

**2014 PLAN AMENDMENT PROGRAM
PLANNING AND ZONING COMMISSION
STAFF REPORT**



HEARING DATE	September 24, 2014
CASE	Co7-14-06 Estate of Emily Stowell Stratton – W. Anklam Road Plan Amendment
SUBREGION	Tucson Mountain/Avra Valley
DISTRICT	5
LOCATION	Approximately ¼ of a mile southeast of the W. Speedway Boulevard and W. Anklam Road intersection and 750 feet south of W. Anklam Road.
ACREAGE	Approximately 1.0 acre
REQUEST	Amend planned land use intensity designation from Resource Transition (RT) to Low Intensity Urban 1.2 (LIU-1.2)
OWNER	David Stowell, Executor of Emily Stowell Stratton Estate
AGENT	Gloria Stowell Hastie Stueland

APPLICANT’S STATED REASONS TO AMEND THE COMPREHENSIVE PLAN

The applicant is requesting to amend the Comprehensive Plan land use designation on the site from Resource Transition (RT) to Low Intensity Urban 1.2 (LIU-1.2) to produce a buildable lot. “One-third of the acre could be developed with the rest left natural.”

EXISTING ZONING/LAND USE

SR (Suburban Ranch Zone) – Undeveloped with homestead remnants

SURROUNDING LAND USE DESIGNATIONS

North	Resource Transition (RT)
South	Resource Transition (RT)
East	Resource Transition (RT)
West	Resource Transition (RT)

SURROUNDING ZONING/EXISTING LAND USE	
North	SR (Suburban Ranch Zone) / Undeveloped, CR-1 (Single Residence Zone) / Undeveloped
South	SR (Suburban Ranch Zone) / Undeveloped, one lot developed
East	SR (Suburban Ranch Zone) / Undeveloped
West	SR (Suburban Ranch Zone) / Residential Subdivision

STAFF REPORT

Staff recommends **MODIFIED APPROVAL** of the Comprehensive Plan amendment request, retaining the Resource Transition (RT) land use designation and establishing the following Rezoning Policy to allow the property to be rezoned to CR-1 (Single Residence Zone):

- A. Notwithstanding the zoning districts and range of residential density allowed under the Resource Transition (RT) planned land use intensity category, a rezoning to CR-1 for a single family residence shall be deemed in conformance with the Comprehensive Plan.
- B. Concurrent with an application for rezoning, the property owner shall provide information evidencing compliance with the Hillside Development Overlay Zone Slope Density requirements (Section 18.61.052) or shall submit a request for a Slope Density Exception.

This policy-only option would be shown on the Comprehensive Plan Planned Land Use maps as the existing RT designation, with a cross-hatched overlay symbol and a Rezoning Policy number which would reference the policy language specific to this amendment case.

Staff explored the other two possible recommendations for this case: **Approval** of the requested Comprehensive Plan amendment would change the land use designation on the site from RT to LIU 1.2 and would allow the applicants to move forward with a rezoning of the parcel similar to the outcome with staff's rezoning policy recommendation. However, the LIU 1.2 designation would be unusual within the expanse of RT. **Denial** of the amendment request would leave the applicants with a non-conforming parcel with no opportunity for development.

Staff has no objection to the continued use of the homestead site under RT with rezoning policies to achieve CR-1 zoning. With the exception of this property being undersized, it is property designated RT being in proximity to the Tucson Mountains and the Buffer Overlay Zone of Tucson Mountain Park. Development of this site would be subject to the Hillside Development Overlay Zone (Chapter 18.61 of the Pima County Zoning Code) and the Multiple Use Management Area under the *Maeveen Marie Behan Conservation Lands System* (MMBCLS).

At one acre in area, the site is under-sized for its current SR zoning (3.3-acre minimum lot area) and the avenues for relief are limited. Remedies include a request for variance or a rezoning. While the site area is a hardship condition not created by the applicants (see *History*, below), a variance is generally not granted based strictly upon the owner's needs. The site would be of conforming size if rezoned to the CR-1, but would require a Comprehensive Plan Amendment. The applicants report that they have been unsuccessful at either selling the property to or acquiring additional acreage from the abutting property owner, Dos Picos LLC.

Setting:

The site is located in the eastern Tucson Mountains, about three-quarters of a mile southeast of the intersection of W. Speedway Boulevard and W. Anklam Road. The site is mostly undeveloped but has the remains of the foundation of an old homestead, and is accessed by a 750-foot unpaved dominant tenement easement off Anklam Road. The site has Sonoran Desert flora, including saguaro cactus, palo verde, creosote bush and prickly pear cactus, and is surrounded by undeveloped desert to the north and east, and large-lot site-built homes to the south and west.

The site is located mid-slope of a 3,300-foot-high peak and ranges from 2,740' to 2,780' in elevation. The site has an estimated average cross-slope of 19 percent and any proposed development would be subject to the Hillside Development Overlay Zone (Chapter 18.61 of the Pima County Zoning Code) – the code requires an average area of 1.5 acres per dwelling unit on slopes of 19 percent, zoning notwithstanding.

History:

The site is the remnant of a larger 40-acre property (SE¼ of the NE¼ of Section 7, Township 14 South, Range 13 East) that was settled by the original owner, Alice Vail, under the Homestead Act of 1862. Ms. Vail's Homestead Claim on the site (Patent Number 1066100) was established on March 1, 1935 (recorded Book 180 Page 566), though Pima County Assessor records indicate that a residence was present on the site as early as 1925. Alice Vail was the applicants' great aunt, and their grandparents and mother, Emily Stowell, lived with Ms. Vail on the homestead during the Great Depression.

Alice Vail passed away in April 1967 and the sale of her 40-acre homestead estate occurred in Superior Court in March 1968. Emily Stowell and Mr. Jones, a member of Dos Picos, both submitted bids on the property. Dos Picos ultimately prevailed and came to own the property; however, an agreement was established that allowed Ms. Stowell ownership of the one acre parcel that contained the homestead residence. A representative for Ms. Stowell worked to finalize the 1968 agreement with Dos Picos for the site in the early 1980s, and the parcel was finally conveyed by Dos Picos to Ms. Stowell in 1991 (recorded Docket 9019 Page 1119 and re-recorded in Docket 9933 Page 610). Prior to the 1991 conveyance to Ms. Stowell, Dos Picos had received approval to rezone surrounding lands (which included the site) from SR to CR-1 in 1976 – this would have rendered the site a legal, conforming parcel. However, Dos Picos was unable to meet the rezoning conditions, and after five time extensions the rezoning was closed.

Surrounding Conditions:

The site is located in an area between Tucson's urban center and immediate residential outskirts, and large exurban residential lots and undeveloped desert of the Tucson Mountains. The region has a mix of protected lands (Tumamoc Hill and Sentinel Peak, Greasewood City Park, Tucson Mountain Park), institutions with undeveloped open space (Pima Community College West Campus, Arizona Game & Fish Department), and resort development (Starr Pass) intermixed with low- to medium-density residential subdivisions.

Pima County recently acquired 286 acres of undeveloped land just north of the site. This area, known as Painted Hills, is considered a "gateway" between downtown Tucson and the Tucson Mountains.

The site is located about a half-mile west of lands under the jurisdiction of the City of Tucson. The site also is located about a quarter-mile east of Tucson Mountain Park (Pima County) and,

as such, is subject to the Buffer Overlay Zone (Chapter 18.67 of the Pima County Zoning Code).

PLAN AMENDMENT CRITERIA

Staff reviewed this plan amendment request to determine if one or more of the following criteria have been adequately met:

1. Promoting the implementation of:
 - a. The ***Maeveen Marie Behan Conservation Lands System (MMBCLS)***;

The entire site is designated *Multiple Use Management Area* under the MMBCLS. The MMBCLS is part of the Environmental Element Regional Policies of the Comprehensive Plan designed to provide protection to the county’s biodiversity and most sensitive environmental areas. Multiple Use Management Areas have the potential to support high value habitat for three or more priority vulnerable species identified in the Sonoran Desert Conservation Plan. MMBCLS Conservation Guidelines state that at least 66⅔ percent of the total area under this designation shall be conserved in a natural or undisturbed condition.

The site is mostly undisturbed except for the unimproved access easement and the small envelope were the former home site was located. It appears that the natural open space (NOS) set aside could be achieved.

- b. ***Growing Smarter Acts***, with particular emphasis given to the principles of smart growth, such as: (i) mixed use planning, (ii) compact development, (iii) multi-modal transportation opportunities, (iv) rational infrastructure expansion/improvements, (v) conservation of natural resources, and (vi) the growth area element (where applicable);

This one-acre site was a result of a previous action. Staff did not evaluate this request on the merits of the growing smarter act; although, conservation of natural area within the site will be required with any rezoning.

- c. Other plan policies set forth in the Regional Plan Policies, Rezoning Policies and Special Area Polices.

Special area plan policy S-8 Tucson Mountains North policies

- Structures. All structures west of Silverbell Road shall be limited to a maximum height of 24 feet, and shall be sited and landscaped to minimize negative visual impacts. All structures shall be of a color which is in context with the surrounding environment.
- Open Space Dedication. Natural area designations not dedicated to and accepted by Pima County for restricted use as a perpetual open space at the time of an exchange for an allowed density increase on a given portion shall, for those parcels, provide that the property owners within 660 feet and the Tucson Mountains Association are nominal beneficiaries of the natural open space created.
- Notwithstanding the zoning districts permitted under the Comprehensive Plan Land Use Plan Legend, SH (Suburban Homestead Zone) and RH (Rural Homestead Zone) shall not be permitted.
- Notwithstanding the zoning districts permitted in accordance with the Major Resort Community provisions, CPI (Campus Park Industrial Zone) or TR (Transitional Zone) shall not be permitted.

