



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: October 18, 2016

**Title:** Co23-08-02 Pomegranate Farms Specific Plan Modification (Substantial/Non-substantial Changes)

**Introduction/Background:**

The requested Modification would revise the specific plan's land use configuration; replace the land use designations and development standards; revise, replace, or delete several design standards; delete the requirements to provide "Compact Development" and commercial services within 1/4 - 1/2 mile of all residents; and revise rezoning conditions #19, #23, and #24.

**Discussion:**

The 645-acre specific plan, approved in February, 2009, was heavily influenced by the Southwest Infrastructure Plan including the sustainability principles and Comprehensive Plan policies. The specific plan development was intended to complement the anticipated growth of Ryan Airfield as an employment center and was intended to be a relatively self-sufficient development at least in providing local commercial services to residents. The current owner and applicant propose that specific requirements of the plan are not viable therefore necessitating the modification. The applicant argues for the need for flexibility with the development.

**Conclusion:**

Staff has no objection to several of the requests because they replace the existing land use designations and development standards with equally valid systems, or design standards are replaced with fairly equivalent standards. Staff agrees that overall the revised specific plan is more organized, clearer, and would be easier to implement. The revised plan is less aspirational particularly regarding green building. In exchange for the modification allowing more flexibility, it is hoped that the owner/developer will take responsibility to develop the site in a sustainable fashion.

**Recommendation:**

Staff recommends Approval of the Modification subject to the conditions.

**Fiscal Impact:**

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**Board of Supervisor District:**

1       2       3       4       5       All

Department: Development Services Department - Planning Telephone: 520-724-9000

Department Director Signature/Date: [Signature] 9/26/16

Deputy County Administrator Signature/Date: [Signature] 9/29/16

County Administrator Signature/Date: [Signature] 9/30/16



**PIMA COUNTY**

**DEVELOPMENT SERVICES**

**TO:** Honorable Sharon Bronson, Supervisor, District 3

**FROM:** Chris Poirier, Planning Official  
Public Works-Development Services Department-Planning Division

**DATE:** September 30, 2016

**SUBJECT: Co23-08-02 POMEGRANATE FARMS TUCSON LLC SPECIFIC PLAN**

The above referenced Modification (Substantial Changes and Non-Substantial Changes) of Specific Plan is within your district and is scheduled for the Board of Supervisors' **TUESDAY, OCTOBER 18, 2016** hearing.

**REQUEST:** Modification of Specific Plan - (Substantial/Nonsubstantial Changes) on 645 acres (parcels 210-40-022A; 023E; 023F; 023G).

**OWNER:** Pomegranate Farms Tucson LLC and  
Pomegranate Farms Commercial Tucson LLC  
3808 N. Sullivan Road  
Ste 202, Bldg N15  
Spokane Valley, WA 99216-1608

**AGENT:** LVA Urban Design Studio LLC  
120 S. Ash Avenue  
Scottsdale, AZ 85281

Psomas  
333 E. Wetmore Road  
Tucson, AZ 85705

**DISTRICT:** 3

**STAFF CONTACT:** Janet Emel

**PUBLIC COMMENT TO DATE:** As of September 30, 2016, staff has received no written public comments and no one from the public spoke at the September 28<sup>th</sup> Planning and Zoning Commission public hearing.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** **APPROVAL SUBJECT TO REVISED CONDITIONS** (7 – 3, Commissioners Cook, Gungle, and Matter voted Nay).

**STAFF RECOMMENDATION:** **APPROVAL SUBJECT TO REVISED CONDITIONS.**

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS:** The subject property is within the Maeveen Marie Behan Conservation Land System (MMBCLS), with Important Riparian Areas (IRA).

