BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: October 20, 2020

Title: Co9-09-06 REAY, ET AL – TRICO ROAD REZONING REZONING

Introduction/Background:

A. Proposal to close a portion of rezoning case Co9-09-06 as required to be considered per code. B. If not closed, applicant requests a five-year time extension for the rezoning from GR-1 to CB-1 on 6.81 acres. The rezoning was approved March 16, 2010 and expired on March 16, 2020. The site is located on the west side of N. Trico Road, north and south of its intersection with W. El Tiro Road.

Discussion:

The applicant cites the need for a five-year time extension due to the lack of a market for commercial development. The owners have recorded a covenant to to set-aside 18 acres of nearby land to meet the condition for natural open space under the CLS Multiple Use Management Area requirement. Staff supports the rezoning time extension because the commercial use remains appropriate and conforms to the RX comprehensive plan designation.

Conclusion:

A time extension is warranted due to the historical economic recession. The proposed retail and business service uses in conjunction with existing retail services remain a suitable land use for the area. The recommended original and modified conditions updates certain conditions to current standard language and policy treatment. The time extension will allow a total of 15 years to complete rezoning conditions.

Recommendation:

Staff recommends denial of closure and approval of a five-year time extension subject to original and modified standard and special conditions.

Fiscal Impact:

N/A

Board of Supervisor District:

☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ All

Department: Development Services Department - Planning Telephone: 520-724-8800

Contact: Donna Spicola, Planner Telephone: 520-724-9513

Department Director Signature/Date: 9/28/2020

Deputy County Administrator Signature/Date: 9/28/2020

County Administrator Signature/Date: C. Bellavia 9/28/20

PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Sharon Bronson, Supervisor, District 3

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

DATE: September 25, 2020

SUBJECT: **Co9-09-06 REAY, ET AL – TRICO ROAD REZONING**

The above referenced **Rezoning Closure/Time Extension** is within your district and is scheduled for the Board of Supervisors' **TUESDAY, OCTOBER 20, 2020** hearing.

****This case will require 2 separate motions and votes.**

REQUEST: A. Proposal to **close** a 6.81-acre portion of the original 9.15-acre rezoning from GR-1 (Rural Residential) to CB-1 (Local Business) zone. If not closed,

B. A five-year **time extension** of a 6.81-acre portion of the original 9.15-acre rezoning from GR-1 (Rural Residential) to CB-1 (Local Business) zone.

OWNERS: Gordon and Lois Reay Family Trust
8880 E Speedway Bl, Suite 210
Tucson, AZ 85710

AGENT: The Planning Center
Attn: Lexy Wellott, Project Manager
2 E. Congress, Suite 600
Tucson, AZ 85701

DISTRICT: 3

STAFF CONTACT: Donna Spicola, Planner

PUBLIC COMMENT TO DATE: As of September 25, 2020, staff has received no public comments.

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

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located within the Multiple Use Management Area of the Maeveen Marie Behan Conservation Land System (CLS).

TD/DS
Attachments

PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: Co9-09-06

FOR TUESDAY, OCTOBER 20, 2020 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: September 25, 2020

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING CLOSURE /TIME EXTENSION

A. Rezoning Closure

Co9-09-06 REAY, ET AL – TRICO ROAD REZONING

Proposal to **close** Co9-09-06, an approximate 6.81-acre portion of an original 9.05-acre rezoning from GR-1 (Rural Residential) to CB-1 (Local Business) zone. The subject site is located on the northwest corner of N. Trico and W. El Tiro Roads and on the west side of N. Trico Road, approximately 400 feet south of W. El Tiro Road, on parcel codes 208-20-0470, 208-20-0480, and 208-20-070D. The rezoning was conditionally approved in 2010 and expired on March 16, 2020. Staff recommends **AGAINST CLOSURE**.
(District 3)

B. Rezoning Time Extension

Co9-09-06 REAY, ET AL – TRICO ROAD REZONING

Gordon and Lois Reay Family Trust, represented by The Planning Center, request a five-year **time extension** for the above-referenced rezoning from GR-1 (Rural Residential) to CB-1 (Local Business) zone. The subject site was rezoned in 2010. The approximate 6.81-acre portion of an original 9.05-acre rezoning is located on the northwest corner of N. Trico and W. El Tiro Roads and on the west side of N. Trico Road, approximately 400 feet south of W. El Tiro Road, on parcel codes 208-20-0470, 208-20-0480, and 208-20-070D. Staff recommends **APPROVAL OF FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.**
(District 3)

STAFF RECOMMENDATION

Staff recommends **DENIAL of closure** of the rezoning and **APPROVAL of a five-year time extension** to March 16, 2025 as per the applicant's request for the 6.81-acre portion of the original 9.15-acre rezoning from GR-1 (Rural Residential) to CB-1 (Local Business) zone subject to original and modified standard and special conditions 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~~1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

~~7~~2. Transportation conditions:

A. Access shall be designed and provided between the existing and proposed uses and to the north, south and west. Cross access and maintenance issues shall be provided by the property owner for all portions of the rezoning and to adjacent properties.

B. Corner spandrel right-of-way dedications shall be provided by the property owner at the Trico Road and El Tiro Road intersection.

C. Offsite improvements to Trico Road and El Tiro Road, including the intersection, shall be provided by the property owner / developer, as determined necessary by the Department of Transportation.

D. Elimination of the existing southernmost driveway for the existing retail building (4,340 sq. ft.) as depicted on the Preliminary Development Plan.

~~8~~3. Flood Control conditions:

A. The property owner(s) / developer 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. Drainage from the northern block shall drain to the swale adjacent to Trico Road such that no additional flood flows enter the adjacent parcel to the north. When a development plan is submitted, if the adjacent parcel (208-20-0460) that is affected by the Special Studies Floodplain remains owned by the recorded owner as of March 16, 2010, the owner shall be notified and be provided a reasonable period of time to afford the owner the opportunity to comment on and approve the off-site drainage related improvements.

B. At the time of development, the developer shall be required to select a combination of Water Conservation Measures such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.

~~9~~4. Wastewater Management condition:

If the project should connect to the public sewer at any time in the future, the property owner / developer shall abide by all applicable regulations and policies of the Pima County Regional Wastewater Reclamation Department.

~~10~~5. Environmental Quality conditions:

A. Prior to approval of the Development Plan, the two northern parcels must be combined to accommodate the proposed on-site wastewater disposal system as depicted on the preliminary development plan unless a disposal system layout is proposed that

contains disposal systems entirely within each parcel. Sewer lines shall not be allowed to cross property boundaries.

B. Prior to approval of the Development Plan, it must be shown that the existing on-site wastewater disposal systems are in good repair and functioning properly. This demonstration shall be made through the use of the Pima County Report of Inspection and recertification process.

C. Prior to approval of the Development Plan, the property owner / developer shall demonstrate that the lots, as proposed, can accommodate the proposed development and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations or percolation testing and shall be designed in accordance with Arizona Administrative Code, Title 18, Chapter 9.

D. The total gallon per day discharge for the combined development must not exceed 2999 g/d or the applicant shall be required to demonstrate, prior to approval of the Development Plan, that total nitrogen loading from the on-site wastewater disposal systems to ground water will be controlled in accordance with the provisions of Arizona Administrative Code, Title 18, Chapter 9.

~~11~~6. Cultural Resources conditions:

A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.

B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County 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.

C. 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.

~~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 invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. ~~Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.~~

Invasive Non-Native Plant Species Subject to Control:

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
Oncosiphon piluliferum	Stinknet
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

B. Prior to the approval of the Final Development Plan, the property owner/developer shall achieve compliance with the MMBCLS Multiple Use Management Area 2:1 mitigation ratio by providing a minimum of 18 acres as Natural Open Space at an off-site location which fulfills the following criteria as approved by Pima County Development Services Department:
   1) The location of off-site mitigation property shall be within the same general geographic region of the rezoned parcel.
   2) Off-site mitigation property shall provide at least the same resource value (as determined by MMBCLS Category Designation) as the rezoned parcel; and
   3) Provision of evidence that the site shall remain in an undeveloped natural state.

~~13~~8. Low Impact Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of stormwater to irrigate exterior areas and conserve use of groundwater.

~~14~~9. In the event the subject property is annexed, the property owner~~(s) / developers(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) 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)."

~~16~~11. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).

~~17~~12. A six-foot wall and 20-foot bufferyard shall be provided along the western property boundary south of El Tiro Road.

Condition #'s 1-5 are recommended for deletion as they are no longer recommended as standard rezoning conditions as a measure to reduce redundant requirements and ease processes. Pertaining to condition #1, a development plan will be required per code for the proposed commercial development. Pertaining to condition #'s 2, 3, and 5, staff no longer recommends standard conditions which require an act of recordation. Pertaining to condition #'s 2 and 4, the requirements for recording of a hold harmless covenant against flooding and recording of

assurances are typically associated with a development plan.

The aforementioned recommendations are relatively standard adjustments to the list of standard and common conditions that staff has been making for rezoning time extensions.

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

STAFF REPORT:

Closure

Staff recommends against closure of the rezoning, but closure must be considered prior to consideration of a time extension because a time extension was not requested prior to the case expiration date of March 16, 2020, and because it has been more than 10 years since the date of rezoning approval, March 16, 2010. The Zoning Code requires consideration of closure in either of these instances. The initial time limit for approved rezonings is recommended by staff at five years; and five years is typically the maximum interval of staff recommended time extensions. Because of the continued appropriateness of proposed commercial use at the site's location, staff does not believe the case should be closed.

Time Extension

Staff supports a second five-year time extension request, which if approved, will provide a total of 15 years to complete rezoning conditions for the remaining 6.81 acres from the initial March 16, 2010 rezoning approved by the Board. The proposed retail and business service uses in conjunction with existing retail services remain a suitable land use at this intersection of rural collector roads and will serve the area's rural residential population. The CB-1 zoning provides more business service use types than offered by the predominant RH and GR-1 zoning in the area, with less restriction on business size (but still restricted by the approved rezoning preliminary development plan).

The applicant cites the lack of market for commercial development as the reason for the time extension. Staff finds that concurrency of applicable infrastructure is met (although water concurrency is undetermined). Additionally, CB-1 is compliant with the Rural Crossroads (RX) comprehensive plan designation of the site. The purpose of the RX designation is to provide mixed-use areas where basic goods and services are provided to rural residents.

Since the original 9.15-acre site was conditionally zoned to CB-1 in March 2010, the Board voted for closure on a 1.25-acre portion of the rezoning site and zoning reverted to GR-1. Additionally, a five-year time extension was approved in 2015 on the remaining 6.81-acre portion of the rezoning. At the time of the 2015 Board action, there was progress toward satisfying rezoning conditions. A Certificate of Rezoning Compliance related to the Dollar Store development on one acre and the condition requiring 18 acres of commensurate natural open space set-aside to meet MMB Conservation Lands System mitigation requirement for the Multiple Use Management Area designation were completed. A covenant was recorded for approximately 18 acres of land near the rezoning site that restricts it to its undeveloped natural state, enforceable by Pima County. Currently, the remaining subject 6.81 acres are undeveloped and remain unchanged since the last time extension request.

There have been no rezonings approved in the site's vicinity since the 2010 rezoning approval. Within a half mile to the west of the site, on the south side of El Tiro Road, exists a 2.33-acre CB-2 (General Business) zoned site which contains a tavern and residence. A CB-1 zoned subdivision lot further west contains residential uses.