Of the four S-8 Special area plan policies, two would be required as rezoning conditions:

- All structures west of Silverbell Road shall be limited to a maximum height of 24 feet, and shall be sited and landscaped to minimize negative visual impacts. All structures shall be of a color which is in context with the surrounding environment.
- Notwithstanding the zoning districts permitted under the Comprehensive Plan Land Use Plan Legend, SH (Suburban Homestead Zone) and RH (Rural Homestead Zone) shall not be permitted.

Fulfilling the “Purpose” of the Annual Plan Amendment Program of the Pima County Zoning Code, § 18.89.040(A) (2) and (3):

The annual plan amendment program provides an opportunity to address oversights, inconsistencies, or land use related inequities in the plan, or to acknowledge significant changes in a particular area since the adoption of the plan or plan updates. Annual amendments are reviewed concurrently in order to analyze potential cumulative impacts.

Staff does not find these factors to be applicable.

AGENCY REVIEW COMMENTS

Office of Sustainability and Conservation

The site is within the MMBCLS Multiple Use Management Area – detailed review and comment regarding application of MMBCLS guidelines and determination of appropriate set-asides will be deferred to submission and review of a subsequent rezoning application.

Notwithstanding the above, the following would likely be useful in consideration of the proposed amendment:

- The amendment site does not occur within any MMBCLS Critical Landscape Connection or any wildlife linkage identified by Arizona Dept. of Transportation or Arizona Game and Fish Dept.
- The amendment site and surrounding properties are not within the Priority Conservation Area for the cactus ferruginous pygmy-owl and Western burrowing owl.
- The amendment site and surrounding properties lie outside the known range of the Pima pineapple cactus and the needle-spined pineapple cactus.
- Based on review of aerial photography, the most prominent on-site resource appears to be the numerous saguaros – development-related disturbance is regulated by the Native Plant Preservation Ordinance (Chapter 18.72 of the Pima County Zoning Code).
- By definition, compliance with CLS conservation guidelines allows for set-asides to occur either entirely on-site, entirely off-site, or a combination of on- and off-site.
- The amendment site is not identified as nor is it adjacent to any property listed for potential acquisition under the County’s Open Space Bond Program.

Pima County Regional Flood Control District (RFCD)

- The parcel and offsite existing dirt access rests on a ridge and is not impacted by floodplains or regulated habitat.
- When legal access is identified at the time of development, if it crosses a wash, a

- Floodplain Use Permit and all weather access covenants may be required.
- No drainage complaints have been submitted regarding the subject parcel.
 - No Preliminary Integrated Water Management Plan (PIWMP) is required as the amendment is smaller than four acres.

Please see attached memo from the District dated July 10, 2014.

Department of Transportation (PCDOT)

The Pima County Department of Transportation has reviewed the comprehensive plan amendment and has no objection to the request. The applicant is seeking a comprehensive plan amendment to allow a home site that has been in her family for generations to remain a home site despite the property being undersized. Through a legal agreement the estate was allowed to retain the family homestead site along with 1-acre of property and an easement. The lot is undersized and thus the property owners are unable to rebuild the home or pursue selling the property. Access to the site is via an established easement onto Anklam Road.

Anklam Road is a paved, two-lane, county-maintained urban collector. It is designated as a scenic major route on the Pima County Major Streets and Scenic Routes Plan and has a planned width of 150 feet. Although this site does not front Anklam Road directly, the right-of-way for Anklam Road along the adjacent property owned by the Dos Picos LLC has 150 feet of existing right-of-way. The current traffic count is 1,343 ADT and the capacity is 13,122 ADT. Due to the small nature of this comprehensive plan amendment and potential future rezoning, this request will have a negligible impact on the roadway network.

Regional Wastewater Reclamation Department (PCRWRD)

The department has no objection to the proposed comprehensive plan amendment. There is currently no public sewer near the subject property. There are no current or proposed plans for extended public sewers to the area. Future development will utilize individual disposal system.

Department of Natural Resources, Parks and Recreation (NRPR)

NRPR has no comments pertaining to the comprehensive plan amendment.

Cultural Resources and Historic Preservation Office

There are no known archaeological sites on the subject property; however, it has never been surveyed for cultural resources. The subject property is located less than a quarter-mile south of the recent Pima County Open Space Acquisition – Painted Hills, which was acquired for conservation purposes. Within a mile of the property, archaeological and historic sites have been identified. Pima County MapGuide shows a dirt access road and the remains of a foundation on the property. General Land Office maps dating to 3/21/1871 do not show any old roads or structures at that time. It is unknown as to whether they are historic.

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.

School District

Tucson Unified School District has no objections to the proposed plan amendment.

United States Fish & Wildlife Service

United States Fish & Wildlife has no concerns to the proposed plan amendment (see attached letter).

Electric Provider

Tucson Electric Power has no concerns pertaining to the proposed plan amendment (see attached letter).

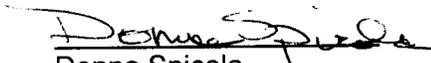
Fire Department

Northwest Fire District has no objection (see attached letter).

PUBLIC COMMENT

As of the writing of this report, staff has not received any written public comment based on the public notice of the hearings for this amendment request. The applicant's representative also reports no written public comment based on his outreach to area property owners.