TD/JE/ar  
Attachments



## **BOARD OF SUPERVISORS MEMORANDUM**

Subject: Co23-08-02

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### **FOR OCTOBER 18, 2016 MEETING OF THE BOARD OF SUPERVISORS**

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: September 30, 2016

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#### **ADVERTISED ITEM FOR PUBLIC HEARING**

#### **MODIFICATION (SUBSTANTIAL CHANGES AND NON-SUBSTANTIAL CHANGES) OF SPECIFIC PLAN**

##### **Co23-08-02 - POMEGRANATE FARMS TUCSON LLC SPECIFIC PLAN**

Request of Pomegranate Farms Tucson LLC and Pomegranate Farms Commercial Tucson LLC, represented by LVA Urban Design Studio LLC and Psomas, for a Modification (Substantial Changes and Non-substantial Changes) of Pomegranate Farms Specific Plan to: 1) amend rezoning conditions #19, #23, and #24 of Ordinance 2009-41; 2) amend certain primary features of the Specific Plan; and, 3) amend certain design standards of the Specific Plan.

The requested Modification would:

1. Revise specific plan condition #19 which states, "Adherence to the amended specific plan document as approved at the Board of Supervisor's public hearing." Amend the specific plan's:
  - a. Land use designations, including permitted uses;
  - b. Land use designation development standards (called "performance criteria");
  - c. Land use configuration and acreages;
  - d. Road configuration;
  - e. Minimum and maximum numbers of dwelling units and residential densities (the changes would be a reduction of the minimum and maximum numbers); and,
  - f. Conceptual development illustrations and the color palette (delete entirely).
2. Waive specific plan condition #23 which states, "Any proposal or action which would result in a significant deviation from the objective of providing or reserving the necessary acreage for commercial services within ¼ - ½ mile of all residential development (as stated in the specific plan) or the general dispersal of commercial services to serve the residential development of the specific plan, would be considered a "Substantial Modification" of the specific plan requiring public hearings before the Planning and Zoning Commission and the Board of Supervisors per Section 18.90.080." This concept is also reflected as a Design Standard. The modification request will amend the specific plan to replace the requirement to provide commercial services within walking distance of all residences with providing residential and commercial uses within the overall 645-acre development site.

3. Waive or revise specific plan condition #24 which states, "Owner/Developer shall reach an agreement with Tucson Unified School District (TUSD) or another public school provider regarding the provision of a school location within the development as shown and described in the specific Plan. TUSD and Owner/Developer have begun negotiations. If the agreement is with TUSD, the agreement will be in substantial conformance with the Letter of Intent dated February 13, 2009 between Owner/Developer and TUSD or otherwise mutually acceptable to TUSD and Owner/Developer.". The applicant would work with TUSD on a revised agreement.
4. Revise or waive certain primary features of the Specific Plan which are:
  - a. Revising the required 50 acres of "floating" Community Activity Center "located throughout the project..." to commercial development located in the northwest portion of the development site;
  - b. Waiving the requirement to promote compact development created through high-density, vertical residential development which also includes waiving Design and Development Standards related to the concept of compact development.
5. Revise, replace, or waive certain types of Design Standards (reference Section III-8 of the specific plan) including:
  - a. Revising, replacing, or waiving certain measurable sustainability standards;
  - b. Replacing a two-tiered system of design standards with one set of design standards; and,
  - c. Waiving a design standard which addresses collecting funds for community programs, maintenance, facilities, and to subsidize certain housing.

The subject site is approximately 645 acres zoned SP (Pomegranate Farms Specific Plan) and is located south of Ajo Highway, approximately 2,000 feet east of the intersection of W. Valencia Road and Ajo Highway in Section 18, T15S, R12E.

(District 3)

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### **PLANNING AND ZONING COMMISSION HEARING SUMMARY (September 28, 2016)**

Staff summarized the staff report to the commission with a recommendation of APPROVAL of the Modification subject to the revised conditions.

A commissioner asked why staff capitulated on requiring the sustainable building standards (primarily the standards requiring buildings meet LEED Silver certification and requiring solar features in all buildings). Staff responded they are trying to provide the current owner with flexibility while at the same time hoping that the owner will meet, in their own way, a higher level of sustainable standards than is required. Staff added that when the specific plan was being reviewed, staff supported what the previous owner proposed, knowing the owner knew what was viable. The current owner, however, does not believe some of the standards are viable. Staff continued that previously the Development Services Department had a green building program in addition to LEED but that has been discontinued. Now there are new building code regulations and policies getting us towards more green building. With this modification, the level of commitment is going down a notch but there is still commitment. Connectivity and employment opportunities are required and there are other aspects of the modified plan to support. Staff said the building codes are getting more and more efficient. There is still a framework of sustainable development in the modified plan even without requiring the LEED standard.

