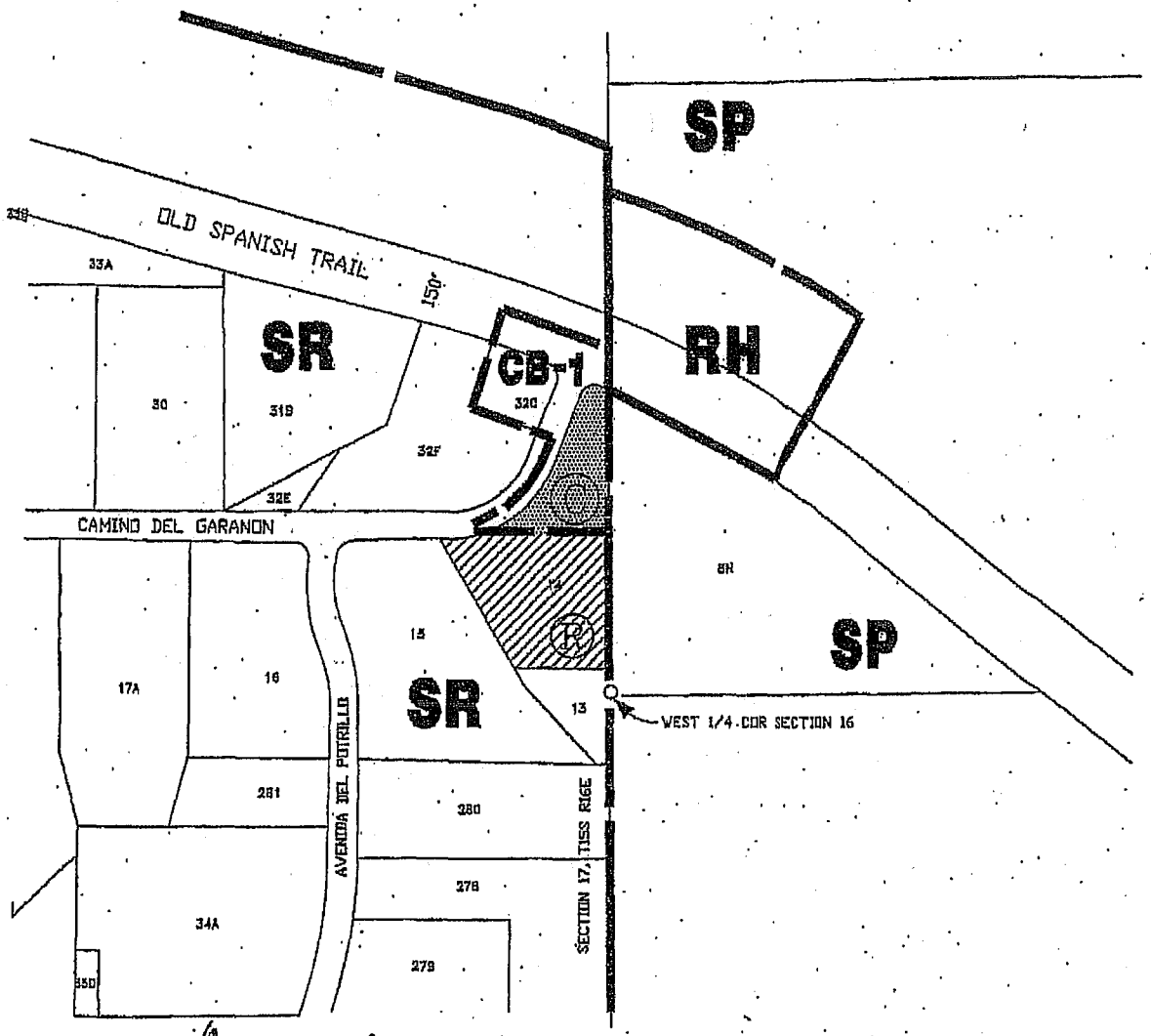
Executive Secretary
Planning and Zoning Commission

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

0 400'



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

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

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

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