The subject property is located on the west side of N. Trico Road, north and south of its intersection with W. El Tiro Road. The rezoning was conditionally approved for a total of 59,150 square feet of indoor commercial space with multiple buildings, including the existing convenience store.

Approval of the requested five-year time extension will provide a total of 15 years to complete rezoning conditions from the initial approval date by extending the expiration date to March 16, 2025. The site remains vacant. Denial of the time extension will cause the rezoning case to be closed and the site to revert to the GR-1 zone. GR-1 zoning does not conform to the site's current plan designation. Closure of the rezoning would not preclude the possibility of a future CB-1 rezoning.

TRANSPORTATION DEPARTMENT REPORT:

The Department of Transportation has reviewed this request and is against the rezoning closure and has no objection to the time extension. The existing building on parcel 208-20-0470, subject to renumbered condition #2 D, has been demolished. The parcel is vacant but the drives remain. The Transportation Department has no additional conditions or changes to the Transportation conditions listed under renumbered conditions #2 A-D.

REGIONAL FLOOD CONTROL DISTRICT REPORT:

The Pima County Regional Flood Control District reviewed the request and offers the following comments:

1. Sheet Flood area impacts Trico Road adjacent to the site and the northeastern edge of the property.
2. No designated water provider has been identified. The following additional condition recommended to ensure compliance with the Water Policy of the Comprehensive Plan.

The District has no objection subject to the existing flood control condition in renumbered condition #3A with the addition of the following condition listed as #3B:

> At the time of development, the developer shall be required to select a combination of Water Conservation Measures such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.

REGIONAL WASTEWATER RECLAMATION DEPARTMENT REPORT:

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) reviewed the request for a five-year time extension and states no public sewer system is available to the subject sites. Should the time extension be granted, the PCWRD has no additional conditions or changes to the Wastewater Management conditions listed within Resolution 2015-070 adopted October 6, 2015 by the Board of Supervisors and listed in renumbered condition #4.

TRICO ELECTRIC

Staff has not received a response to a request for comments.

AVRA VALLEY FIRE DISTRICT

Staff has not received a response to a request for comments.

UNITED STATE FISH AND WILDLIFE SERVICE COMMENTS:

Staff has not received a response to a request for comments.

PUBLIC COMMENTS:

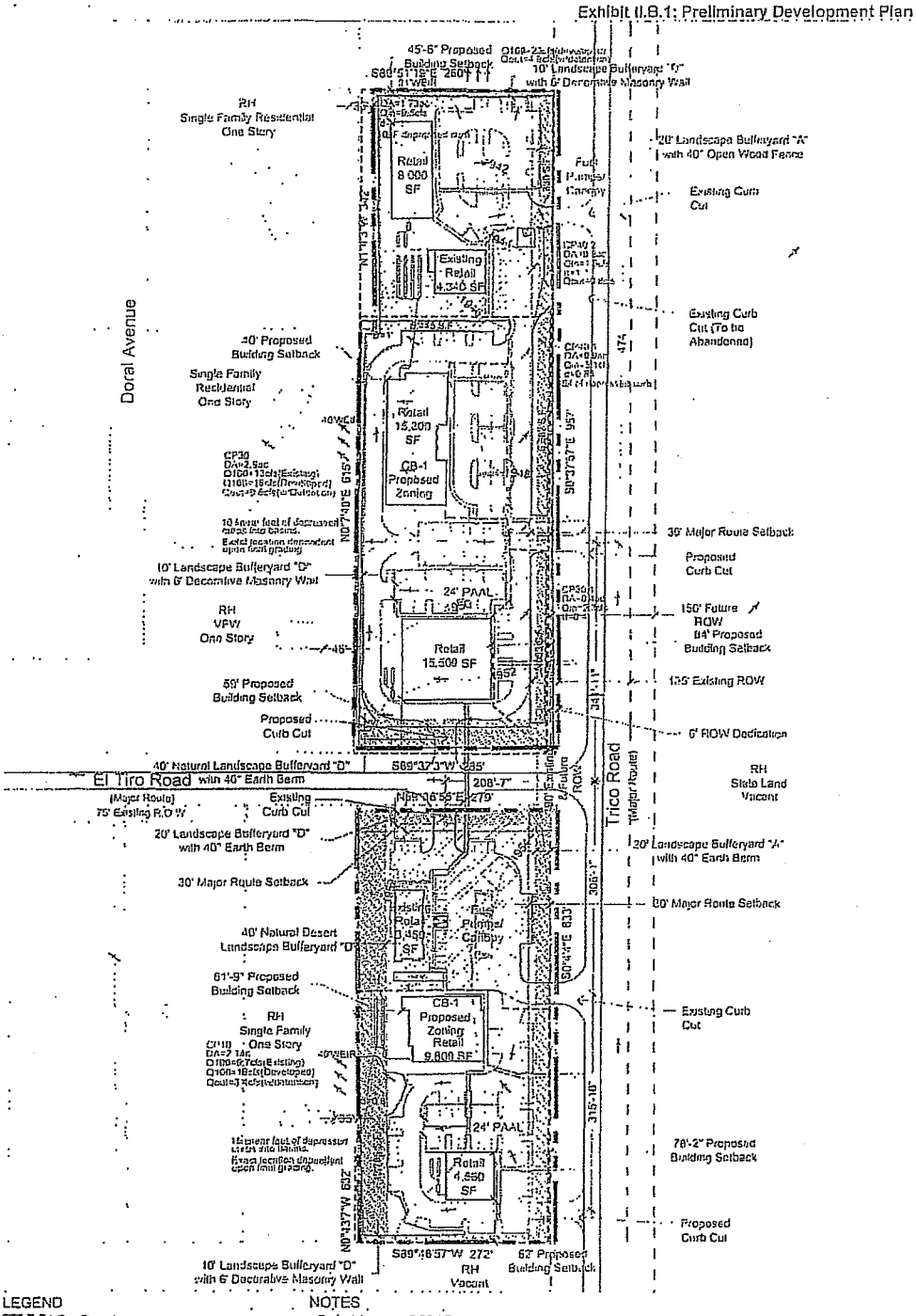
As of September 25, 2020, no written public comments have been received.

TD/DS
Attachments

cc: Gordon and Lois Reay Family Trust, 8880 E Speedway Bl, Suite 210, Tucson, AZ 85710
The Planning Center, Attn: Lexy Wellott, Project Manager, 2 E. Congress, Suite 600, Tucson, AZ 85701
Tom Drzazgowski, Chief Zoning Inspector
Co9-09-06 File

EXHIBIT B

Exhibit II.B.1: Preliminary Development Plan



LEGEND

- Site Boundary
- 2' Elevation Contours
- 150' Future Right of Way
- Parcels
- Landscape Buffer
- Septic Tank and Leach Fields
- Reserve Septic Tanks
- Cross walks
- Important Riparian Area
- Flow Arrows
- Proposed Detention/Retention Basins
- Watershed Boundaries
- Existing Development

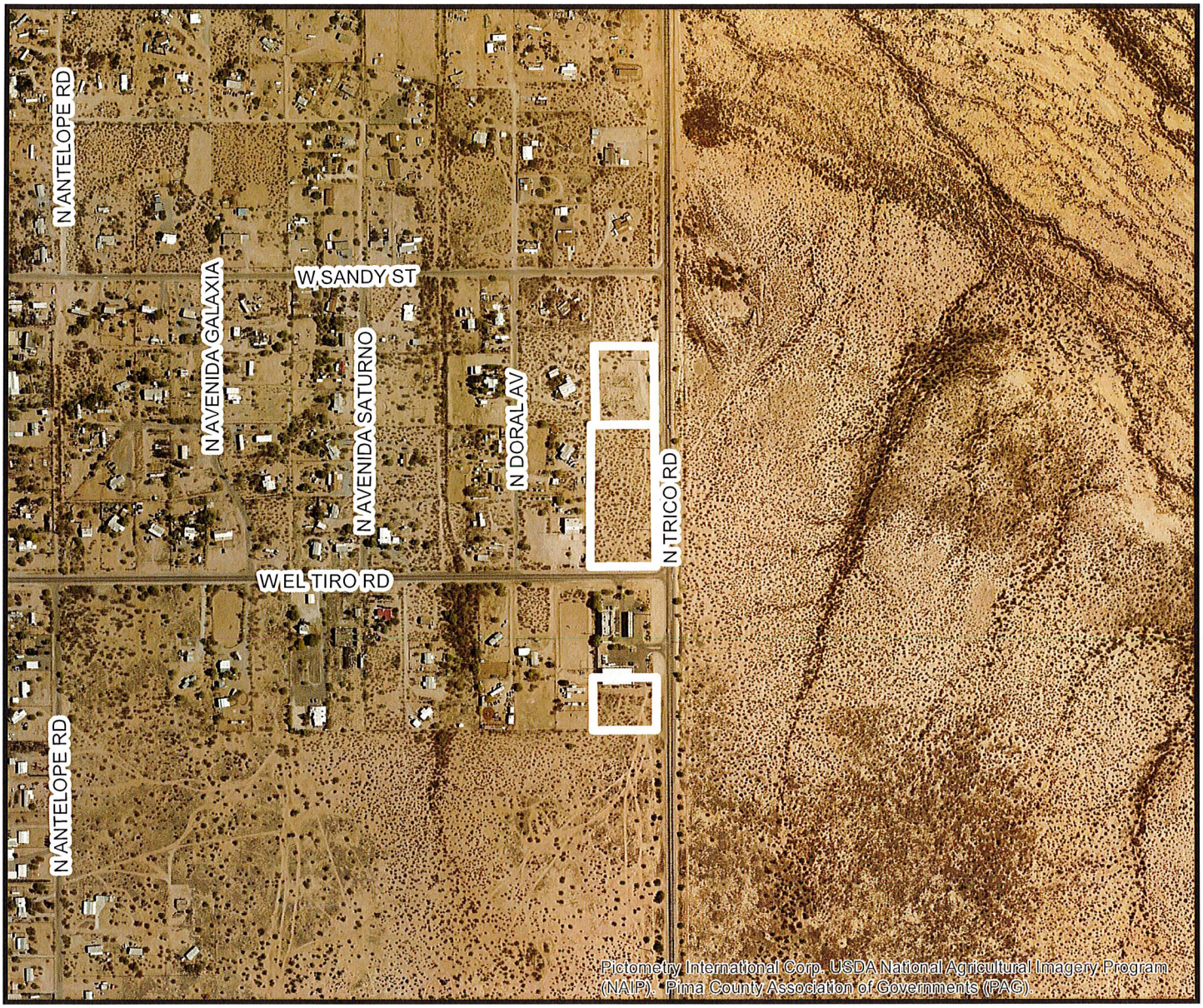
NOTES

- Project Acreage: 9.05 AC
- Existing Zoning: GR-1 Rural Residential
- Proposed Zoning: CB-1
- Maximum Building Height: 39'
- All proposed buildings are two-story
- Existing Building Area: 7,790
- Proposed Building Area: 51,360
- Existing Parking: 46
- Total Parking Required: 207
- Total Parking Provided: 212
- Site is outside the 100-Year floodplain
- The site is located within a multiple use management area, and a small portion is important riparian area. All required mitigation will be conducted off-site (See Section II.E)