A commissioner commented that he remembered when this specific plan was originally brought to the Commission. He said they struggled very hard to work out this plan because the County is subsidizing ex-urban development. He said the reason for the high densities is to make transit possible. He said it was an effort at restructuring the development forms to urban clusters even in outlying areas. This request would mean lowering the performance expectations of what is built in this region. He discussed the rise of the solar industry and how much employment it provides. He said that approving this request would set a horrible precedent. The economic situation was already apparent back then and back then there was an agreement that their business model would work in this area and now it's argued that it won't work. The commissioner commented we are not here to subsidize any more development. Development should pay for itself. He noted that verticality is working in the university area. Overall, he said he thinks we are going in the wrong direction.

The owner's representative addressed broad market issues. He said the market had started to soften in 2008/09 but it was still a solid market. He went over the number of permits and higher prices, etc. He commented that none of us expect to see the new home starts that were seen then. The modified plan is still aspirational. Back then roof top solar prices and tax credits were good, but now it's much more uncertain and there are efforts to undermine the solar industry. Providing solar features is still an absolute goal even if not mandated. He said there has been an enormous evolution in energy efficient building standards. Meeting the final elements of LEED can have disproportionate costs. Significant infrastructure improvements have been made in the area and combining this property with the Sendero Pass development may still support transit. He said that a fundamental shift has occurred from Ryan Airfield being a significant hub toward the TIA/Raytheon/Aerospace Parkway area being the intermodal hub. He said that the modification reflects a major clean up and clarification of the existing document.

A commissioner commented about the 2008 economic bubble, saying it was foreseen in 2007 to those who read the financial papers. He questioned whether the current owner is rushing to get this through before the next bubble burst. He asked if the owner had considered the impact of another recession.

The owner's representative responded by distinguishing between the previous owner and the current owner. The current owner is a very substantial and established company. Nothing is being rushed. The current owner has spent years on the flood plain and road issues and it will take additional years to get to the building stage. He said the current owner is experienced and has the depth and has done development long enough to be in it for long term. The representative provided analysis on the shortage of lots in the Tucson market. He said there is significant builder interest in the project. The modification reflects a need to adjust the specific plan to fit the new market reality and it is not being rushed.

A commissioner asked about density and use and whether the market analysis shows land use intensity will be different. The representative replied that the overall intensity is going to be lower, the open space the same, but there will still be commercial and multifamily components. The level of intensity before the market dropped cannot be sustained but now with the modification, it's been rightsized.

A commissioner asked about the reduction of density and how much is a loss of verticality vs a loss of footprint. The representative answered that it is both.

Staff clarified what density is proposed and stated that 50 acres will still be designated commercial. He noted that Sendero Pass is another adjacent project that is advancing. Other subdivisions are building out and there is a need to see more commercial there.

A commissioner asked how the design standards compare between this development and others that have been approved. Staff said this project is similar or better. The modified plan still has standards above and beyond other developments.

Another representative of the owner described the primary elements of the specific plan that are proposed to be modified. The representative went over the changes to the washes regarding the 404 delineation. The owner has worked for two years with the Regional Flood Control District to determine what the significant washes are. The removal of some previously designated wash areas and the realignment of Valencia Road has allowed consolidation of parcels and certainly impacted the modified plan. The representative talked about how many of the design standards have been intensified, stating that approximately 80 percent of the design standards remain. The representative explained that LEED Silver is usually focused on individual buildings. They do not intend to provide solar features in every structure but will require stub outs. He commented they have done a good job incorporating what can be integrated on a community wide level. He said that the existing plan is very complicated and hard to understand and there were conflicts within the document. The Modification simplifies, cleans up, and revises to make it easier to understand.

A commissioner asked since the number of washes are being pared down, how are you addressing all of the run off. The representative responded that they will provide on-site detention and washes will carry the off-site flows. Another representative stated that they have been working with RFCD the last two years; the corridors will function efficiently. They have stayed with spirit of document.