Respectfully Submitted,

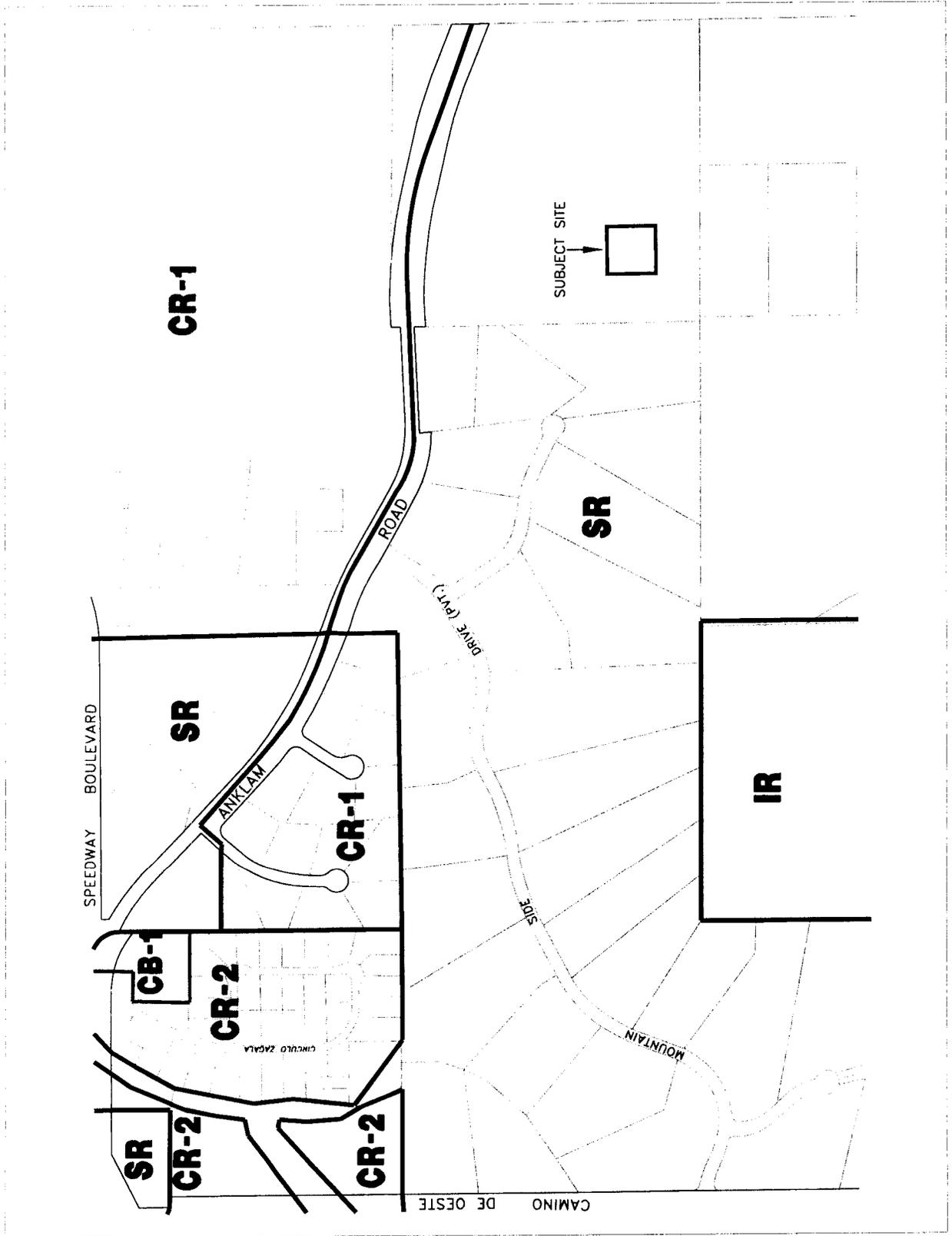


Donna Spicola
Planner

xc: Property Owner
Applicant
File

C07-14-06 ESTATE OF EMILY STOWELL STRATTON - W ANKLAM ROAD PLAN AMENDMENT

SURROUNDING ZONING DESIGNATIONS

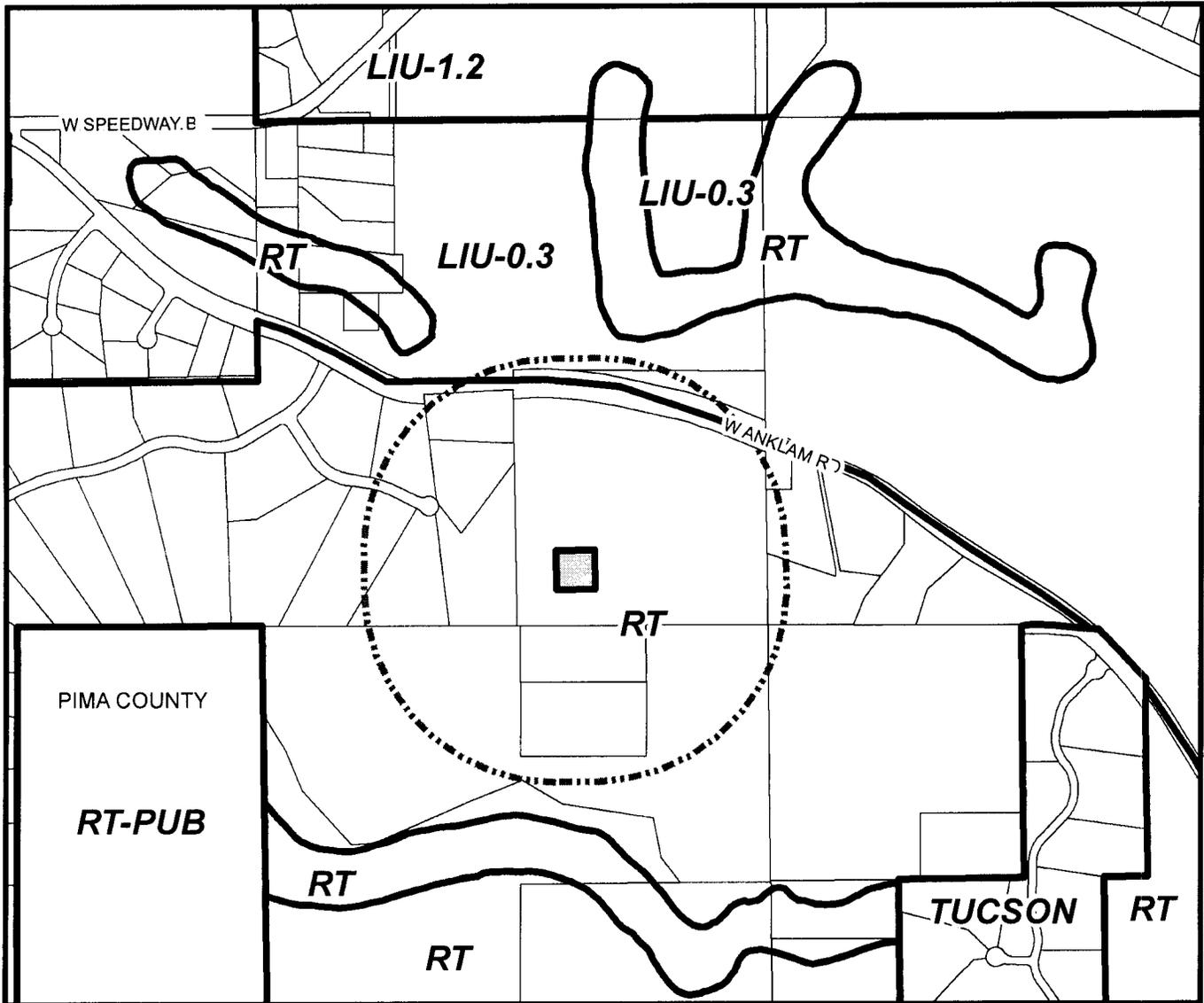




Co7-14-06 ESTATE OF EMILY STOWELL STRATTON — W ANKLAM ROAD PLAN AMENDMENT 2014

COMPREHENSIVE PLAN AMENDMENT

Planned Land Use and Notice Area



0 360 720 1,440 Feet

Amendment Area 1,000' Notice Area

Taxcode: 116-08-007D	Co7-14-06 ESTATE OF EMILY STOWELL STRATTON - W. ANKLAM ROAD PLAN AMENDMENT		Location: Southeast of W Speedway Boulevard and W Anklam Road intersection, 750 feet south of W Anklam Road
	Request: Resource Transition to Low Intensity Urban 1.2 (LIU-1.2) 1.0 Acres +/-		
	Tucson Mountain/Avra Valley Subregion Section 7, Township 14 South, Range 13 East		
	Planning and Zoning Commission Hearing: September 24, 2014	Map Scale: 1:10,000	
Board of Supervisors Hearing: November 18, 2014 (projected).		Map Date: June 3, 2014	

Land Use Legend

3. Resource Transition

'RT' on the Land Use Plan Maps

- a. Purpose: Private land with environmentally sensitive characteristics that include wildlife corridors, natural washes, floodplains, peaks and ridges, buffers to public preserves, and other environmentally sensitive areas. Development of such land shall emphasize design that blends with the natural landscape and supports environmentally sensitive linkages in developing areas.
- b. Residential Gross Density: Only land area zoned and planned for residential use, or natural or cluster open space areas, shall be included in gross density calculations. Natural and cluster open space shall be defined as set forth in Section 18.09.040B, except that cluster open space shall not include land developed under the GC Golf Course Zone. Residential gross density shall conform with the following:
 - 1) Minimum - none
 - 2) Maximum - 0.3 RAC
- c. Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's): Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements:
 - 1) Minimum – none
 - 2) Maximum – 0.3 RAC
- d. Zoning Districts: Only the following zoning districts shall be deemed in conformance with the land use plan, except as provided for under the Major Resort Community designation, Section 18.89.030C plan policies, or Section 18.90.030E specific plans:
 - 1) RH Rural Homestead Zone
 - 2) SR Suburban Ranch Zone
 - 3) MR Major Resort
- e. Open Space Standard for MR Major Resort Zone: In Resource Transition a minimum of 30 percent natural open space shall be required within areas rezoned MR Major Resort Zone. Open space for purposes of this requirement shall be natural open space.

2) Low Intensity Urban 1.2

'LIU-1.2' or 'C-1.2' on the Land Use Plan Maps

- (a) Minimum - none
- (b) Maximum - 1.2 RAC. The maximum gross density may be increased in accordance with the following cluster options:
 - (i) Gross density of 2.5 RAC with 30 percent cluster open space, plus 15 percent natural open space; or
 - (ii) Gross density of 4.0 RAC with 30 percent cluster open space, plus 30 percent natural open space.

- c) Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's). Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements:
 - (i) Minimum – (none)
 - (ii) Maximum – 1.2 RAC. The maximum gross density may be increased in accordance with the following cluster option:
 - (1) Gross density of 2.0 RAC with 30 percent cluster open space plus 20 percent natural open space.

S-8 Tucson Mountains North (TM/AV) [5-01]

General location

Northern portion of the Tucson Mountains Subregion, within portions of Township 13 South, Range 12 East; Township 13 South, Range 13 East, Township 14 South, Range 12 East and Township 14 South, Range 13 East (Ref: Revised (text-only) Co7-07-02, Resolution 2007-325).

Description

The northern portion of the subregion is located between urbanizing areas in the City of Tucson and the public reserves of Tucson Mountain Park and Saguaro National Park, and is distinguished by rugged terrain, highly diverse vegetation, significant wildlife habitat and many riparian areas. The purpose of the Tucson Mountains North Special Area is to protect this special environment while planning for expected growth. To achieve this purpose, planning strategies include: 1) declining westward land use intensities; and 2) a low-density conservation area and buffer to Tucson Mountain Park and Saguaro National Park.

Policies

- A. Structures. All structures west of Silverbell Road shall be limited to a maximum height of 24 feet, and shall be sited and landscaped to minimize negative visual impacts. All structures shall be of a color which is in context with the surrounding environment.
- B. Open Space Dedication. Natural area designations not dedicated to and accepted by Pima County for restricted use as a perpetual open space at the time of an exchange for an allowed density increase on a given portion shall, for those parcels, provide that the property owners within 660 feet and the Tucson Mountains Association are nominal beneficiaries of the natural open space created.
- C. Notwithstanding the zoning districts permitted under the Comprehensive Plan Land Use Plan Legend, SH (Suburban Homestead Zone) and RH (Rural Homestead Zone) shall not be permitted.
- D. Notwithstanding the zoning districts permitted in accordance with the Major Resort Community provisions, CPI (Campus Park Industrial Zone) or TR (Transitional Zone) shall not be permitted.

Maeveen Marie Behan Conservation Lands System (MMBCLS)

e. Multiple Use Management Areas

- 1) This category identifies those lands that fulfill the five tenets used to construct the CLS, but which are not as biologically rich as those lands designated as Biological Core Management Areas. These areas are primarily distinguished from other lands within the CLS by their potential to support high value habitat for three or more priority vulnerable species as identified by the SDCP.

- 2) Conservation Guidelines: At least 66 ⅔ percent of the total acreage of lands within this designation shall be conserved as undisturbed natural open space. As such, land-use changes will result in a 2:1 land conservation (i.e., two acres conserved for every one acre developed) and may occur through a combination of on- and off-site conservation inside the Multiple Use Management Area or any more protective category of the CLS, including Habitat Protection Priority Areas. For purposes of this policy, Habitat Protection Priority Areas are those areas referenced and mapped as part of the 2004 Conservation Bond Program. The 2:1 mitigation ratio will be calculated according to the extent of impacts to the total surface area of that portion of any parcel designated as Multiple Use Management Areas. Development shall be configured in the least sensitive portion(s) of the property. Area(s) of undisturbed natural open space will include on-site conservation values and facilitate the movement of native fauna and pollination of native flora across and through the landscape. Land use and management goals within these areas shall focus on balancing land uses with conservation, restoration, and enhancement of native biological communities. Land uses appropriate for these areas must facilitate the movement of native fauna and pollination of native flora across and through the landscape, maximize retention of on-site conservation values, and promote landscape integrity. Additional conservation exceeding 66⅔ percent will be encouraged through the use of development-related incentives and may utilize undisturbed natural open space on individual lots. A transfer of development rights may be used in order to secure lands utilized for mitigation, restoration, and/or enhancement purposes.