APPROVED AT BOS PUBLIC HEARING
3/16/10 C09-09-06

Case #: Co9-09-06
Case Name: REAY, ET AL - TRICO ROAD REZONING
Tax Code(s): 208-20-0470, 208-20-0480 & 208-20-070D

AERIAL EXHIBIT



0 285 570 1,140 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: Rezoning Closure/Time Extension

Ref Case: P20SA00007

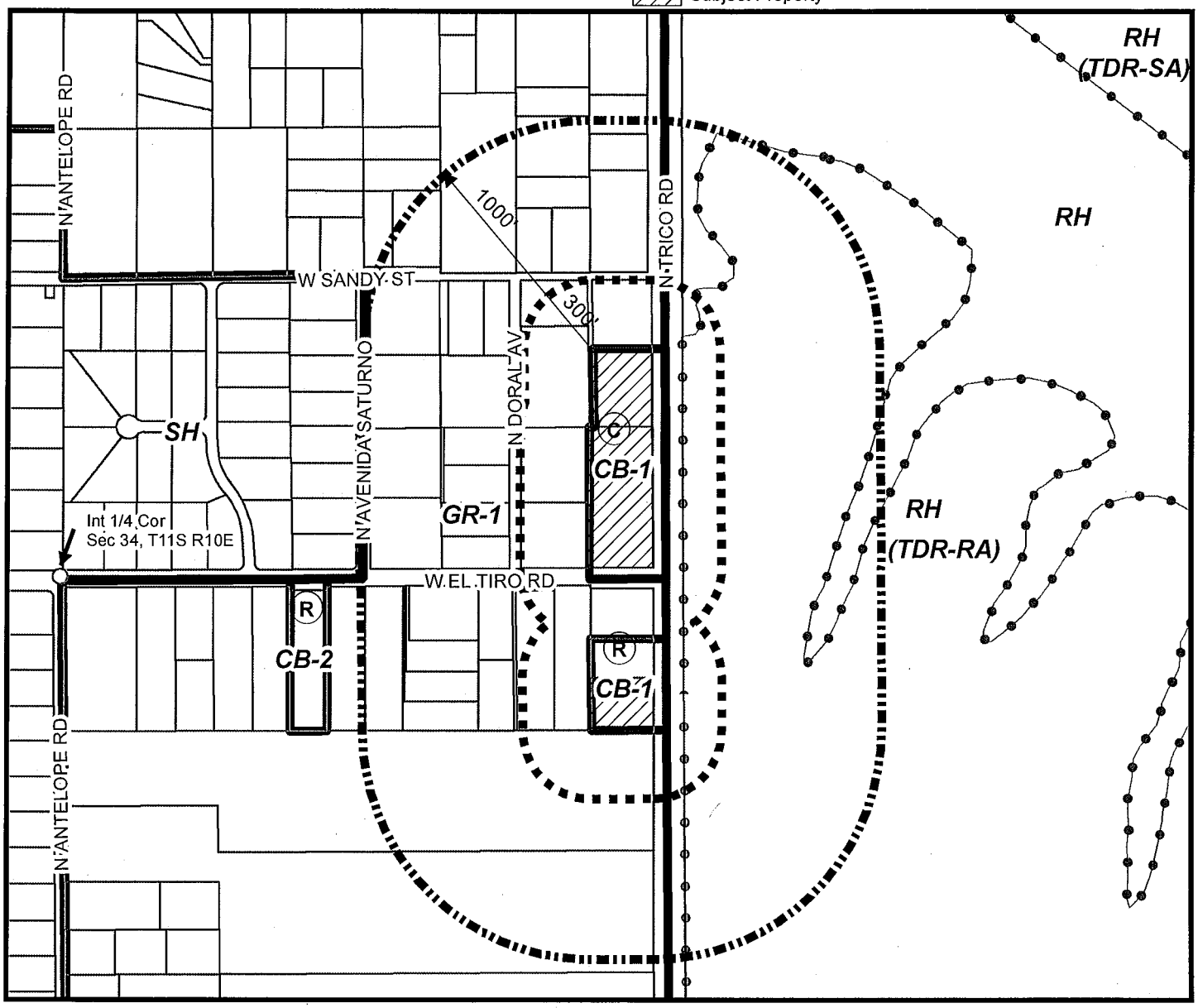
Map Scale: 1:8,000

Map Date: 9/14/2020 - ds

N
W E
S

Case #: Co9-09-06
Case Name: REAY, ET AL - TRICO ROAD REZONING
Tax Code(s): 208-20-0470, 208-20-0480 & 208-20-070D

300' Notification Area
1000' Notification Area
Subject Property
Zoning Boundary
Transfer of Development Rights



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PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **Rezoning Closure/Time Extension**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10 / CO7-07-11

Board of Supervisors Hearing: 10/20/20 | Ref Case: P20SA00007

273 | Map Scale: 1:8,000 | Map Date: 9/14/2020 - ds

N W E S

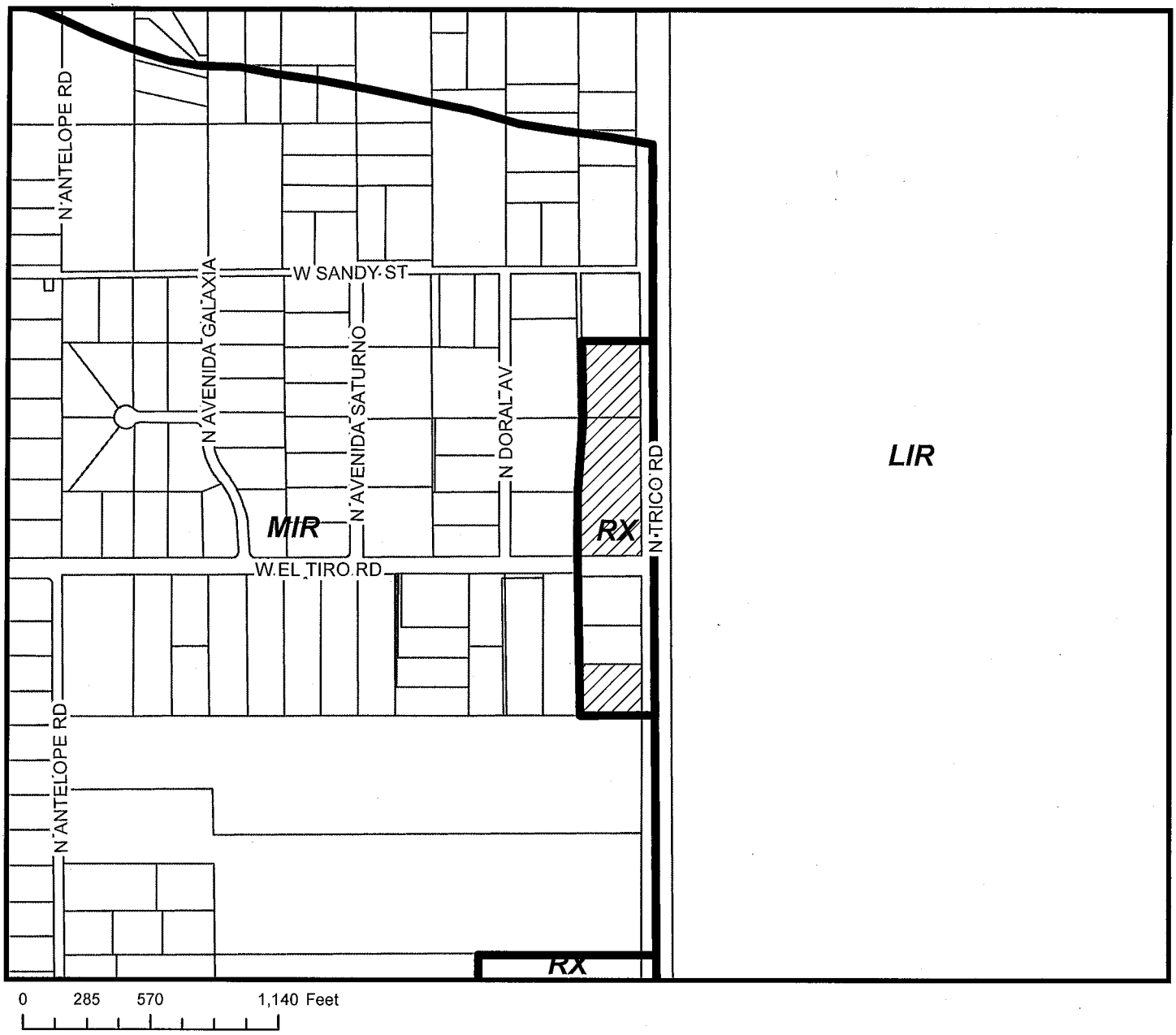
Rural Crossroads (RX)

Objective: To designate mixed use areas where basic goods and services are provided to rural settlements and rural residents as conveniently as possible. Residential densities slightly higher than the surrounding rural neighborhoods are allowed to provide opportunities especially for certain housing types such as those serving the elderly, single, and low income residents. In more developed communities, a grocery may be the principal anchor tenant, along with other uses such as a drugstore, variety/hardware store, self-service laundry, bank, and other similar uses. Such areas will generally be less than twenty acres. Smaller rural crossroads will generally be located at rural roadway intersections of collector or arterial roads for the provision of limited commercial services to rural residents and travelers.

- Residential Gross Density: Minimum- 1.2 RAC; Maximum- 10 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 1.2 RAC; Maximum- 5 RAC

Case #: Co9-09-06
Case Name: REAY, ET AL - TRICO ROAD REZONING
Tax Code(s): 208-20-0470, 208-20-0480 & 208-20-070D

COMPREHENSIVE PLAN EXHIBIT



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: Rezoning Closure/Time Extension

Ref Case: P20SA00007

Map Scale: 1:8,000

Map Date: 9/14/2020 - ds

N W E S

THE PLANNING CENTER
a division of TPC Group, Inc.

June 23, 2020

Mr. Chris Poirier, Deputy Director
Pima County Development Services
201 North Stone, 2nd Floor
Tucson, AZ 85701-1207

Subject: **Co9-09-06 Reay et al. – Trico Road Rezone Time Extension**
TPC Job No.: GRI-07

Dear Mr. Poirier:

On behalf of Gordon and Lois Reay Family Trust, this letter serves as the formal request for a five (5)-year time extension for rezoning case #Co9-09-06, Reay's Ranch Trico Road Rezone. The property subject to this time extension request is approximately 6.81 acres and is located on the west side of Trico Road, bisected by El Tiro Road, within Township 11 South, Range 10 East, Section 34. The property consists of three parcels identified by Assessor Parcel Numbers (APNs): 208-20-0470, 208-20-0480 and 208-20-070D. See enclosed location map.