A commissioner stated that this is a large project compared to others and one of the real issues here is that there are certain things the representative has not addressed such as where is the fire station, the sewer infrastructure, what about access roads, and where is the trail system. The commissioner said that these items are not there. He said it is important to address those things now. The more you have details of this kind of a thing, the more receptive people will be to what needs to be done. He said he is not opposed to the project but questioned the sense of one loop street serving 2600 units.

The representative explained the roads serving the property; that there will be multiple access points. He said because it is so early in process, they don't want to define all of those roads yet. A traffic plan will be required at the Master Block Plat step. Precise alignment will depend on how the subdivisions line up.

Staff responded that the information is in the specific plan document, not all on the PDP and that this is just one step in the process. There is a lot more detail in the plan that is regulatory.

Staff showed the commission the Specific Plan Amendment document dated September, 2016 details where the sewer lines go, the trails go, and the roads, etc. This document was part of the packet sent to the commission. Staff added that the next step will be the master block plat. As the development progresses, the regulators will impose the rules from the specific plan document. The specific plan is the framework for the development.

A commissioner asked the representative to go over the parking requirements again because he said that the existing plan tries to develop a more urban set of standards with less parking and less emphasis on cars. The representative explained the existing requirements and the difficulty of implementing them. He said his firm talked about modifying the standards but decided the code requirements are adequate. He added that he can do a special parking study if he wants to reduce the standards.

A commissioner said in general he knows what the applicant is going for, but the one area he is not going to back off on are the green building standards, this should not be compromised. The commissioner said that he listened to the representative's arguments about onerous aspects of LEED but asked if the owner and his representative would be willing to accept an equivalent set of requirements. The commissioner said we need to have something in place to require a level of compliance. If we are going to allow this level of ex-urban development then we need these standards particularly solar. He commented that there is already a large inventory of low performing buildings.

The representative reiterated they are still proposing a significant amount of sustainable standards. The problem with agreeing to a level is those documents are constantly being updated. He cited the example of not requiring solar features but requiring stub outs. He said the homeowner will decide, not the builder. If the market is there, then we will see it happen. Mandating does not make sense. Getting to the 95 – 100 percent LEED certification can be so cost prohibitive.

A commissioner asked if owner/representative would accept an equivalent set of standards – anything that requires energy modeling of the thermal envelope. There are other ways to do LEED without doing it, but energy flow should be a minimum mandate.

The representative went through examples of the standards still being offered with the modified plan.

Another representative stated that energy efficient features are becoming so significant in the market place and there are numerous standards already in the document. He says he agrees with the goal but differs on how to get there. He added in response to a previous comment by a commissioner that there is a letter from the fire station in the packet and that there are extensive studies and data in the specific plan document.

A commissioner asked what water harvesting is proposed. The representative described what is proposed.

A commissioner asked how are these features going to be "encouraged". The representative responded that part of it is an education program for builders and residents.

The commissioner said his major concern is that it is left up to the goodness of the owner's heart or the builder's heart. If push comes to shove and the economy takes a dive that would be a real stumbling block. He said he was here for the original and it was sprawl then and now what is proposed to be removed is the stuff that made the development tolerable. Features will be encouraged but not laid out in a way that it will definitely happen.

A representative pointed out that there are several standards that are mandatory and others that are encouraged and those tend to be the standards decided by a builder.

There was no one from the audience to speak.

The commission closed the public hearing.

A commissioner asked staff to explain where we are at in the process and if the commission approves this plan will we see anything again. Staff described the process and said the commission would not see the project again unless something is revised. The commission's recommendation will be forwarded to the board. The specific plan document will determine all of the development done and the plats submitted. Staff asked Regional Flood Control District staff to explain the "First Flush" requirements, including what that term means. Staff explained the concept and requirements.

A commissioner summarized that the original project was ambitious but was not completed with the recession. The growth is no longer towards Ryan Airfield. The commissioner stated the standards should be same as applied to other projects approved in last couple years.

A motion was made to APPROVE the Modification as recommended by staff. The motion was seconded.