PIMA COUNTY COMPREHENSIVE PLAN
2014 PLAN AMENDMENT PROGRAM

Application

SECTION I. OWNER/APPLICANT INFORMATION

PROPERTY OWNER(S): Emily V. Stowell-Stratton Estate, David V. Stowell Executor
DAYTIME PHONE: 520-850-6428 FAX: 520-399-3095
ADDRESS: 17711 Placita de Niquel
Sahuarita AZ 85629 E-MAIL: JDSTOWELL@COX.NET
APPLICANT (if other than owner): Gloria Stueland - COOWNER OF THE ESTATE
DAYTIME PHONE: 480-241-4335 FAX: 480-406-6498
ADDRESS: 1513 W. Devon Dr. Gilbert AZ 85233
E-MAIL GLORIA@DESERTLIFEZE.COM

SECTION II. AMENDMENT REQUEST INFORMATION

TAX CODE NO(S): 116-08-0070
TOTAL ACRES: 1
GENERAL PROPERTY LOCATION: West of ANKHAM Rd BETWEEN
SPEEDWAY AND ST MARY'S ROADS
COMPREHENSIVE PLAN SUBREGION(S): Tucson Mountains / Avra Valley
ZONING BASEMAP(S): 19 BOARD OF SUPERVISORS DISTRICT(S): 5
CURRENT/CONDITIONAL ZONING: JR
EXISTING LAND USE: VACANT LAND
CURRENT PLAN DESIGNATION(S) AND ACREAGE(S): RT Resource Transition
1 ACRE
REQUESTED PLAN DESIGNATION(S) AND ACREAGE(S): LIU-1.2 Low Intensity
Urban 1.2 1 ACRE

SPECIAL AREA OR REZONING POLICIES BY POLICY #, WHICH CURRENTLY APPLY TO THE PROPERTY:

SPECIAL AREA Policy #8

SECTION V. BIOLOGICAL RESOURCES & COMPATIBILITY WITH THE MAEVEEN MARIE BEHAN (MMB) CONSERVATION LANDS SYSTEM

On a separate sheet, please answer the following questions as they relate to the amendment site. Most of the requested information can be found by accessing the on-line Sonoran Desert Conservation Plan (SDCP) MapGuide Map at <http://gis.pima.gov/maps>.

A. Landscape Resources

1. Identify whether the proposed project site occurs wholly or partially within any Maeveen Marie Behan Conservation Lands System Category including Important Riparian Areas and Special Species Management Areas.
2. Identify whether the proposed project occurs in the vicinity of any of the six general areas identified as Critical Landscape Linkages. (Critical Landscape Linkages are not viewable on MapGuide. General locations of these 6 general areas can be found on the attached hardcopy of the Maeveen Marie Behan Conservation Lands System Map; a map and textual descriptions of Critical Landscape Connections can be found at www.pima.gov/developmentservices under the Land Planning and Regulation > Long Range Planning > Maeveen Marie Behan Conservation Lands System menu.)
3. If the property is a Habitat Protection or Community Open Space priority acquisition property, as displayed on SDCP MapGuide, identify which designation applies to the site and comment on the status of communications, if any, between the owner and Pima County regarding the County's potential acquisition of the property.

B. Species Specific Resources – Federally Listed Threatened/Endangered Species and Pima County SDCP Species

1. Cactus Ferruginous Pygmy-owl:
 - a. Does the proposed amendment site occur within Survey Zone 1 or a Priority Conservation Area for the cactus ferruginous pygmy-owl? If so, please specify which designation applies to the site.
 - b. Does the Arizona Game and Fish Department's Heritage Data Management System document a known location(s) of the cactus ferruginous pygmy-owl within a three-mile radius of the proposed amendment site? (<http://www.azgfd.gov/hgis>)
 - c. Has the proposed amendment site been surveyed for the pygmy-owl? If yes, provide the date(s) when surveys were done and a summary of the results.
2. Pima Pineapple Cactus:
 - a. Does the proposed amendment site occur within the Priority Conservation Area for the Pima pineapple cactus? This information is viewable on the SDCP MapGuide.
 - b. Does the Arizona Game and Fish Department's Heritage Data Management System document a known location(s) of Pima pineapple cactus within a three-mile radius of the proposed amendment site?
 - c. Have Pima pineapple cactus been found on the proposed amendment site?
 - d. Has the proposed project amendment site been surveyed for Pima pineapple cactus? If yes, provide the date(s) when surveys were done and a summary of the results.

3. Needle-spined Pineapple Cactus:
 - a. Does the proposed amendment site occur within the Priority Conservation Area for the Needle-spined pineapple cactus? This information is viewable on the SDCP MapGuide.
 - b. Does the Arizona Game and Fish Department's Heritage Data Management System document a known location(s) of Needle-spined pineapple cactus within a three-mile radius of the proposed amendment site?
 - c. Have Needle-spined pineapple cactus been found on the proposed amendment site?
 - d. Has the proposed project amendment site been surveyed for Needle-spined pineapple cactus? If yes, provide the date(s) when surveys were done and a summary of the results.

4. Western Burrowing Owl:
 - a. Does the proposed amendment site occur within a Priority Conservation Area for the western burrowing owl? This information is viewable on SDCP MapGuide.
 - b. Does the Arizona Game and Fish Department's Heritage Data Management System document a known location or locations of the western burrowing owl within a three-mile radius of the proposed amendment site?
 - c. Have western burrowing owls been found on the proposed amendment site?
 - d. Has the proposed amendment site been surveyed or investigated for the presence of western burrowing owls? If yes, provide the date(s) when surveys or investigations were done and a summary of the results.

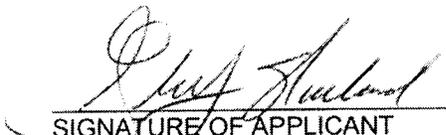
SECTION VI. SUBMITTALS

THE FOLLOWING ITEMS MUST BE INCLUDED IN THE APPLICATION:

- Site map - refer to Section I(E) of this application form for requirements.
- Ownership verification:
 - Assessor's map and property inquiry (APIQ) printout.
 - Original letter(s) of authorization (if applicant is not the property owner).
 - If a trust, original signature of trust officer and list of beneficiaries (if applicable).
 - If a corporation, original signature with person's title and the list of corporate officers (if applicable).
- PDF files of application materials, if applicable.
- Additional materials, if any
- Processing Fee (See attached *Comprehensive Plan Amendment Fee Schedule Summary*).

SECTION VII.

This complete application is true and correct to the best of my knowledge. I am the owner of the above-described property or have been authorized by the owner to make this application.



SIGNATURE OF APPLICANT



DATE



NAME OF APPLICANT - PRINTED

Section V- Biological Resources & Compatibility with
the Maeveen Marie Behan (MMB) Conservation
Lands System

A. Landscape Resources

1. YES - The proposed project site occurs within the Maeveen Marie Behan Conservation Lands System and the designation is "Multiple Use Management Area".
2. NO - The proposed project does not occur in the vicinity of any of the six general areas identified as Critical Landscape Linkages.
3. NO - The property is not a Habitat Protection or Community Open Space priority acquisition property.

B. Species Specific Resources - Federally Listed

Threatened/Endangered Species and Pima County SDCP Species

1. Cactus Ferruginous Pygmy-owl
 - a) No - The property is in Survey Zone 2. The proposed amendment site does not occur within Survey Zone 1 or a Priority Conservation Area for the Cactus Ferruginous Pygmy-Owl.
 - b) The Arizona Game and Fish Department's Heritage Data Management System was inaccessible by my computer or by Janet at the Planning and Development services who was assisting me in completing the research.
 - c) No the property has not been surveyed for the pygmy-owl.
2. Pima Pineapple Cactus:
 - a) No the property site does not occur within the Priority Conservation Area for the Pima Pineapple Cactus.
 - b) The Arizona Game and Fish Department's Heritage Data Management System was inaccessible by my computer or by Janet at the Planning and Development services who was assisting me in completing the research.
 - c) To my knowledge no one has found Pima Pineapple Cactus on the proposed amendment site.
 - d) No - the proposed project amendment site has not been surveyed for Pima Pineapple Cactus.

3. Needle-spined Pineapple Cactus:

- a) No the proposed amendment site does not occur within the Priority Conservation Area for the Needle-spined Pineapple Cactus.
- b) The Arizona Game and Fish Department's Heritage Data Management System was inaccessible by my computer or by Janet at the Planning and Development services who was assisting me in completing the research.
- c) No - Needle-spined Pineapple Cactus have not been found on the proposed amendment site.
- d) No - The proposed Project Amendment site has not be surveyed for Needle-spined Pineapple Cactus.

4. Western Burrowing Owl:

- a) No - the proposed amendment site does not occur within a Priority Conservation Area for the Western Burrowing Owl.
- b) The Arizona Game and Fish Department's Heritage Data Management System was inaccessible by my computer or by Janet at the Planning and Development services who was assisting me in completing the research.
- c) No - Western Biurrowing Owls have not been found on the proposed amendment site.
- d) No - the proposed amendment site has not been surveyed or investigated for the presence of Western Burrowing Owls.

Prepared for: Pima County Comprehensive Plan 2014 Plan Amendment Program
Prepared by: Gloria Stueland

April 24, 2014

Reasons for Plan Amendment Request and Additional Supplemental Information

History

The property first came into my family when my Great Aunt, Alice L Vail decided to homestead in Tucson just prior to the Great Depression in the 1930's. In about 1929 to 1932 my grandmother talked my Great Aunt into taking advantage of the "Homestead Act" that opened up land for settlers on the outskirts of Tucson. She chose 40 acres in the Tucson Mountains to build the home she would have to live in to satisfy the requirements for homesteading.