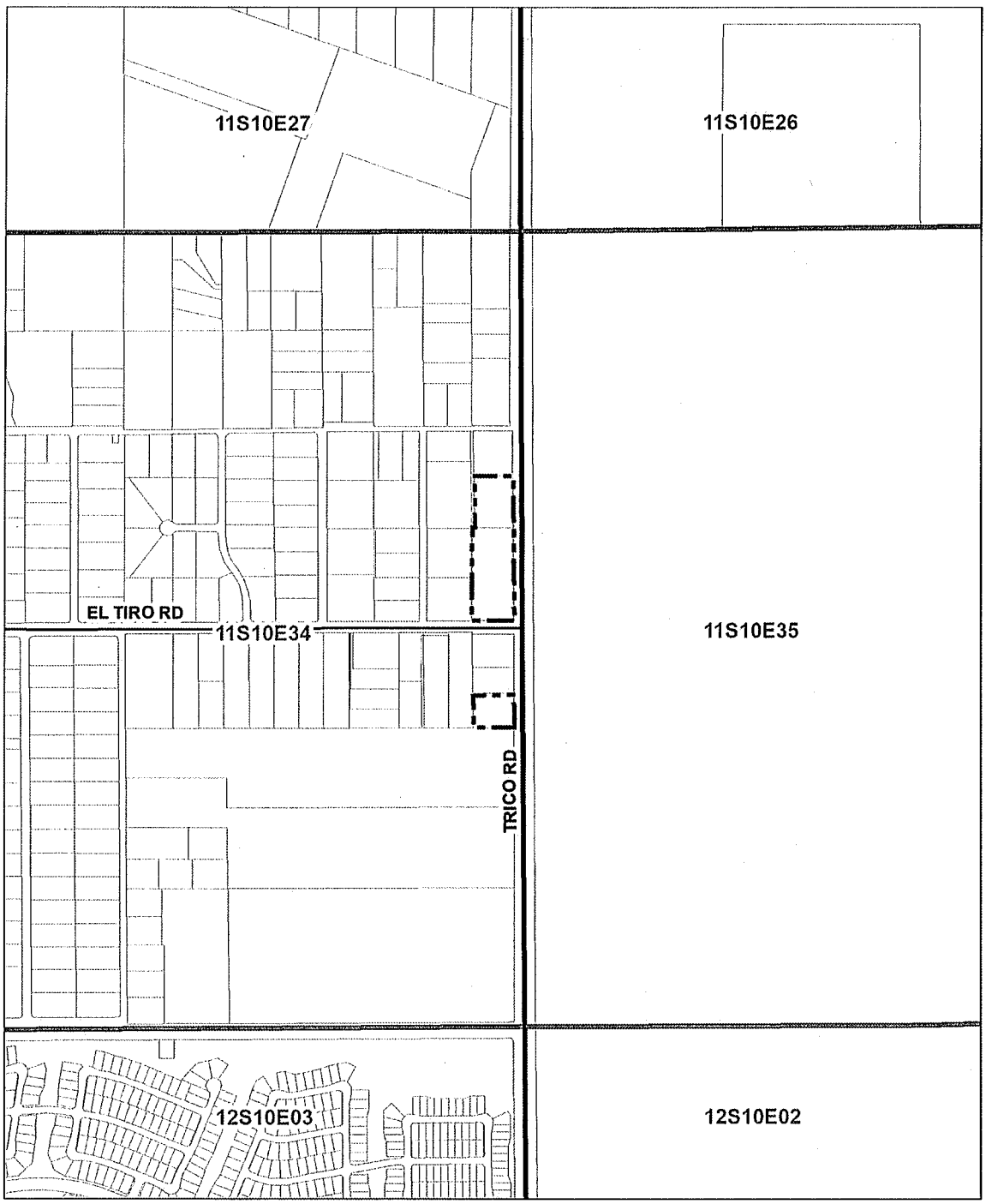
The parcels included in this time extension request have remained unchanged since the approval of the original rezoning and previous time extension request. There has been little market for commercial development in this area of Pima County, therefore, a five (5)-year time extension is requested. No modifications to the site plan as approved during the original rezoning process are proposed with this time extension request.

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

Sincerely,
THE PLANNING CENTER

Lexy Wellott, AICP
Project Manager

a 2 e. congress ste 600 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 # 208-20-0470, -0480, -070D
Township 11S, Range 10E, Section 34
Site Acreage: Approximately 6.81

NORTH

0' 500' 1000'

FILE NAME: GRI_05 6x8_Location
SOURCE: Pima County GIS, 2019

THE PLANNING CENTER
a division of TPC Group, Inc.

March 19, 2020

Pima County Development Services Department
201 N. Stone Avenue, 2nd Floor
Tucson, Arizona 85701

Subject: Co9-09-06 - Reay et al. – Trico Road Rezone Time Extension
On Tax Parcels: 208-20-0470, 208-20-0480 and 208-20-070D
TPC Job No.: GRI-07

To Whom It May Concern:

As the owner the above-mentioned parcels, I hereby authorize The Planning Center to act as my agent through the rezoning time extension application process.

Sincerely,

Gordon Reay

Gordon Reay
Gordon & Lois Reay Family Trust

REAY GORDON & LOIS FAMILY TR
8880 E SPEEDWAY, SUITE 210
TUCSON AZ 85710

SUMMARY OF THE TRUST - GORDON & LOIS REAY FAMILY TRUST

Effective Date of Trust
March 17, 2000

Grantors
GORDON M. REAY
LOIS L. REAY

Trustees and Trust Location
GORDON M. REAY
LOIS L. REAY
2100 N. Kolb
Tucson, Arizona 85715

Type of Trust
Revocable

Name of Trust
GORDON & LOIS REAY FAMILY TRUST,
UA dated March 17, 2000, as amended

Names and Address of Beneficiaries
GORDON M. REAY
LOIS L. REAY
2100 N. Kolb
Tucson, Arizona 85715

The above is a list of the primary beneficiaries of the Trust. Additional contingent beneficiaries are also provided for in such Trust. The above list sets forth the names and addresses of all current beneficiaries of the Trust.

4. On the following pages are selected trust provisions which disclose the powers reserved by the Grantors, the Trustee provisions and the powers of the Trustees:

Trico / El Tiro

PIMA COUNTY
DEVELOPMENT SERVICES
201 N. Stone Avenue, 2nd Floor
Tucson, AZ 85701-1207
(520) 724-9000

Biological Impact Report

(Not Applicable for Rezonings that Require a Site Analysis)

The Biological Impact Report assists staff in assessing a proposed project's potential to impact sensitive biological resources and is required by the Pima County Zoning Code Chapter 18.91. A project's design should conserve these important resources.

This report will include information provided by both Pima County Planning staff (Part I) as well as the applicant (Part II).

Part I. Information Provided by Pima County staff:

Pima County Planning staff will provide the following information for the proposed project site, as applicable:

1. Is the project located in the Maeveen Marie Behan Conservation Lands System? MUMA
   Any Special Species Management Areas? No
2. Is the project in the vicinity of any of the six Critical Landscape Linkages? No
3. Is the project Designated for acquisition as a Habitat Protection or Community Open Space property? No
4. Is the project located within the Priority Conservation Area for any of the following species?
   a. Cactus ferruginous pygmy-owl Yes
   b. Western burrowing owl Yes
   c. Pima pineapple cactus No
   d. Needle-spined pineapple cactus No

Part II. Information Provided by the Applicant:

1. Has the owner of the project site had any communications with Pima County about the County potentially acquiring the property? No

   If yes, provide a summary of those communications: _____

PIMA COUNTY
DEVELOPMENT SERVICES

2. Several species are of particular interest. Please fill out the following table to the best of your ability.

Species	Ever found on project site?	Date of last observation if found on project site?	Future surveys planned?
Cactus ferruginous pygmy owl	No		No
Western burrowing owl	No		No
Pima pineapple cactus	No		No
Needle-spined pineapple cactus	No		No

Contact the Office of Sustainability and Conservation at 520-724-6940 if you have any questions about this report.

F. ANN RODRIGUEZ, RECORDER
Recorded By: KN
DEPUTY RECORDER
4890

P0230
PIMA CO CLERK OF THE BOARD
PICKUP

SEQUENCE: 20152820846
NO. PAGES: 8
RES 10/09/2015
18:00
PICK UP
AMOUNT PAID: $0.00

RESOLUTION **2015-** 70

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-09-06 REAY, ET AL. – TRICO ROAD REZONING; LOCATED ON THE NORTHWEST AND SOUTHWEST CORNERS OF TRICO ROAD AND EL TIRO ROAD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2010-51 FOR A PORTION OF THE SITE; AND CLOSING THE REZONING FOR A PORTION OF THE SITE.

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

1. On March 16, 2010, in case Co9-09-06, the Pima County Board of Supervisors approved the rezoning of approximately 9.05 acres located on the northwest and southwest corners of Trico Road and El Tiro Road from GR-1 (Rural Residential Zone) to CB-1 (Local Business Zone), subject to standard and special conditions.
2. On August 16, 2010, the Pima County Board of Supervisors adopted rezoning Ordinance No. 2010-51, as recorded in Docket 13881 at Page 2658, rezoning the approximate 9.05 acres described in rezoning case Co9-09-06 (as shown on the map attached as EXHIBIT A) and memorializing the standard and special conditions.
3. On February 3, 2015 a Certificate of Compliance was issued on a 1.0-acre portion (also identified as parcel 222-20-070C) of the original 9.05 acres for which conditions of the rezoning were completed.
4. On February 26, 2015 the owner of approximately 6.81 acres conditionally rezoned by Ordinance No. 2010-51 applied for a five-year time extension.
5. On June 16, 2015, the Board of Supervisors approved closure of the rezoning on a 1.25-acre portion (also identified as parcel 208-20-070B) of the original 9.05 acres, reverting the portion back to GR-1.
6. On June 16, 2015, the Board of Supervisors approved a five-year time extension for a 6.81-acre portion of the CB-1 rezoning with modification of rezoning conditions 10A and 12A, deletion of rezoning conditions 10B and 14, and renumbering of conditions 10C and 15-18.
7. Section 3 of Ordinance No. 2010-51 allows the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1. The rezoning of approximately 1.25 acres of the original 9.05 acres is closed and reverted to GR-1 zoning. A time extension for a 6.81-acre portion of the original 9.05 acres is approved.

Section 2. The rezoning conditions in Section 2 of Ordinance No. 2010-51 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 of residential development without the written approval of the Board of Supervisors.

7. Transportation conditions:
   A. Access shall be designed and provided between the existing and proposed uses and to the north, south and west. Cross access and maintenance issues shall be provided by the property owner for all portions of the rezoning and to adjacent properties.
   B. Corner spandrel right-of-way dedications shall be provided by the property owner at the Trico Road and El Tiro Road intersection.
   C. Offsite improvements to Trico Road and El Tiro Road, including the intersection, shall be provided by the property owner / developer, as determined necessary by the Department of Transportation.
   D. Elimination of the existing southernmost driveway for the existing retail building (4,340 sq. ft.) as depicted on the Preliminary Development Plan.

8. Flood Control condition:
   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. Drainage from the northern block shall drain to the swale adjacent to Trico Road such that no additional flood flows enter the adjacent parcel to the north. When a development plan is submitted, if the adjacent parcel (208-20-0460) that is affected by the Special Studies Floodplain remains owned by the recorded owner as of March 16, 2010, the owner shall be notified and be provided a reasonable period of time to afford the owner the opportunity to comment on and approve the off-site drainage related improvements.

9. Wastewater Management conditions:
   If the project should connect to the public sewer at any time in the future, the

property owner / developer shall abide by all applicable regulations and policies of the Pima County Regional Wastewater Reclamation Department.