A commissioner said he agreed with a previous commissioner's comment and questioned what if there is another recession. He added that 2 - 4 RAC does not support transit. The commissioner asked if there can be regulatory flexibility to say if market changes you can improve or increase the density in the specific plan. Staff responded that there is some flexibility and noted that the net density is much higher than 2 - 4 RAC, particularly closer to Valencia Road it is significantly higher. If Ryan Airfield expands some, along with the development of Sendero Pass and completion of Star Valley, it might trigger transit.

A commissioner noted that home energy features are naturally evolving towards better efficiency.

Another commissioner commented on a movement in Maricopa County towards stopping solar expansion.

A commissioner explained the process of designing efficiently including the "thermal envelope". After that part is optimized then you look at mechanical systems. He said he agrees with the other commissioner that the project should not be approved based on hope. The Southwest Infrastructure Plan (SWIP) guides development in this area and it was designed to look at all aspects of development. The SWIP said that going forward county development should operate at a higher level. That no more of these ex-urban developments will be passed without these features, features such as providing transit which has been sorely neglected. The commissioner commented that we are still building by suburban standards although some enlightened developers are taking on the challenge. He said he wants to support the project just because there is so little activity and there needs to be more opportunities for development but he does not believe this modified plan will serve anyone.

A commissioner thanked staff for working on something different and unique and can only imagine what other items were massaged. The commissioner said there is a balance with regulations between what is necessary and what allows a development to go forward; to go beyond the minimum standards and still get the project off the ground. The normal course of the market is evolving towards better energy efficiency. The commissioner stated that this is not a transit corridor, there cannot be public transportation if there is not enough people using it. This is not a perfect development, none of them are, but there is more flexibility with the modified plan.



A commissioner made a motion to APPROVE the modified specific plan subject to staff's recommendation. The Motion was seconded. The commission voted 7-3 to approve the modification as recommended by staff.

Staff recommends APPROVAL of the Modification subject to the following revised conditions:

1. Not more than 60 days after the Board of Supervisors approves the amended Specific Plan, the owner(s) / developer(s) shall submit to the Planning Director the amended specific plan document, including any necessary revisions of the specific plan document reflecting the final actions of the Board of Supervisors, and the specific plan text and exhibits in an electronic and written format acceptable to the Planning Division.
2. Submittal of a development plan, or acceptable site development plan, if determined necessary by the appropriate County agencies.
3. Recording of a covenant holding Pima County harmless in the event of flooding.
4. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
5. Provision of development related assurances as required by the appropriate agencies.
6. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department, Document Services.
7. There shall be no subdividing or lot splitting without the written approval of the Board of Supervisors.
8. In the event of a conflict between two or more requirements in this specific plan, or conflicts between the requirements of this specific plan and another Pima County regulation not listed in Section 18.90.050B3, the more restrictive requirement shall apply.
9. This specific plan shall adhere to all applicable Pima County regulations that are not explicitly addressed within this specific plan. The specific plan's design standards shall be interpreted to implement the specific plan or relevant Pima County regulations.
10. Prior to the issuance of any permits, this specific plan is subject to the approval of a Master Subdivision Block Plat for the entire site. The subdivision block plat shall make all dedications (including roads, sewer, drainage, trails and open space), unless otherwise specified in the development agreement, and the plat shall identify all necessary improvements and provide a design and construction phasing plan. Upon submittal of the block plat, the studies, reports, information required by these specific plan conditions and the specific plan document itself, shall be provided for review and approval of the applicable Pima County department or departments. Subsequent site development requires submittal of subdivision plats or development plans prepared in accordance with the subdivision block plat.