My great aunt, Alice Vail who was an English school teacher at Tucson High School lived full time with her sister Ethel V Vasey & Galen J Vasey, (my Grandparents). She later had a Junior High School named after her, Alice Vail Jr High. When the homestead began, my great aunt began living at the homestead by herself. My mother was a small child at that time (born 4-21-1928) and my grandmother was uncomfortable living there with a small child. When the Great Depression hit, my grandparents and my mother joined Alice Vail and lived full time on the property.

They had built a small home on the property and were required to live there 9 months out of each year for 3 years to secure the deed for the property. Because of the depression they ended up living there 12 years full time.

When my Great Aunt, Alice L Vail died, Estate Taxes were incurred and there was no money in the estate to pay the taxes. My mother, Emily V Stowell was forced to sell the 40 acres homestead property to pay the taxes. During the court proceedings, the purchasers of the 40 acres agreed to convey to my mother the 1 acre Alice L. Vail homestead site. At that time, there was an agreement executed (see attached Exhibit C "AGREEMENT").

My mother, Emily V Stowell began pursuing converting the Agreement into a Deed in her name in 1980 and years later it was deeded and recorded in her name. Part of the delay was that the owners were developing

and rezoning and had obtained conditional GR-1 zoning. Mom was flexible on the location of the acre and agreed to work with the owners should they develop the property.

Chris Poirier investigated and verified the conditional GR-1 zoning that lapsed when I met with him in June of 2013.

My mother passed away in November of 2012 and we now need to sell the property to settle the estate. Without rezoning the property has little or no value. The taxes paid to date on the property far exceed the value at this time.

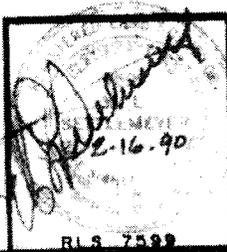
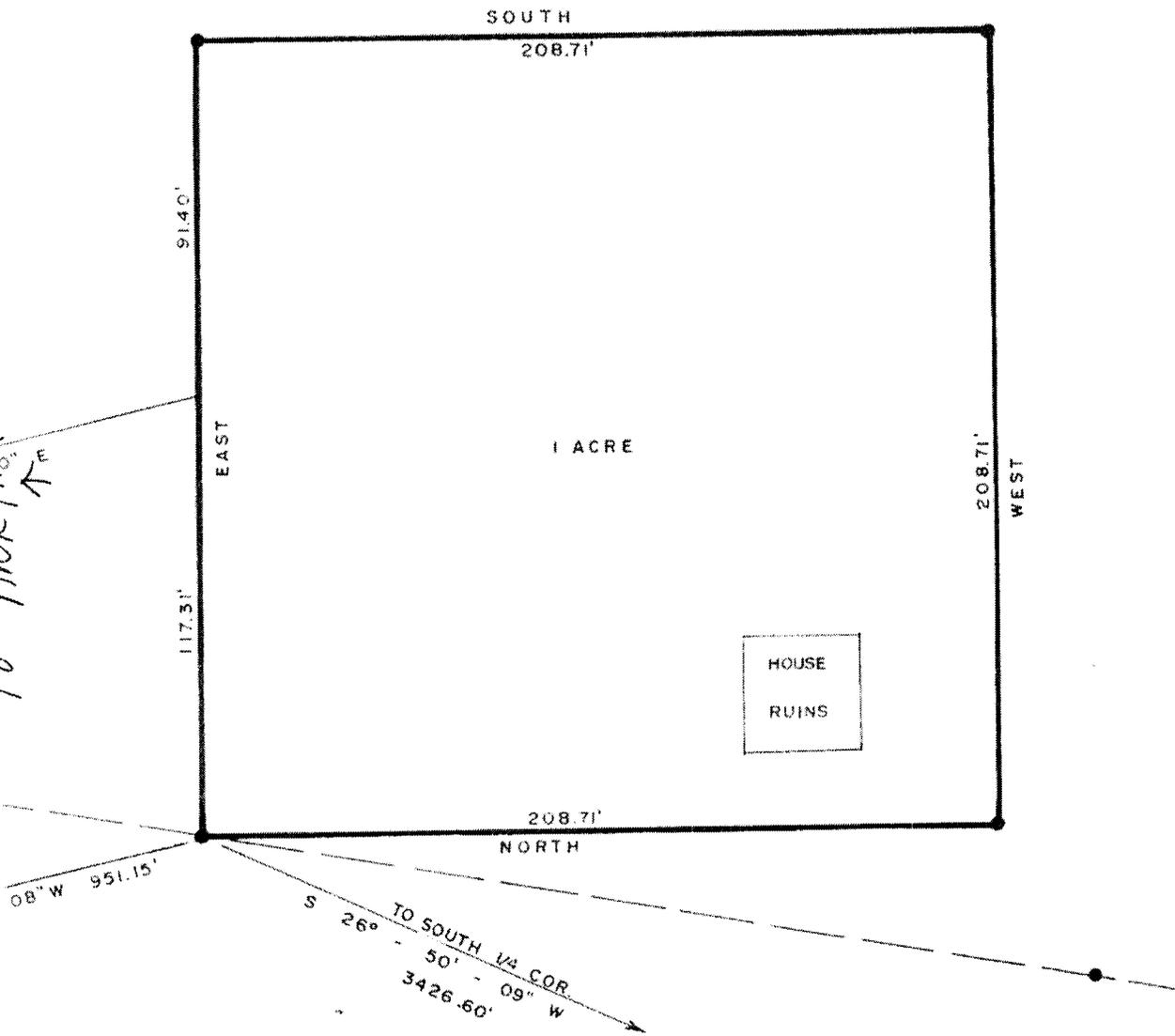
Reasons for Plan Amendment Request:

1. The property was deeded in my families name since March 2, 1935 and our family homestead claim prior to that time. The only exception was during the time we were waiting on the interim owner to develop the property and deed us the acre as per the agreement dated March 1968.
2. 1/3 of the acre would be developed with the rest left natural which will comply with "v. Conservation of Natural resources"

Attachments:

1. Exhibit C "AGREEMENT" - 1968 agreement: Shepard and Jones to Stowell
2. Three of many letters to Donald R Jones in 1980 initiating the deed transfer
3. Copy of photo of Alice L Vail and my mother Emily V Stowell as a small child in front of the homestead house.

To Ank / Am Road



SETTLEMEYER SURVEYS INCORPORATED
P.O. BOX 12612, 85732 TUCSON, ARIZONA (602) 749-3246

SURVEY OF A PART OF THE SOUTHEAST QUARTER OF THE NORTH-
EAST QUARTER OF SECTION 7, T14S, R13E; G. & S. R.M.

PIMA COUNTY ARIZONA

DRAWING NO.	419 - 0201
DATE:	FEB. 1990
SCALE:	1" = 40'
BK. NO.	

PLS 7599



Alice L. Vail and Emily V. Stowell
as a small child on the
Homestead property
About 1931

Current 2015 Pima County Assessor Property Inquiry

TaxBill

Search Parcel2014 Parcel2013 History Notice Card Tax

Summary Genealogy PRC

CVR.Warning: (2016 Land Ratio Invalid)

PARCEL 11608007D 

Appraiser Stephanie Dupnik

Book-Map-Parcel: 116-08-007D

TaxArea: 0100 TaxYear: 2015

TaxPayer Information

STOWELL EMILY V (DECD) ESTATE OF

17711 S PLACITA DE NIQUEL
SAHUARITA AZ

Recording Information

Sequence 94221421 Docket 9933 Page 610
Date Dec-06-1994

WARRANTY DEED

85629 9723

Miscellaneous

Section 7 TwN14.0S Rng13.0E



LandMeasure 1.00A

Description

MarketArea: TUCSON MOUNTAINS (21)

Rule B District 9

208.71' X 208.71' PCL IN SWLY PTN SE4

Tract Block Lot

GroupCode

NE4 1 AC SEC 7-14-13

CensusTract

UseCode

File-Id 1

4406

0012

2000 CensusTract 004417

Date of Last Change May-22-2014

VACANT RESIDENTIAL URBAN NON-SUBDIVIDED

Secondary Valuation Data LegislativeClass

FullCash Percentage Assessed

Land Vacant/Ag/Golf(2 0)

\$20,000

16.0

\$3,200

Improvements None(0 0)

\$0

.0

2015 Personal Property

Gross Value Totals

\$20,000

16.0

\$3,200

2015 LMTD/SCND

Exemptions

Net Value Totals

\$20,000

16.0

\$3,200

PriorLimitedValue: \$50,000

Current R.E. Ltd Value: \$20,000

Areas Condo Market 21

SFR District 12

SFR Neighborhood 01001906

MFR Neighborhood SO_TUCSON_MTNS

DOR Market 21

Supervisor District (5) RICHARD ELIAS

Recordings

Sequence #

Docket

Page

Instrument

20133110238

0

0

(CERTIFICATE DEATH)

**Owner's
Estimate 2015=\$10,000**

Appeals 2015(P)

Map Selection 141307.TIF

Pima County Assessor ~ 115 N. Church ~ Tucson Az. 85701

Public ~ 159.233.35.175 ~ www.asr2.pima.gov

April 28, 2014

To Whom it may concern:

The following is authorization for Gloria Stowell Hastie Stueland to represent the estate of Emily Stowell Stratton in the Application for the Plan Amendment Program and/or rezoning of the property owned by the Estate of Emily Stowell Stratton. Emily Stowell Stratton was deceased on November 21, 2012. I am the Executor of that Estate and my sister who is a real estate broker and co-beneficiary of the estate has been acting on my request to obtain a rezoning of the property. With this document is a copy of the legal assignment of me as executor of the Emily Stowell Stratton Estate

The beneficiaries of the Emily Stowell Stratton estate are as follows:

David Vail Stowell of Sahuarita Arizona 520-625-2483

Christine Emily Stowell Snider of Chandler Arizona 480-855-9958

Gloria Jean Stowell Hastie Stueland of Gilbert Arizona 480-545-8383

Jonathan William Stowell of Cabot, Arkansas 501-605-3115

I David Vail Stowell as executor and co-beneficiary of the estate do hereby assign my sister and co-beneficiary to represent the estate in all matters of Real Estate in this Estate of Emily Stowell Stratton.