10. Environmental Quality conditions:
    A. Prior to approval of the Development Plan, the two northern parcels must be combined to accommodate the proposed on-site wastewater disposal system as depicted on the preliminary development plan unless a disposal system layout is proposed that contains disposal systems entirely within each parcel. Sewer lines shall not be allowed to cross property boundaries.
    B. Prior to approval of the Development Plan, it must be shown that the existing on-site wastewater disposal systems are in good repair and functioning properly. This demonstration shall be made through the use of the Pima County Report of Inspection and recertification process.
    C. Prior to approval of the Development Plan, the property owner / developer shall demonstrate that the lots, as proposed, can accommodate the proposed development and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations or percolation testing and shall be designed in accordance with Arizona Administrative Code, Title 18, Chapter 9.
    D. The total gallon per day discharge for the combined development must not exceed 2999 g/d or the applicant shall be required to demonstrate, prior to approval of the Development Plan, that total nitrogen loading from the on-site wastewater disposal systems to ground water will be controlled in accordance with the provisions of Arizona Administrative Code, Title 18, Chapter 9.

11. Cultural Resources conditions:
    A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
    B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County 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.
    C. 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.

12. Environmental Planning conditions:
    A. Upon the effective date of the Ordinance, the owner(s)/developer(s) ~~of the rezoned property~~ shall have a continuing responsibility to remove ~~buffelgrass (Pennisetum ciliare)~~ invasive non-native species from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall

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

~~B. Maintenance of Lots by Owners: Lot Owners shall keep private lots free of invasive non-native plant species including but not limited to those listed below.~~

Invasive Non-Native Plant Species Subject to Control:

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
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

~~C~~B. Prior to the approval of the Final Development Plan, the property owner/developer shall achieve compliance with the MMBCLS Multiple Use Management Area 2:1 mitigation ratio by providing a minimum of 18 acres as Natural Open Space at an off-site location which fulfills the following criteria as approved by Pima County Development Services Department:

1) The location of off-site mitigation property shall be within the same general geographic region of the rezoned parcel.
2) Off-site mitigation property shall provide at least the same resource value (as determined by MMBCLS Category Designation) as the rezoned parcel; and
3) Provision of evidence that the site shall remain in an undeveloped natural state.

13. Low Impact Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of stormwater to irrigate exterior areas and conserve use of groundwater.

~~14. The property owner(s) / developers(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.~~

~~15~~14. In the event the subject property is annexed, the property owner(s) / developers(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)."

~~17~~16. Adherence to the preliminary development plan as approved at public hearing (Exhibit B).

~~18~~17. A six-foot wall and 20-foot bufferyard shall be provided along the western property boundary south of El Tiro Road.

Section 3. Section 3 of Ordinance No. 2010-56 is amended and time limit extended as follows:

1. Conditions 1 through ~~18~~ 17 shall be completed by March 16, ~~2015~~ 2020.

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 17 are satisfied and the Planning Official issues a Certificate of Compliance.

4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Passed and adopted, this 6th day of October, 2015.

Sharon Bronson OCT 06 2015
Chair, Pima County Board of Supervisors

ATTEST:

Robin Brigode
Clerk of the Board

APPROVED:

Executive Secretary
Planning and Zoning Commission

APPROVED AS TO FORM:

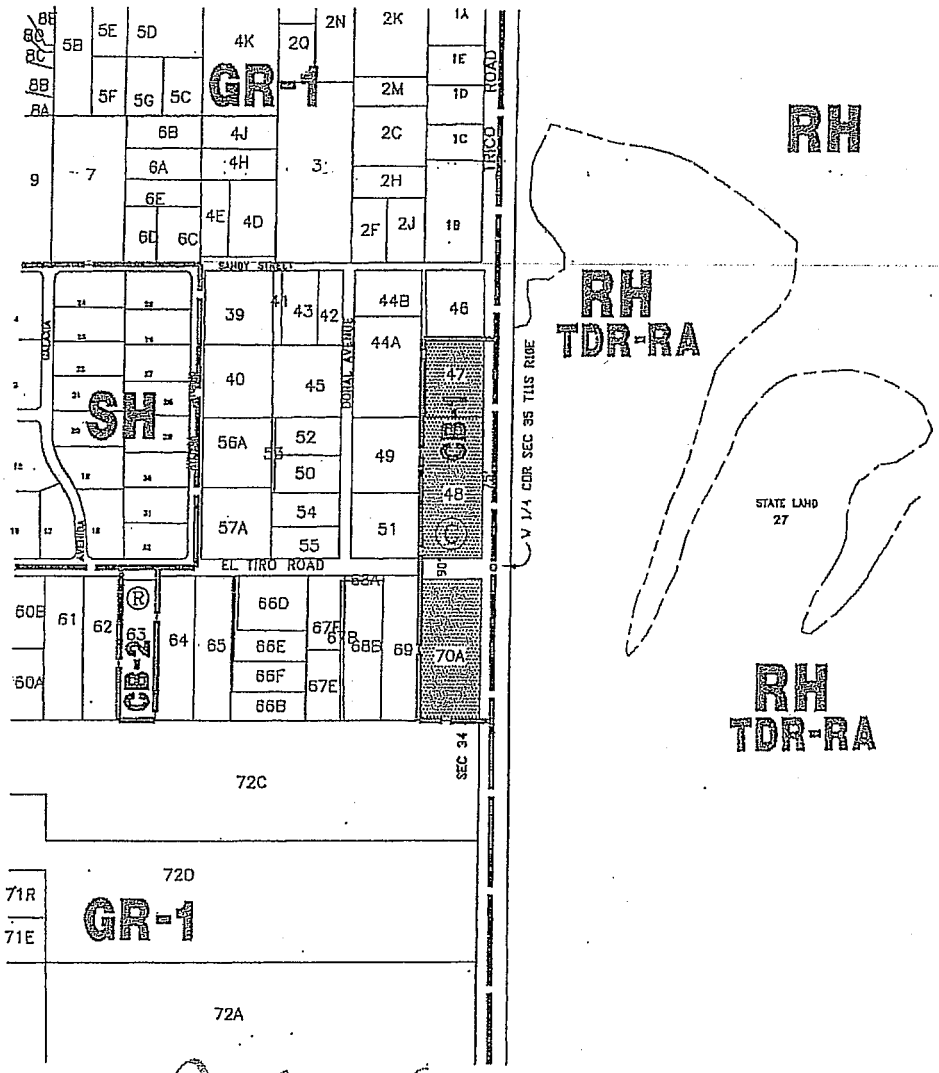
9/1/15
Deputy County Attorney
Lesley M. Lukach

EXHIBIT A

AMENDMENT NO. .10 BY ORDINANCE NO. 2010-51
TO PIMA COUNTY ZONING MAP NO. 273 TUCSON, AZ.
PARCELS 47, 48 & 70A BEING A PORTION OF THE SE 1/4 OF THE NE 1/4 AND THE NE 1/4 OF THE SE 1/4 OF SEC. 34 T11S R13E.

0 800'

ADOPTED August 16, 2010 EFFECTIVE August 16, 2010



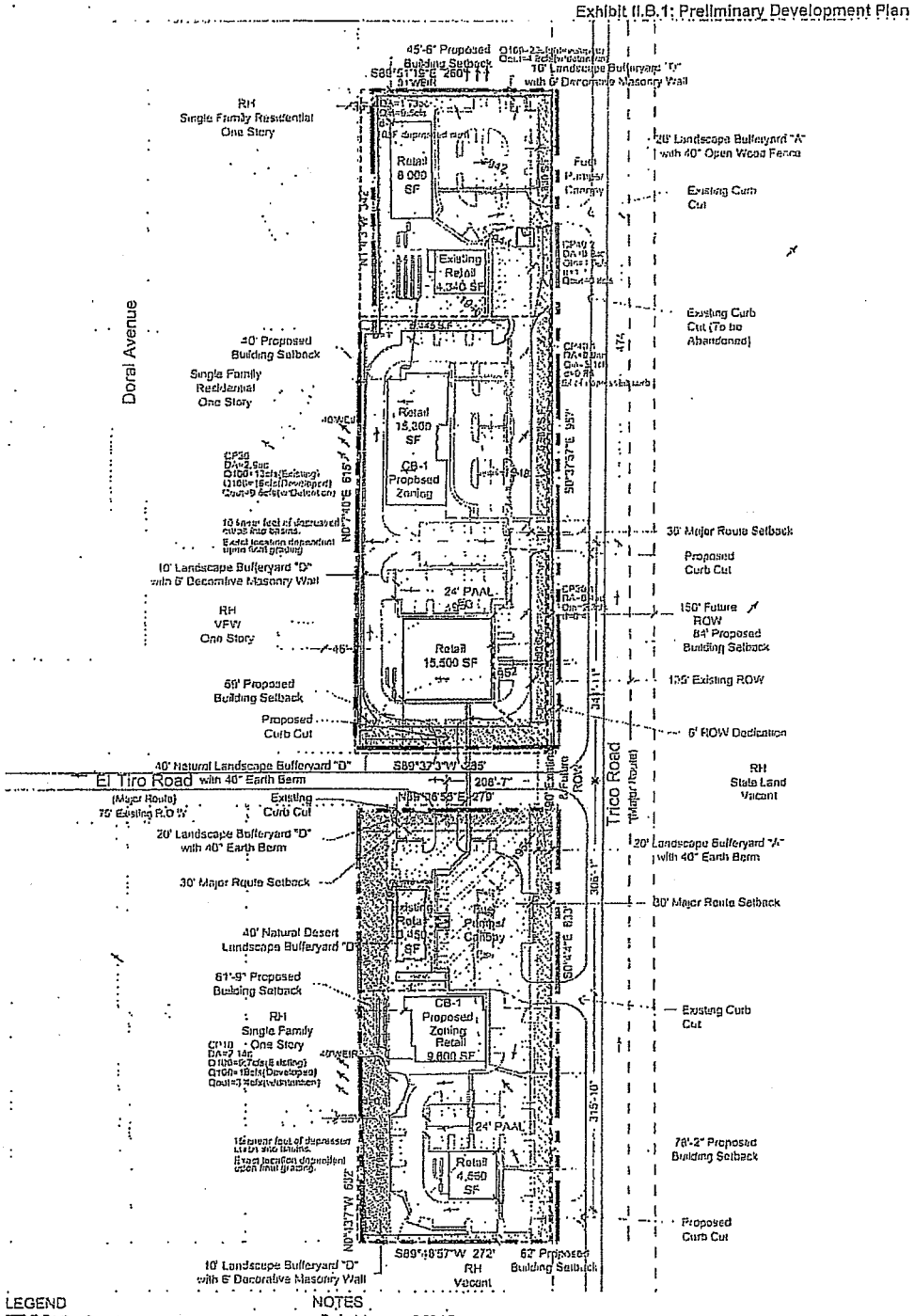
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM GR-1 9.05 ac±
ds-JUNE 18, 2010

C09-09-006
C07-00-11
208-20-0470,
208-20-0480 &
208-20-070A

EXHIBIT B

Exhibit II.B.1: Preliminary Development Plan



LEGEND

- Site Boundary
- 2' Elevation Contours
- 150' Future Right of Way
- Parcels
- Landscape Buffer
- Septic Tank and Leach Fields
- Reserve Septic Tanks
- Cross walks
- Important Riparian Area
- Flow Arrows
- Proposed Detention/Retention Basins
- Watershed Boundaries
- Existing Development

NOTES

- Project Acreage: 9.05 AC
- Existing Zoning: GR-1 Rural Residential
- Proposed Zoning: CB-1
- Maximum Building Height: 39'
- All proposed buildings are two-story
- Existing Building Area: 7,790
- Proposed Building Area: 51,350
- Existing Parking: 46
- Total Parking Required: 207
- Total Parking Provided: 212
- Site is outside the 100-Year floodplain
- The site is located within a multiple use management area, and a small portion is important riparian area. All required mitigation will be conducted off-site (See Section II.E)

APPROVED AT BOS PUBLIC HEARING
3/16/10 Co9-09-06

Supervisor Day questioned the use of the CR-4 designation to get more open space and whether the request was part of the Southwest Infrastructure Plan.

Supervisor Bronson stated there was no growth in the area right now, and the plan could be considerably refined. This type of density would definitely destroy the character of the neighborhood, and she was not at all satisfied with the plan.

Upon the vote being taken, the motion to deny carried unanimously by a 5-0 vote.

Supervisor Bronson noted for the record, her two appointees on the Planning and Zoning Commission for District 3, opposed this rezoning.

24. DEVELOPMENT SERVICES: REZONING

Co9-09-06, REAY, ET. AL. – TRICO ROAD REZONING
Request of Gordon and Lois Reay, et. al., represented by The Planning Center, for a rezoning of approximately 9.05 acres from GR-1 (Rural Residential) to CB-1 (Local Business), on property located at the southwest and northwest corners of Trico Road and El Tiro Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Holdridge abstained; the abstention is counted as a yes vote, Commissioner Smith was absent.) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 3)

"IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. 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 of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
   A. Access shall be designed and provided between the existing and proposed uses and to the north, south and west. Cross access and maintenance issues shall be provided by the property owner for all portions of the rezoning and to adjacent properties.
   B. Corner spandrel right-of-way dedications shall be provided by the property owner at the Trico Road and El Tiro Road intersection.

C. Offsite improvements to Trico Road and El Tiro Road, including the intersection, shall be provided by the property owner/developer, as determined necessary by the Department of Transportation.

D. Elimination of the existing southernmost driveway for the existing retail building (4,340 sq.ft.) as depicted on the Preliminary Development Plan.

8. Flood Control condition:
The property owner(s) / developer 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. Drainage from the northern block shall drain to the swale adjacent to Trico Road such that no additional flood flows enter the adjacent parcel to the north. The owner as of March 16, 2010 of the adjacent parcel (208-20-0460) that is affected by the Special Studies Floodplain shall be notified when a development plan is submitted and be provided the opportunity to comment on and approve the off-site drainage related improvements.

9. Wastewater Management condition:
If the project should connect to the public sewer at any time in the future, the property owner/ developer shall abide by all applicable regulations and policies of the Pima County Regional Wastewater Reclamation Department.

10. Environmental Quality condition:

A. Prior to approval of the Development Plan, the two northern parcels must be combined to accommodate the proposed on-site wastewater disposal system. Sewer lines shall not be allowed to cross property boundaries.

B. Prior to approval of the Development Plan, it must be shown that the existing on-site wastewater disposal systems are in good repair and functioning properly. This demonstration shall be made through the use of the Pima County Report of Inspection and recertification process.

C. Prior to approval of the Development Plan, the property owner / developer shall demonstrate that the lots, as proposed, can accommodate the proposed development and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations or percolation testing and shall be designed in accordance with Arizona Administrative Code, Title 18, Chapter 9.

D. The total gallon per day discharge for the combined development must not exceed 2999 g/d or the applicant shall be required to demonstrate, prior to approval of the Development Plan, that total nitrogen loading from the on-site wastewater disposal systems to ground water will be controlled in accordance with the provisions of Arizona Administrative Code, Title 18, Chapter 9.

11. Cultural Resources conditions:

A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.

B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County 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.

C. 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.

12. Environmental Planning conditions:

A. Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property shall have a continuing responsibility to remove buffelgrass (Pennisetum ciliare) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.

Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

B. Maintenance of Lots by Owners: Lot Owners shall keep private lots free of invasive non-native plant species including but not limited to those listed below.

Invasive Non-Native Plant Species Subject to Control:

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. Prior to the approval of the Final Development Plan, the property owner/developer shall achieve compliance with the MMBCLS Multiple Use Management Area 2:1 mitigation ratio by providing a minimum of 18 acres as Natural Open Space at an off-site location which fulfills the following criteria as approved by Pima County Development Services Department:

1) The location of off-site mitigation property shall be within the same general geographic region of the rezoned parcel.
2) Off-site mitigation property shall provide at least the same resource value (as determined by MMBCLS Category Designation) as the rezoned parcel; and
3) Provision of evidence that the site shall remain in an undeveloped natural state.

13. Low Impact Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of storm water to irrigate exterior areas and conserve use of groundwater.

14. The property owner(s) / developers(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.

15. In the event the subject property is annexed, the property owner(s) / developers(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. 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)."

17. Adherence to the preliminary development plan as approved at public hearing.
18. A six-foot wall and 20-foot bufferyard shall be provided along the western property boundary south of El Tiro Road."

Tom Hudson, Zoning Administrator, provided a staff report addressing mitigation and drainage. He stated the off-site mitigation parcel was proposed but had not yet been purchased by the applicant. They would need to purchase the parcel and provide it to staff for analysis. He stated that Condition No. 12.C. contained the criteria that the mitigation parcel would have to meet. Two written comments were received regarding drainage on the northern parcel. The Planning and Zoning Commission added Condition No. 8 stating "drainage from the northern block shall be toward the swale adjacent to Trico Road such that no additional flows enter the adjacent parcel to the north."

The Chairman inquired whether anyone wished to be heard.

The following individual addressed the Board:

Patrick Nilz

His comments were:

A. The drainage and water should be diverted to the natural arroyo at El Tiro Road.
B. He wanted assurance that he would not lose any property due to runoff from the development.
C. He believes the plan was a good idea but didn't want all the water.

Supervisor Bronson requested the developer and staff address the concerns and how Condition No. 8, attached by Planning and Zoning Commission, would become enforceable. She wanted assurance from the developer on how this particular issue and would be resolved.

Kelly Lee, The Planning Center representative, stated a neighborhood meeting was held. The hydrologist was present and spoke with the neighbor. Preliminary hydrology studies were done on the property identifying natural flows between 10 and 20 cfs lying across the site north to south and southeast to northwest. The design of the plan had a retention and detention basin around the perimeter of the site. The plan also identified that there would be no additional flows onto the property.

Supervisor Bronson exclaimed this was not an assurance. A developer might say these things but found that in fact it does not hold up. She thereupon asked about Condition No. 8.

Tom Hudson explained the wording of Condition No 8.

Supervisor Bronson requested that Mr. Nilz call her office if he was not comfortable with the plan. Chairman Valadez suggested they make the approval subject to Mr. Nilz approval.

Supervisor Day inquired on the mechanism for the County's acquisition of the offsite mitigation site.

Ms. Lee explained that Condition No. 12.C. established conditions that the offsite property must fulfill in order to be credited for the mitigation. The applicant had submitted a proposal that a site had been identified which was a good faith demonstration that the requirements would be met. She felt it was premature for staff to recommend that the applicant purchase the property prior to the decision of the Board. The approach of the County has been to accept assurances via a recorded covenant. There are several scenarios the County could choose to take ownership but all options would be determined based on the property brought forward.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elias and unanimously carried by a 5-0 vote, to close the public hearing, approve Co9-09-06 with standard and special conditions and amend Condition No. 8 to include that Mr. Nilz approve the plan as it specifically related to offsite drainage improvements.

25. **DEVELOPMENT SERVICES: REZONING**

Co9-09-10, VIA LATIGO 5636, L.L.C. – VIA LATIGO REZONING
Request of Via Latigo 5636, L.L.C., represented by Indevco Partners, Inc., for a rezoning of approximately 3.57 acres from SR (Suburban Ranch) to CR-1 (Single Residence) on property located on the east side of Via Latigo, approximately 700 feet north of Oracle Jaynes Station Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 9-0; (Commissioner Smith was absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 1)

"IF THE DECISION IS MADE TO APPROVE THE REZONING, 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.

21. Hearing - Co9-09-06, Reay, et al. - Trico Road Rezoning

A. Rezoning Closure

Proposal by Pima County to close the rezoning on an approximately 1.25-acre parcel owned by ARCP WS Portfolio, L.L.C. The parcel is a portion of an original 9.05-acre rezoning from GR-1 (Rural Residential) to CB-1 (Local Business) and is located at the southwest corner of Trico and El Tiro Roads. The rezoning was conditionally approved in 2010 and expired on March 16, 2015. Staff recommends APPROVAL OF CLOSURE. (District 3)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the recommendation for closure on Co9-09-06.

B. Rezoning Time Extension

Request of Gordon and Lois Reay Family Trust, represented by The Planning Center, for a five-year time extension for approximately 6.81 acres of an original 9.05-acre rezoning from GR-1 (Rural Residential) to CB-1 (Local Business). The subject property was rezoned in 2010. The rezoning expired on March 16, 2015. A portion of the property is located at the northwest corner of Trico and El Tiro Roads and another portion is located on the west side of Trico Road, approximately 400 feet south of El Tiro Road. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 3)

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 of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
   - A. Access shall be designed and provided between the existing and proposed uses and to the north, south and west. Cross access and maintenance issues shall be provided by the property owner for all portions of the rezoning and to adjacent properties.
   - B. Corner spandrel right-of-way dedications shall be provided by the property owner at the Trico Road and El Tiro Road intersection.
   - C. Offsite improvements to Trico Road and El Tiro Road, including the intersection, shall be provided by the property owner / developer, as determined necessary by the Department of Transportation.
   - D. Elimination of the existing southernmost driveway for the existing retail building (4,340 sq. ft.) as depicted on the Preliminary Development Plan.

8. Flood Control condition:
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. Drainage from the northern block shall drain to the swale adjacent to Trico Road such that no additional flood flows enter the adjacent parcel to the north. When a development plan is submitted, if the adjacent parcel (208-20-0460) that is affected by the Special Studies Floodplain remains owned by the recorded owner as of March 16, 2010, the owner shall be notified and be provided a reasonable period of time to afford the owner the opportunity to comment on and approve the off-site drainage related improvements.

9. Wastewater Reclamation condition:
If the project should connect to the public sewer at any time in the future, the property owner / developer shall abide by all applicable regulations and policies of the Pima County Regional Wastewater Reclamation Department.

10. Environmental Quality conditions:
   A. Prior to approval of the Development Plan, the two northern parcels must be combined to accommodate the proposed on-site wastewater disposal system as depicted on the preliminary development plan unless a disposal system layout is proposed that contains disposal systems entirely within each parcel. Sewer lines shall not be allowed to cross property boundaries.
   B. Prior to approval of the Development Plan, it must be shown that the existing on-site wastewater disposal systems are in good repair and functioning properly. This demonstration shall be made through the use of the Pima County Report of Inspection and recertification process.
   C. Prior to approval of the Development Plan, the property owner / developer shall demonstrate that the lots, as proposed, can accommodate the proposed development and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations or percolation testing and shall be designed in accordance with Arizona Administrative Code, Title 18, Chapter 9.
   D. The total gallon per day discharge for the combined development must not exceed 2999 g/d or the applicant shall be required to demonstrate, prior to approval of the Development Plan, that total nitrogen loading from the on-site wastewater disposal systems to ground water will be controlled in accordance with the provisions of Arizona Administrative Code, Title 18, Chapter 9.