David Vail Stowell

April 28, 2014

David Vail Stowell

Date

1 Law Offices of MICHAEL W. MURRAY
2 257 North Stone Avenue
3 Tucson, Arizona 85701
4 (520) 622-8883
5 State Bar No. 001630
6 Computer No. 41316
7 E-Mail: mw.murray@hotmail.com

8 **ARIZONA SUPERIOR COURT, COCHISE COUNTY**

9 In the Matter of the Estate of:) No. 9B2013 00001
10)
11) **EMILY V. STRATTON,**) **LETTERS OF PERSONAL**
12) formerly known as,) **REPRESENTATIVE**
13) **EMILY V. STOWELL**) **AND ACCEPTANCE**
14) Deceased.)
15) DOB: April 21, 1928)

16 **DAVID V. STOWELL** is hereby appointed as Personal Representative of this estate
17 **UNDER THE** Will of the above-named decedent without bond.

18 **WITNESS:** January 2 2013

19 **MARY ELLEN DUNLAP**
20 **CLERK OF SUPERIOR COURT**

21 By: [Signature]
22 **DEPUTY CLERK**

23 **ACCEPTANCE**
24 **STATE OF ARIZONA**)
25) ss:
26 **County of Pima**)

27 I hereby accept the duties of Personal Representative of the estate of the above-named
28 decedent and do solemnly swear that I will perform, according to law, the duties of such
fiduciary.

29 [Signature]
30 **DAVID V. STOWELL**

31 **SUBSCRIBED AND SWORN TO** before me this 29 day of Dec.
32 2012 by **DAVID V. STOWELL.**

33 My Commission Expires:
34 29 May 2014

35 [Signature]
36 **NOTARY PUBLIC**

September 23, 1980

Mr. Donald R. Jones
90 N. Church Avenue
Tucson, Arizona 85701

Re: Emily V. Stowell
Section 7, Township 14S,
Range 13E

Dear Mr. Jones:

You probably recall that we had brief correspondence a few years ago in regard to the southeast quarter of the north-east quarter of referenced Section, which you purchased from the Alice Vail estate. As you probably remember pursuant to agreement executed in March, 1968, that there was a provision for conveyance to Mrs. Stowell, by surveyed description, a one acre tract located within that parcel and which would contain the Alice Vail Home Site, together with an easement.

We did not pursue the matter through to a conclusion, because at that time you were planning to subdivide the property, but you had not completed a plat, and therefore did not know exactly how the acre which is to be conveyed to Mrs. Stowell was to be delineated.

I understand that you have not yet completed the subdivision at this time. However, it would seem appropriate that the acre should be defined by now and the deed issued to Mrs. Stowell.

I would appreciate hearing from you on this matter at your earliest convenience, and hopefully we can proceed with the definition of the tract from Mrs. Stowell, and get the deed issued.

Sincerely,


WALTER J. GRACE, III.

WJG/dp

cc: Mrs. Emily V. Stowell

February 20, 1981

Mr. Donald R. Jones
90 N. Church Avenue
Tucson, Arizona 85701

Re: Emily V. Stowell
Section 7, Township 14S,
Range 13E

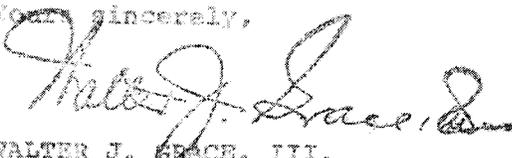
Dear Mr. Jones:

Following our correspondence and telephone conversations in the latter part of September, 1980, I have recently discussed the question with Mrs. Stowell again. At this point she would like to get the acre specifically established and reserved. Please let me know what your situation is at this point, and I think we should go ahead and specifically designate and carve out the property.

We are not out to try to bother you at this point, but Mrs. Stowell feels that it is a loose end which should be tied down, and I am inclined to agree with her.

Please let me hear from you at your earliest convenience.

Yours sincerely,



WALTER J. SPACE, III.

WJS/dp

cc: Mrs. Emily V. Stowell

December 7, 1983

Mr. Donald R. Jones
90 North Church Ave.
Tucson, AZ 85701

Re: Emily V. Stowell
Section 7, Twp. 14 South, Range 13 East, Pima County

Dear Mr. Jones:

I have had a conference with Mrs. Stowell, as to the one acre property reserved in reference to Section, off Anklam Road. As I indicated to you earlier I went out with Mr. and Mrs. Stowell some time back (about two years ago) and we found the foundation of the old homestead, and reached a decision as to how she would like to have the property deeded out to her. The concept was that the dimensions of the acre should be approximately 225 feet in a North-South direction, and the corresponding dimension in the East-West direction to make up the acre, 193.6 feet according to my calculations. The location of the acre would be so that, from the North boundary of the plot, the mid-point of the front porch foundation line of the old homestead would be approximately 125 feet South, or up the hill, with approximately 100 feet of property extending out to the South of that point, and continuing up the hill. The mid-point of the porch foundation line would then be approximately mid-way on an East-West basis in the plot.

For your convenience I have enclosed a photo-copy of a portion of the Assessor's record map, showing the plot laid out there more or less as it would appear, but not to scale at all.

Please let me hear from you at your early convenience, for at this point I know that Mrs. Stowell would like to get the matter completed.

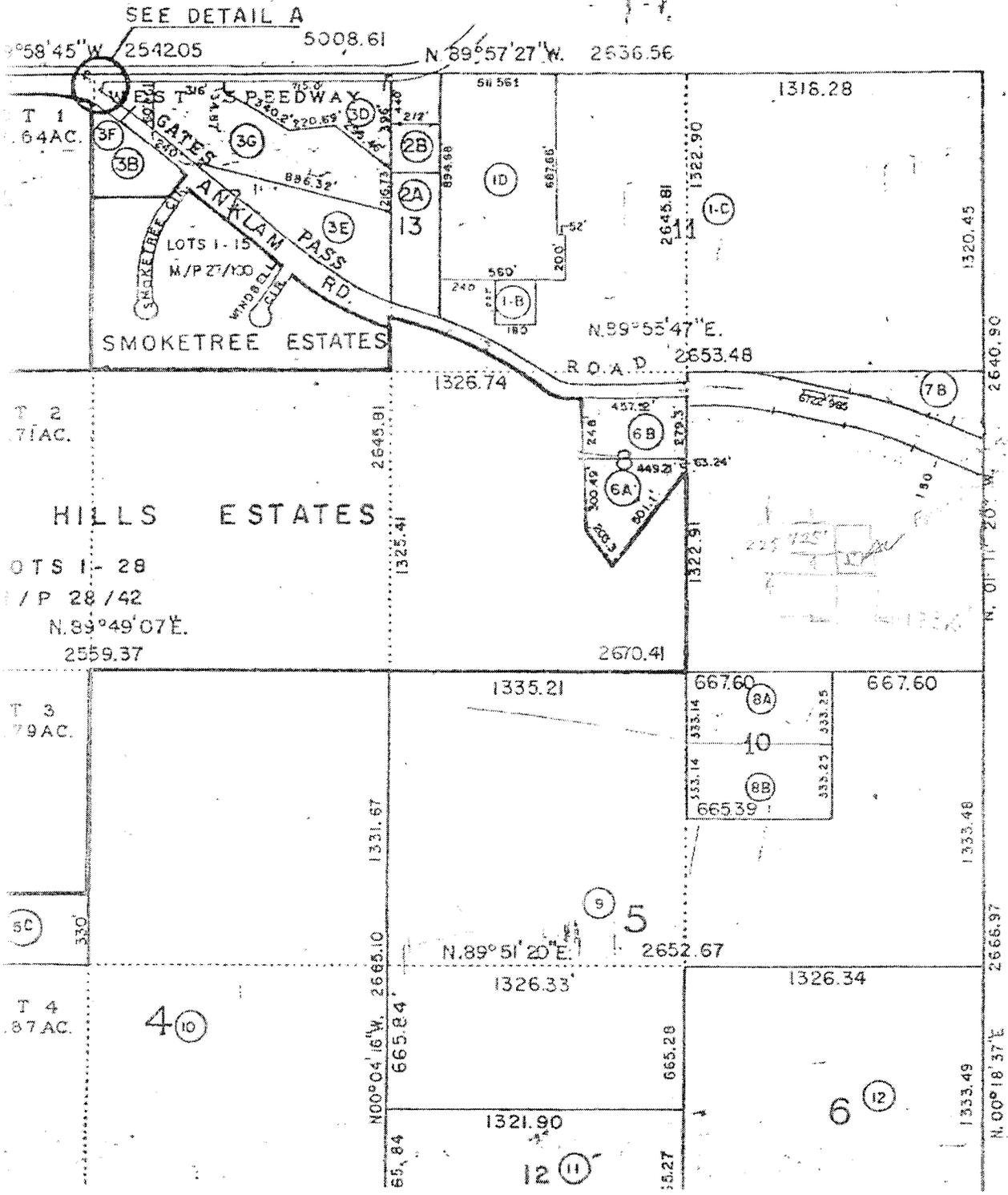
Yours sincerely,

WJG ep

Walter J. Grace, III

cc: Mrs. Emily Stowell
P. O. Box 562
Sierra Vista, AZ 85635

TOWNSHIP 14 SOUTH, RANGE 13 EAST



H. Meeting with Neighbors:

We have made 2 attempts to work with the neighbor that owns the surrounding land - Dos Picos LLC.

After the 1st letter, I received 1 call from Dos Picos and was told they were not interested in buying the property or working with us to let us purchase enough property to make the lot a 3.3 acre parcel.