11. Cultural Resources conditions:
   A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
   B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County 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.
   C. 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.

12. Environmental Planning conditions:
   A. Upon the effective date of the Ordinance, the owner(s)/developer(s) ~~of the rezoned property~~ shall have a continuing responsibility to remove ~~buffelgrass (Pennisetum ciliare)~~ invasive non-native species from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing

the terms of this condition.

~~B. Maintenance of Lots by Owners: Lot Owners shall keep private lots free of invasive non-native plant species including but not limited to those listed below.~~

Invasive Non-Native Plant Species Subject to Control:

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
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

~~C~~B. Prior to the approval of the Final Development Plan, the property owner/developer shall achieve compliance with the MMBCLS Multiple Use Management Area 2:1 mitigation ratio by providing a minimum of 18 acres as Natural Open Space at an off-site location which fulfills the following criteria as approved by Pima County Development Services Department:

1) The location of off-site mitigation property shall be within the same general geographic region of the rezoned parcel.
2) Off-site mitigation property shall provide at least the same resource value (as determined by MMBCLS Category Designation) as the rezoned parcel; and
3) Provision of evidence that the site shall remain in an undeveloped natural state.

13. Low Impact Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of stormwater to irrigate exterior areas and conserve use of groundwater.

~~14. The property owner(s) / developers(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.~~

~~15~~14. In the event the subject property is annexed, the property owner(s) / developers(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)."

~~17~~16. Adherence to the preliminary development plan as approved at public hearing.

~~18~~17. A six-foot wall and 20-foot bufferyard shall be provided along the western property boundary south of El Tiro Road.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the five year time extension for Co9-09-06, subject to original and modified standard and special conditions.

22. **Hearing - Co9-08-22, Reay, et al. - Sandario Road Rezoning**

A. **Rezoning Closure**

Proposal of Pima County to close the rezoning on approximately 1.43 acres owned by ARCP WS Portfolio, L.L.C. The parcel is a portion of an original 6.11-acre rezoning from the GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone in the Picture Rocks Road Gateway Overlay zone and is located on the east side of Sandario Road, and approximately 500 feet north of Picture Rocks Road. The rezoning was conditionally approved in 2008 and expired on April 20, 2015. Staff recommends APPROVAL OF CLOSURE. (District 3)

The Chair inquired whether anyone wished to address the Board. No one appeared It was moved by Chair Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve the recommendation for closure on Co9-08-22.

B. **Rezoning Time Extension**

Request of Gordon and Lois Reay Family Trust, represented by The Planning Center, for a five-year time extension for approximately 4.68 acres of an original 6.11-acre rezoning from the GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone in the Picture Rocks Road Gateway Overlay zone. The rezoning was approved in 2008 and expired on April 20, 2015. The rezoning is located on the east side of Sandario Road, and approximately 500 feet north of Picture Rocks Road. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 3)

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.

F. ANN RODRIGUEZ, RECORDER
Recorded By: RJL
DEPUTY RECORDER
32

PCREA
PIMA CO REAL PROPERTY SERVICES
PICKUP

SEQUENCE: 20112160002
NO. PAGES: 9
COV 08/04/2011
8:50
PICK UP
AMOUNT PAID: $0.00

When Recorded, Please Return To:

Sherry Ruther
Pima County Development Services
201 North Stone Avenue, 2nd Floor
Tucson, AZ 85701-1207

RESTRICTIVE COVENANT

1. **PARTIES.** This Restrictive Covenant ("Restrictive Covenant") is made by TRICO EXCHANGE LLC, an Arizona limited liability company ("Declarant") in favor of PIMA COUNTY, a body politic and corporate of the State of Arizona ("County").

2. **BACKGROUND AND PURPOSE.**

2.1. At the request of Declarant the Pima County Board of Supervisors rezoned property owned by Declarant. That rezoning is formalized in Pima County Ordinance 2010-51. As a condition of that rezoning Declarant was required to provide natural open space by securing off-site mitigation property and to provide acceptable evidence that the site will remain in an undeveloped natural state to comply with the Maeveen Marie Behan Conservation Land System provisions contained in County's Comprehensive Plan.

2.2. Declarant has purchased off-site mitigation property acceptable to County and has offered to assure that the property remains in an undeveloped natural state by placing a restrictive covenant on the off-site mitigation property.

2.3. The off-site mitigation property is identified and legally described as Parcel 1 on **Exhibit A** and consists of approximately eighteen (18) acres, which is located near Trico Road, Marana, Arizona, and is depicted in **Exhibit B** (the "Property"). Parcels 2 and 3 legally described on **Exhibit C** are easements to the Property for ingress, egress and utilities (collectively the "Easements").

2.4. The restrictions on development imposed by this Restrictive Covenant (the "Restrictions") are intended to fulfill the above-described condition of the rezoning ordinance, are being imposed for the benefit of the residents of Pima County, and will be enforceable by Pima County or its assignee.

3. NATURE OF RESTRICTIVE COVENANT.

3.1. This Restrictive Covenant is effective when it is executed by Declarant and County, and will run with the land and be binding on all successor owners of any interest in the Property.

3.2. The Restrictions will remain in effect notwithstanding any future annexation of all or any portion of the Property by a municipality.

4. DECLARANT'S COVENANTS.

4.1. Restrictions on Development of the Property. The Property has no existing dwellings and is in an undeveloped natural state as of the date of this Restrictive Covenant. The Property must be maintained as natural open space in its undeveloped natural state. No improvements may be constructed on the Property. All lot splitting of the Property is expressly prohibited.

4.2. Management. Declarant must take all reasonable and necessary steps to maintain the property as natural open space.

4.3. Waiver of Claim. Declarant, for itself and its successors and assigns, hereby waives any claim for diminution in value, including any claim under A.R.S. § 12-1134, arising out of any action by County in connection with or related to this Restrictive Covenant. Declarant hereby agrees to indemnify, defend, and hold County, and its officers, employees and agents harmless from and against any and all claims, causes of action, demands, losses, costs, and expenses related to the imposition of the Restrictive Covenant or any enforcement of it against Declarant or its successors and assigns by County or its successors or assigns.

5. COUNTY RIGHT TO ENFORCE.

5.1. Enforcement by County. This Restrictive Covenant may be enforced by County against Declarant and any successor owner of any interest in the Property.

5.2. Access by County. County, including all employees, contractors, subcontractors, agents and representatives of County, shall have the right to enter the Property at any time in order to monitor Declarant's compliance with, and to enforce the terms of, this Restrictive Covenant. County, including all employees, contractors, subcontractors, agents and representatives of County, as the agent of Declarant shall have the right of ingress and egress to the Property as provided in the Easements.

5.3. Hold Harmless. Declarant will not be liable for any injury to County employees or agents occurring on the Property or the Easements in the course of an entry to the Property, unless such injury results, directly or indirectly from the acts or omissions of Declarant, or Declarant's employees or agents, or their successors and assigns. County hereby agrees to indemnify, defend, and hold Declarant, and its officers, employees and agents harmless from and against any and all claims, causes of action, demands, losses, costs, and expenses arising out of County's exercise of its right of access to the Property, to the extent they arise directly from the

negligence or willful misconduct of a County employee, contractor, subcontractor, agent or representative in the course of such an entry.

5.4. Remedies. County may enforce the terms of this Restrictive Covenant through any available legal or equitable remedy, including but not limited to damages, injunctive relief, and specific performance requiring Declarant to cease and desist all activity in violation of this Restrictive Covenant.

5.5. No Waiver. The failure of County to insist upon the full and complete performance of any of the terms and conditions of this Restrictive Covenant, or to take any action permitted as a result the failure, will not be construed as a waiver or relinquishment of County's right to insist upon full and complete performance of the terms and conditions of this Restrictive Covenant, either in the past or in the future.

6. MISCELLANEOUS AND GENERAL PROVISIONS.

6.1. Governing Law. The laws and regulations of the State of Arizona govern this Restrictive Covenant, and any disputes under this Restrictive Covenant. Any action relating to this Restrictive Covenant will be brought in a court of the State of Arizona in Pima County.

6.2. Recordation. This Restrictive Covenant will be recorded in the office of the Pima County Recorder and County may re-record it at any time.

6.3. Severability. Each provision of this Restrictive Covenant stands alone, and any provision of this Restrictive Covenant found to be prohibited by law will be ineffective to the extent of the prohibition without invalidating the remainder of this Restrictive Covenant.

6.4. Notice. Any notice required or permitted to be given under this Restrictive Covenant must be in writing and must be served by delivery or by certified mail upon the other party as follows:

If to Declarant:

Trico Exchange LLC
2100 N Kolb Rd
Tucson, AZ 85715-3845

If to County:

Reference: Co9-09-06
Attn: Planning Official
Pima County Development Services
201 N Stone Ave, 2nd Flr
Tucson, AZ 85701-1207
Facsimile: 520-623-5411

with a copy to:

Attn: Christina Biggs, Manager
Pima County Real Property Services
201 N Stone Ave, 6th Flr
Tucson, AZ 85701-1207
Facsimile: 520-740-6763

or any other address that a party designates by written notice to the other party.

6.5 Attorney's Fees. In the event of litigation regarding this Restrictive Covenant, the substantially prevailing party shall be entitled to receive its reasonable attorney's fees and costs of suit. The parties have executed this Restrictive Covenant as of the dates set forth below.

DECLARANT: TRICO EXCHANGE LLC, an Arizona limited liability company:

Gordon Reay, Member

June 8, 2011
Date

STATE OF ARIZONA)
) ss.
County of Pima)

The foregoing instrument was acknowledged before me the 8th day of June, 2011 by Gordon Reay, as Member of TRICO EXCHANGE LLC, an Arizona limited liability company.

Notary Public

My Commission Expires: December 14th, 2013

AMY JO GRANT
NOTARY PUBLIC -- ARIZONA
PIMA COUNTY
My Commission Expires
December 14, 2013

PIMA COUNTY, a body politic and corporate of the State of Arizona:

Chairman, Board of Supervisors

JUL 12 2011
Date

ATTEST:

Lori Godoshian, Clerk of Board

JUL 12 2011
Date

STATE OF ARIZONA)
) ss.
County of Pima)

ACKNOWLEDGED before me this 12th day of July, 2011 by Ramon Valadez, as Chairman of the Board of Supervisors of PIMA COUNTY, a body politic and corporate of the State of Arizona, on behalf of County.

Notary Public

My Commission Expires: 12-20-12

OFFICIAL SEAL
DONNA TOBIAS
Notary Public - Arizona
PIMA COUNTY
My Comm. Exp. 12/20/2012

APPROVED AS TO CONTENT:

Christina Biggs, Manager, Real Property Services

RECOMMENDED FOR APPROVAL:

Sherry Ruther, Environmental Planning Manager, Development Services

APPROVED AS TO FORM:

Neil J. Konigsberg, Deputy County Attorney, Civil Division

EDGAR REYNOLDS AND ASSOCIATES LAND SURVEYORS

1926 W. CALLE MECEDORA
TUCSON, AZ 85745

(520) 884-0292
(520) 884-0292
ed@reynoldssurvey.com

Exhibit "A"

Legal Description

LEGAL DESCRIPTION PARCEL 1
REVISED 1/09/2011

A Parcel Of Land Within The East Half Of Section 27 Township 11 South, Range 10 East, Of The Gila And Salt River Meridian, Pima County, Arizona, More Particularly Described As Follows:
Commencing At The Northeast Corner Of Said Section 27;
Thence S 89°35'03" W, Along The North Line Of Said Section 27, A Distance Of 75.00';
Thence S 00°19'59" E, Parallel With And 75.00 Feet Westerly Of The East Line Of The Northeast ¼ Of Said Section 27, A Distance Of 40.00' To A Point On The South Right Of Way Line Of Trico Marana Road As Depicted On Road Map, Book 9, Page 29 And The West Right Of Way Line Of Trico Road As Depicted On Road Map, Book 8, Page 53, Said Road Maps Are Filed In The Office Of The Recorder, Pima County, Arizona;
Thence Continue S 00°19'56" E, Along The West Right Of Way Line Of Said Trico Road, A Distance Of 2145.63 Feet To A Point Of Intersection Of The West Right Of Way Line Of Said Trico Road And The North Right Of Way Line Of Silverbell Road As It Now Exists;
Thence Continue S 00°19'59" E, A Distance Of 73.52 Feet To A Point Of Intersection Of The West Right-Of-Way Line Of Said Trico Road And The South Right-Of-Way Line Of Silverbell Road As It Now Exists;
Thence Continue S 00°19'59" E, Along The West Right Of Way Line Of Said Trico Road, A Distance Of 381.42 Feet;
Thence S 00°25'07" E, Along The West Right Of Way Line Of Said Trico Road, A Distance Of 1827.79 Feet To Reference Point "A";
Thence N 70°22'06" W, Departing Said West Right Of Way Line Of Trico Road, A Distance Of 1213.26' To **The Point Of Beginning**;
Thence S 19°37'54" W, A Distance Of 553.47 Feet;
Thence N 70°22'06" W, A Distance Of 1315.92 Feet;
Thence N 00°22'16 W, A Distance Of 589.00 Feet;
Thence S 70°22'06" E, A Distance Of 1517.40 Feet To **The Point Of Beginning**;
Containing 784082.23 Sq. Ft., Or 18.00 Acres, More Or Less.
Subject To All Matters Of The Public Record.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
31031
EDGAR B.
REYNOLDS JR.
DATE SIGNED 1/9/2011
ARIZONA U.S.A.

EXPIRES 3-31-2012

Exhibit "B"

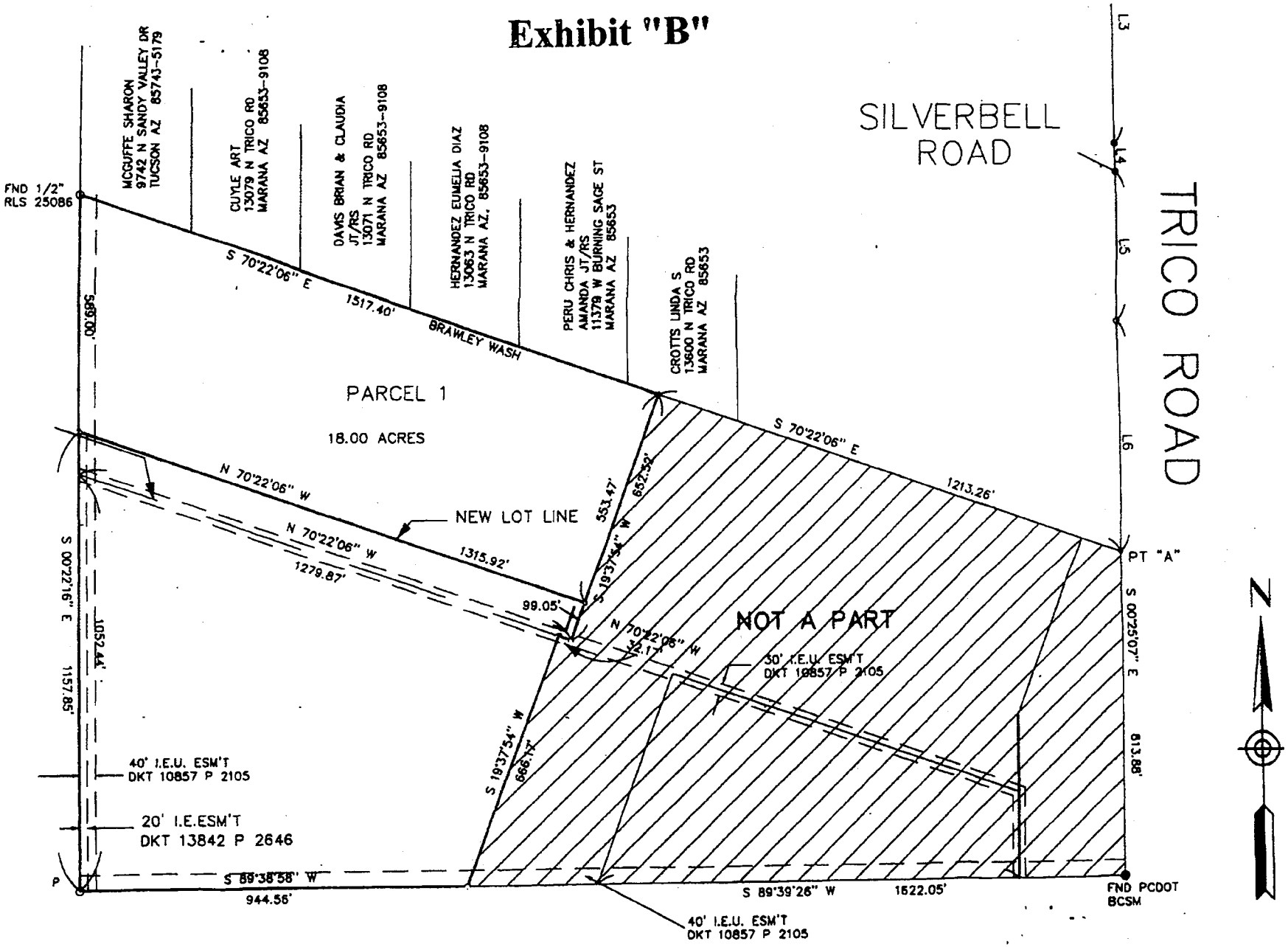

SILVERBELL ROAD
TRICO ROAD
MCGUFFE SHARON
9742 N SANDY VALLEY DR
TUCSON AZ 85743-5179
CUYLE ART
13079 N TRICO RD
MARANA AZ 85653-9108
DAVIS BRIAN & CLAUDIA
JT/RS
13071 N TRICO RD
MARANA AZ 85653-9108
HERNANDEZ EUMELIA DIAZ
13063 N TRICO RD
MARANA AZ. 85653-9108
PERU CHRIS & HERNANDEZ
AMANDA JT/RS
11379 W BURNING SAGE ST
MARANA AZ 85653
CROTTS LINDA S
13600 N TRICO RD
MARANA AZ 85653
FND 1/2"
RLS 25086
S 70°22'06" E
1517.40'
BRAWLEY WASH
589.00'
PARCEL 1
18.00 ACRES
N 70°22'06" W
NEW LOT LINE
N 70°22'06" W
1279.87'
1315.92'
99.05'
S 19°37'54" W
553.47'
652.52'
S 70°22'06" E
1213.26'
NOT A PART
30' I.E.U. ESM'T
DKT 10857 P 2105
N 70°22'06" W
42.17'
S 19°37'54" W
666.17'
S 00°22'16" E
1157.85'
1052.44'
40' I.E.U. ESM'T
DKT 10857 P 2105
20' I.E.ESM'T
DKT 13842 P 2646
S 89°38'58" W
944.56'
S 89°39'26" W
1622.05'
40' I.E.U. ESM'T
DKT 10857 P 2105
FND PCDOT
BCSM
PT "A"
S 00°25'07" E
813.88'
L3
L4
L5
L6
N

EXHIBIT 'C'

EDGAR REYNOLDS AND ASSOCIATES LAND SURVEYORS

1926 W. CALLE MECEDORA
TUCSON, AZ 85745

(520) 884-0292
(520) 884-0292
ed@reynoldssurvey.com

Legal Description

LEGAL DESCRIPTION PARCEL 2

20' Ingress , Egress Easement

A 20' Wide Strip Of Land For An Ingress and Egress Easement, Described As Follows;

A 20' Wide Strip Of Land Within The East Half Of Section 27 Township 11 South, Range 10 East, Of The Gila And Salt River Base And Meridian, Pima County, Arizona, More Particularly Described As Follows:
Commencing At The Northeast Corner Of Said Section 27;
Thence S 89°35'03" W, Along The North Line Of Said Section 27, A Distance Of 75.00';
Thence S 00°19'59" E, Parallel With And 75.00 Feet Westerly Of The East Line Of The Northeast ¼ Of Said Section 27, A Distance Of 40.00' To A Point On The South Right Of Way Line Of Trico Marana Road As Depicted On Road Map, Book 9, Page 29 And The West Right Of Way Line Of Trico Road As Depicted On Road Map, Book 8, Page 53, Said Road Maps Are Filed In The Office Of The Recorder, Pima County, Arizona;
Thence Continue S 00°19'56" E, Along The West Right Of Way Line Of Said Trico Road, A Distance Of 2145.63 Feet To A Point Of Intersection Of The West Right Of Way Line Of Said Trico Road And The North Right Of Way Line Of Silverbell Road As It Now Exists;
Thence Continue S 00°19'59" E, Along The West Right Of Way Line Of Said Trico Road, A Distance Of 381.42 Feet;
Thence S 00°25'07" E, Along The West Right Of Way Line Of Said Trico Road, A Distance Of 1827.79 Feet To Reference Point "A";
Thence N 70°22'06" Departing Said West Right Of Way Line Of Trico Road, A Distance Of 1213.26';
Thence S 19°37'54" W, A Distance Of 553.47 Feet To A Point;
Thence Continue S 19°37'54" W, A Distance Of 99.05 Feet;
Thence N 70°22'06" W, A Distance Of 32.17 Feet;
Thence S 19°37'54" W, A Distance Of 666.17 Feet;
Thence S 89°38'58" W, A Distance Of 924.56 Feet **The Point Of Beginning**;
Thence Continue S 89°38'58" W, A Distance Of 20.00 Feet;
Thence N 00°22'16" W, A Distance Of 1157.85 Feet;
Thence S 70°22'06" E, A Distance Of 21.28 Feet;
Thence S 00°22'16" E, A Distance Of 1150.57 Feet To **The Point Of Beginning**;
Containing 23084.17 Sq. Ft., Or 0.53 Acres, More Or Less.

Subject To All Matters Of The Public Record.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
51031
EDGAR B.
REYNOLDS JR.
DATE SIGNED 6/18/2010
ARIZONA U.S.A.

EXPIRES 3-31-2012

EXHIBIT 'C'
(Continued)

LEGAL DESCRIPTION PARCEL 3

An Easement for Ingress, Egress and Utilities, over the South 40.00 Feet of the East 1/2 of said Section 27, Township 11 South, Range 10 East, Gila and Salt River Meridian, Pima County, Arizona, lying West of the West Right-of-Way line of said Trico Road.