Attachments:

2 letters to Dos Picos

Desert Life ≈ REAL ESTATE CO.

Gloria J. Hastie, Broker

July 16, 2013

Dos Picos LLC
33 N Stone Ave, Ste 850
Tucson, AZ 85701 – 1414

I am writing regarding the 1 acre property owned by my mother's estate in the Tucson Mountain Foothills (Assessor's tax code # 116-08-007D). Dos Picos owns the surrounding property according to the tax records.

We are in the process of rezoning the property to allow us to sell or build on the 1 acre parcel. Since our property is in the middle of yours, I thought I would approach you to see if you had any interest in purchasing and merging into your acreage.

Please let me know if there is any interest. We are evaluating all possibilities right now to get the highest return on the investment.

Sincerely,



Gloria J Stueland, Broker
Desert Life Real Estate Co LLC

Desert Life Real Estate Co. ≈ 1513 W. Devon Dr., Gilbert, AZ 85233
Office: 480-545-8383 Fax: 480-926-1971 Cell: 480-824-1770

Desert Life ≈ REAL ESTATE CO.

Gloria J. Hastie - Stueland, Broker

April 10, 2014

Dos Picos LLC
33 N Stone Ave Ste 850
Tucson, AZ 85701 – 1414

Dear Sir,

I had written you once before and we had talked about our 1 acre parcel off Anklam Road. Unfortunately, I lost your contact information with a computer upgrade, so I have been unable to call you.

As you are aware, at this time, we are not able to sell because of the zoning, so I will be applying for rezoning. There are also other options I have been told about that we will be pursuing through the county to make the lot saleable.

If you have any ideas or suggestions and are willing or able to work out another arrangement with us, please let me know as soon as possible.

Thanks again,



Gloria J Stueland

Desert Life Real Estate Co. ≈ 1513 W. Devon Dr., Gilbert, AZ 85233
Office: 480-545-8383 Fax: 480-406-6498 Cell: 480-241-4335

Book 180 of DEEDS, PAGE 566

And I hereby bind myself, my heirs, executors and administrators, to warrant and forever defend, all and singular, the premises unto the said Chiricahua Rancho Company, its successors heirs and assigns, against every person whomsoever, lawfully claiming or to claim the same or any part thereof.

Witness my hand this ___ day of February, A. D. 1935.

T. R. Stamp affixed and cancelled \$1.00 3/1/35

Signed, Sealed and Delivered in the presence of

Jose Angel Campas (SEAL)

STATE OF ARIZONA,

County of Pima.

ss.

This instrument was acknowledged before me this 23rd day of February, 1935 by Jose Angel Campas, formerly Jose Angel Ortiz, a single man.

(NOTARY SEAL)

Carlos C Robles
Notary Public.

(My Commission Expires Mar 16, 1938)

Filed and recorded at request of Chiricahua Rancho's Mar 1 2:17 PM 1935

#2503
COMM. EXPIRES
MAR 16 1938

Anna Sullinger, County Recorder,

By Josephine Benton, Deputy.

A

Phoenix 064421

4-1007.

THE UNITED STATES OF AMERICA,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Phoenix, Arizona, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, " To Secure Homesteads to Actual Settlers on the Public Domain, " and the acts supplemental thereto, the claim of Alice Vail has been established and duly consummated, in conformity to law, for the southeast quarter of the northeast quarter of Section seven in Township fourteen south of Range thirteen east and the east half, the southwest quarter, the east half of the northwest quarter, of Section twenty-eight in Township fifteen south of Range eleven east of the Gila and Salt River Meridian, Arizona, containing six hundred forty acres, according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE:

NOW KNOW YE, That there is therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862).

IN TESTIMONY WHEREOF, I, Franklin D. Roosevelt,

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the FIFTEENTH day of SEPTEMBER in the year of our Lord one thousand nine hundred and THIRTY-THREE and of the Independence of the United States the one hundred and FIFTY-EIGHT.

By the President: Franklin D. Roosevelt

(SEAL)

By Louise Polk Wilson, Secretary.

RECORDED Patent Number 1066100

Emma L. Warren
Recorder of the General Land Office.

Filed and recorded at request of Alice Vail Mar 2 9:58 AM 1935

#2615 COMPARED
Read by E. L.
Paid to B

Anna Sullinger, County Recorder,
By Josephine Burton, Deputy.

WARRANTY DEED.

THIS INDENTURE, Made the 24th day of January in the year of our Lord One Thousand, Nine Hundred and Thirty-Five between R. C. Eisele, a single man (who was also a single man when he acquired title to the real property hereinafter described), of Silver City, New Mexico party of the first part, and T. A. Lundy, a widower, of Tucson, Arizona, party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One Dollar and other consideration ~~Ballixxxx~~ of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, and the said party of the first part, forever released and discharged therefrom, has granted, bargained, sold, remise, released, conveyed, aliened, and confirmed, and by these presents does grant, bargain, sell, remise, release, convey, alien and confirm unto said party of the second part, and to his heirs, assigns, or successors forever, all the following described lot or parcel of land and real estate, situate, lying in the County of Pima State of ^{Arizona} New-Mexico, to-wit:

Lot Twenty one (21) in Unit #1, of Emery Park, a subdivision of part of the Northeast Quarter of Section twelve in Township fifteen South, Range thirteen East, O & S R E & M, Pima County, Arizona.

50¢ P₃ Stamp affixed and cancelled
3-2-35 MGL

Together with all and singular the hereditaments, lands, tenments, and appurtenances, thereunto belonging or in any wise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim, or demand whatsoever of said party of the first part, either in law or equity, of, in, and to the above bargained premises, with the hereditaments and appurtenances:

TO HAVE AND TO HOLD, the said premises above bargained and described, with the appurtenances unto the said party of the second part, for his heirs, successors, or assigns forever.

And the said party of the first part, for his heirs, executors, administrators, successors or assigns, doth covenant, grant, bargain and agree to and with the said party of the second part, his heirs, executors, administrators, successors or assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed as of a good, sure perfect, and indefensible estate of inheritance in law in fee simple and has good right, full power, and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances, of what kind or nature soever; and the above bargained premises in the quiet and peaceable possession of the party of the second part, his heirs, successors or assigns, against all and every other person and persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will warrant and forever defend,

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of } F. C. Eisele L. S.

0
8
1
K
B
D

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: GIM
DEPUTY RECORDER
2721 RD12



DOCKET: 9933
PAGE: 610
NO. OF PAGES: 9
SEQUENCE: 94221421
12/06/94
WTDEED 11:13:00

W
GEOFFREY P SHEPARD,
100 N STONE #1001

TUCSON AZ 85701

MAIL
AMOUNT PAID \$ 14.00

*This document is being re-recorded
to correct legal description, attached.*

B-2

A handwritten signature in dark ink, appearing to be "G.P. Shepard".

*MAIL TO
GEOFFREY P. SHEPARD
100 NORTH STONE, #1001
TUCSON, AZ 85701*

9933. 610.

9

RECORDED BY: RBJ
DEPUTY RECORDER
2234 RD15



W
EMILY V STOWELL
P O BOX 951

SIERRA VISTA AZ 85636

DOCKET: 9019
PAGE: 1119
NO. OF PAGES: 5
SEQUENCE: 91043113
DATE: 04/17/91
TIME: 13:01:00
WTDEED
MAIL TOTAL \$ 11.00

WARRANTY DEED

For the consideration of Ten Dollars, and other valuable considerations, I or we,

DOS PICOS LAND CO. LIMITED PARTNERSHIP, an Arizona limited partnership,

do hereby convey to EMILY V. STOWELL, a widow, as her sole and separate property,

the following real property located in PIMA County, Arizona:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT A. SEE EXHIBIT B AND C ATTACHED HERETO AND MADE A PART HEREOF.

Subject to current taxes and other assessments, reservations in patents and all easements, right-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record, the Grantor warrants the title against all persons whomsoever.

Dated: April 9, 1991

DOS PICOS LAND CO. LIMITED PARTNERSHIP,
an Arizona limited partnership.

by:

by:

General Partner

by:

by:

STATE OF Pennsylvania)
County of Allegheny) SS.

Acknowledged before me on April 16, 1991 by Harry W. Shepard

as General Partner of Dos Picos Land Co. Limited Partnership, an Arizona limited partnership

Notary Public

STATE OF Pennsylvania)
County of Allegheny) SS.

My commission will expire: Acknowledged before me on 19 by

My commission expires: Notary Public

NOTE: The parties are cautioned that by completing and executing this document, legal rights, duties and obligations are created. By signing, the parties acknowledge that they have been advised to seek and obtain independent legal counsel as to all matters contained in this within document prior to signing same and that said parties have obtained advice to choose to proceed without same.

TICOR TITLE INSURANCE

OC 1 (AD) 10-88

9019 1119

9933

611

EXHIBIT A

DESCRIPTION OF ONE-ACRE SITE AND ACCESS ROAD

All that certain real property, situate in the County of Pima, State of Arizona, being a part of the Southeast One-Quarter (SE 1/4) of the Northeast One-Quarter (NE 1/4) of Section 7, Township 14 South, Range 13 East, Gila and Salt River Base and Meridian, Pima County, Arizona, more particularly described as follows:

BEGINNING at a point on the center of an existing power line from which said point the Northwest corner of said Southeast One-Quarter (SE 1/4) of the Northeast One-Quarter (NE 1/4) of said Section 7 bears North 14 58'09" W 3426.6 feet distant;

THENCE from said POINT OF BEGINNING, EAST 288.71 feet;

THENCE SOUTH 288.71 FEET;

THENCE WEST 288.71 feet;

THENCE NORTH 288.71 feet to the POINT OF BEGINNING and containing 1.00 acre of land.

SUBJECT TO and TOGETHER WITH all matters of record.

TOGETHER WITH an easement for ingress-egress and utility purposes (herein the DOMINANT TENEMENT), 15-foot wide access easement for ingress and egress and utilities, across the Southeast One-Quarter (SE 1/4) of the Northeast One-Quarter (NE 1/4) of Section 7, Township 14 South Range 13 East, Gila and Salt River Base and Meridian, Pima County, Arizona (herein the SERVICIENT TENEMENT), the precise location of which is temporarily specified in this Deed, but which may be changed as to location by any owner of the Servient Tenement by said owner executing and recording a description of the changed location of the easement. Owner of the Servient Tenement shall provide a minimum improvement of a graded dirt road as the relocated access easement. The temporary 15-foot wide access easement for ingress and egress and utilities is hereby described as an access easement lying 8.00 feet each side of and parallel with the following described centerline, which follows an existing dirt road:

* COMMENCING at a point on the North line of the One-Acre site above described in this Exhibit A;

THENCE from said POINT OF BEGINNING and leaving said North line N 12 57' 48" W 121.46 feet;

THENCE N 34 00' 13" E 124.21 feet;

THENCE N 48 21' 18" E 87.21 feet;

THENCE N 19 58' 16" E 265.85 feet;

9019 . 1120

9933 612

THENCE N 26 54' 04" E 161.81 feet;

THENCE N 54 18' 53" E 183.77 feet more or less to the POINT OF
TERMINATION on the Centerline of Anklam Road as recorded in Book
4 of Roads Maps at page 52 thereof, along with widening of said
right-of way, recorded in Docket 6722 at page 965 thereof, Pima
County, Recorder's Office.

9019 1121

49938 613

1/15/65

EXHIBIT C
AGREEMENT

It is mutually agreed by and between the undersigned as follows:

1. Stowell will withdraw her offer to purchase the S. E. 1/4 of the N. E. 1/4 S7 T 14S R 13E from the Alice L. Vail Estate for \$42,000.00. of the
2. Shepard and Jones agree to purchase the S. E. 1/4 N. E. 1/4 S7 T 14S R 13E from the Alice L. Vail Estate for the sum of \$42,000.00 cash.
3. That Shepard and Jones will convey to Stowell by a surveyed description a one acre tract located within the S. E. 1/4 of the N. E. 1/4 S7 T 14S R 13E which acre shall contain the Alice L. Vail homestead together with an appurtenant easement of ingress and egress for all general road purposes, power, telephone and water service in their present location (water may be placed in existing road).
4. That Shepard and Jones may establish general subdivision conditions and restrictions for the property described in paragraph 1 above which shall apply to the property described in paragraph 3 above but the value of residences as it applies to the property in paragraph 3 shall not exceed the sum of \$25,000.00.
5. Shepard and Jones are given the right to remove at their own expense presently existing improvements on property described in paragraph 3.
6. Shepard and Jones reserve the right at their own expense to relocate the easements and utilities services referred to in paragraph 3 and upon conveyance of new easements and availability of utility services therein, Stowell shall release the easements described in paragraph 3.

9019 1122

9933 614

7. In the event Stowell decides to sell, Shepard and Jones shall have the right of first refusal.

8. This agreement is subject to specific performance, and in the event of litigation the successful party shall be entitled to attorneys' fees.

IN WITNESS WHEREOF the parties hereto have set their hands this ____ day of March, 1968.

Carroll H. Stowell
Henry L. Shepard
James R. Jones
4. Marie Jones
Patricia P. Shepard

Approved

9019 1123

9933 615

EXHIBIT A

DESCRIPTION OF ONE-ACRE SITE AND ACCESS ROAD.

ALL that certain real property, situate in the County of Pima, State of Arizona, being a part of the southeast quarter of the northeast quarter of Section 7, T 14 S, R 13 E, G. & S. R. M., more particularly described as follows:

BEGINNING at a point on the center of an existing power line from which said point the northwest corner of said southeast quarter of the northeast quarter of said Section 7 bears N 14 57' 08" W 951.15 feet distant, and the south quarter corner of said Section 7 bears S 26 50' 09" W 3426.60 feet distant;

THENCE from said POINT OF BEGINNING, EAST 208.71 feet;

THENCE SOUTH 208.71 feet;

THENCE WEST 208.71 feet;

THENCE NORTH 208.71 feet to the POINT OF BEGINNING and containing 1.00 acre of land.

SUBJECT TO and TOGETHER WITH all matters of record.

TOGETHER WITH an easement for ingress-egress and utility purposes (herein the DOMINANT TENEMENT), 16-foot wide access easement for ingress and egress and utilities, across the Southeast One-Quarter (SE 1/4) of the Northeast One-Quarter (NE 1/4) of Section 7, Township 14 South Range 13 East, Gila and Salt River Base and Meridian, Pima County, Arizona (herein the SERVIENT TENEMENT), the precise location of which is temporarily specified in this Deed, but which may be changed as to location by any owner of the Servient Tenement by said owner executing and recording a description of the changed location of the easement. Owner of the Servient Tenement shall provide a minimum improvement of a graded dirt road as the relocated access easement. The temporary 16-foot wide access easement for ingress and egress and utilities is hereby described as an access easement lying 8.00 feet each side of and parallel with the following described centerline, which follows an existing dirt road:

COMMENCING at a point on the North line of the One-Acre site above described in this Exhibit A;

THENCE from said POINT OF BEGINNING and leaving said North line N 12 57' 40" W 121.46 feet;

THENCE N 34 08' 13" E 124.21 feet;

THENCE N 48 21' 18" E 87.21 feet;

THENCE N 39 50' 10" E 265.85 feet;

THENCE N 24 54' 04" E 161.81 feet;

THENCE N 54 18' 53" E 103.77 feet more or less to the POINT OF TERMINATION on the Centerline of Anklam Road as recorded in Book 4 of Roads Maps at page 92 thereof, along with widening of said right-of-way, recorded in Docket 6722 at page 965 thereof, Pima County Recorder's Office.



DATE: July 10, 2014

TO: Donna Spicola, DSD
Planner

FROM: 
Greg Saxe, Ph.D.
Env. Plg. Mgr

SUBJECT: Co7-14-06 Estate of Emily Stowell Straton – W. Anklam Road Plan Amendment

The Regional Flood Control District (District) has reviewed the subject request and have the following comments:

1. The parcel and offsite existing dirt access rests on ridge and is not impacted by floodplains or regulated habitat.
2. When legal access is identified at the time of development, if it crosses a wash, a Floodplain Use Permit and all weather access covenants may be required.
3. No drainage complaints have been submitted regarding this parcel.
4. No PIWMP is required as the amendment is smaller than four acres.

In conclusion the District has no objection or recommended rezoning conditions.

GS/sm

cc: File



MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION

DATE: July 10, 2014

TO: United States Fish and Wildlife Service
201 N. Bonita Ave., Suite 141
Tucson, AZ 85745

FROM: Donna Spicola, Planner

SUBJECT: Comprehensive Plan Amendment request for your review and comments
Case: Co7-14-06 Estate of Emily Stowell Straton - W. Anklam Road Plan Amendment

USFWS

Reviewer: Scott Richardson

Address: 201 N. Bonita Ave., Suite 141 Tucson, AZ 85745

Phone: (520) 670-6144 x 242

E-mail: scott_Richardson@fws.gov

- No** Concerns relating to the subject property
- Yes** Concerns relating to the subject property

Description of species impacted, concerns and suggested mitigation measures:

None



Tucson Electric Power
P.O. Box 711, Mail Stop HQW603
Tucson, AZ 85702

Telephone: 520-917-8314
Fax: 520-545-1443

July 7, 2014

Pima County Development Services Department
Donna Spicola, Planner
Planning Division
201 North Stone Avenue, 2nd Floor
Tucson, Arizona 85701

Re:Co7-14-06 Estate of Emily Stowell Stratton- W. Anklam Road Plan Amendment

Dear Ms. Spicola,

On behalf of Tucson Electric Power (TEP), thank you for the opportunity to comment on this Pima County Comprehensive Plan amendment. We have no concerns at this time. This project is located within TEP service territory and will require a new service application from the owner/developer to extend service to the location.

Please call me with any questions or concerns. I can be reached at (520) 918-8314 or via email at ceamick@tep.com.

Respectfully,

A handwritten signature in black ink that reads 'Cheryl Eamick'. The signature is written in a cursive, flowing style.

Cheryl Eamick
Senior Environmental & Land Use Planner
Tucson Electric Power Company
a UNS Energy Corporation



NORTHWEST FIRE DISTRICT

SERVING RESIDENTS OF THE NORTHWEST FIRE DISTRICT, THE FLOWING WELLS COMMUNITY, AND THE TOWN OF MARANA

ADMINISTRATION/LIFE SAFETY SERVICES
5225 W. MASSINGALE ROAD
TUCSON AZ 85743



PHONE: (520) 887-1010 FAX: (520) 887-1034 www.northwestfire.org

June 27, 2014

Ms. Donna Spicola, Planner
Pima County Development Services Department - Planning Division
201 North Stone Avenue, Second Floor
Tucson, Arizona 85701

Reference: Co7-14-06 ESTATE OF EMILY STOWELL STRATTON – W. Anklam Road
Plan
Amendment

Dear Ms. Spicola:

Northwest Fire District has no objection to approval of the Re-zoning of this parcel for the reason stated as submitted. Northwest Fire District will require submittal of any future building plan directly to Northwest Fire District for review for compliance with the minimum codes and standards for protection of life and property from fire and other hazards as adopted by Northwest Fire District. In the event you have questions or concerns please contact the undersigned at 520-887-1010 extension 5003 or via email at jpratt@northwestfire.org. Thank you.

Yours in fire and life safety

James Pratt

James Pratt, CFM, CBO
Deputy Fire Marshal