11. No building permits shall be issued until all applicable specific plan requirements for or affecting the site are satisfied and the Planning Director issues a Certificate of Rezoning Compliance.
12. Transportation Department requirements:
  - A. The property owner/developer(s) shall dedicate ~~200~~ 25 feet full of right-of-way, ~~or 400 feet half right-of-way as applicable,~~ for Valencia Road as designated by the Major Streets and Scenic Routes Plan. The alignment of Valencia Road shall require approval by the Department of Transportation and shall be coordinated with adjacent development. The right-of-way shall be dedicated within 90 days of Board of Supervisors approval of the modification of the specific plan.
  - B. The property owner/developer(s) shall dedicate ~~150~~ 45 feet half right-of-way, ~~or 75 feet half right-of-way as applicable,~~ for Los Reales Road and ~~120 feet right-of-way, or 60 feet half right-of-way as applicable,~~ for Desert Sunrise Trail per recommended findings of the Southwest Infrastructure Plan necessary right-of-way for the internal loop road, north/south connector road, and shared access road to Valencia Road as indicated in the Traffic Impact Study, when approved.
  - C. A building setback of ~~130 feet shall be provided on Valencia Road, 105 feet shall be provided on Los Reales Road and 90 feet on Desert Sunrise Trail shall be provided (half right-of-way plus 30 feet that is measured from the centerline of the right-of-way/roadway).~~ For development along the portion of Valencia Road, Los Reales Road and Desert Sunrise Trail, within high density and commercial developed areas, reduction of setbacks to 10 feet plus half of the required right-of-way may be allowed as ~~previously discussed by the Design Review Committee.~~ The property owner/developer(s) shall provide improvements to Valencia Road and Los Reales Road as determined necessary by an approved traffic study. Construction of Los Reales Road is the responsibility of the property owner/developer(s).
  - D. The property owner/developer(s) shall provide on-site and off-site improvements to Valencia Road, Los Reales Road and Desert Sunrise Trail as determined necessary by the Department of Transportation. ~~Construction of Los Reales Road and Desert Sunrise Trail are the responsibility of the property owner/developer(s) and the property owner/developer(s) may be eligible to receive impact fee credits after construction is completed. Los Reales Road construction includes the north half ultimate cross section of a four-lane divided or five-lane desert parkway/urban major collector. Desert Sunrise Trail construction includes the full cross section of a four-lane divided or five-lane desert parkway/urban major collector. Improvements to Valencia Road could include, but may not be limited to, additional pavement for travel, turn or multi-use lanes, outside curb and sidewalks. This condition may be clarified or amended pursuant to a Board of Supervisors approved Development Agreement between Pima County and the owner/developer(s). Adequate circulation shall be provided by including cross access between the project and all adjacent undeveloped areas.~~

- E. ~~The property owner/developer(s) shall dedicate right-of-way and construct a major collector road (within E.1 and D.4 districts), to be located opposite Collector 2 that is located within the Town Center. The road shall provide a connection between Valencia Road and the north property line. It is located within the commercial and multiple use areas designated E.1 and D.4 to provide future access to property located north of the specific plan. The width of said road shall be subject to approval during platting process, depending upon what type of commercial development is planned. In the event that Valencia Road is not aligned as indicated in the Specific Plan, then this condition is not applicable. A detailed and up-to-date Traffic Impact Study shall be submitted with the Master Block Plat and shall be updated as determined necessary by the Department of Transportation throughout the development of the specific plan.~~
- F. ~~Minimum separation between driveways and streets shall be 600 feet along Valencia Road, Los Reales Road and Desert Sunrise Trails. All access shall require Department of Transportation approval. One Park and Ride facility shall be designated in the commercial area along Valencia Road and its location shall be coordinated with Suntran. Commercial parking lots with greater than 50 parking spaces shall not prohibit commuter parking.~~
- G. ~~Provision of access from the internal loop road to the southeast boundary of the specific plan to provide future access to undeveloped property to the east. Access shall be designed to provide cross access between commercial developments. Shared driveways shall be used along Valencia Road to minimize the number of access points.~~
- H. ~~Provision of a detailed and up to date Traffic Impact Study shall be submitted with the Master Block Plat and shall be updated as determined necessary by Department of Transportation throughout the development of the specific plan. Each parcel shall be designed to establish coordinated bicycle and pedestrian connections within the specific plan and plan for future connections beyond the limits of the specific plan.~~
- I. ~~Two Park & Ride facilities shall be provided for within the specific plan, one within the town center or commercial uses along Valencia Road and one along Los Reales Road. The property owner/developer(s) shall provide a study/report that addresses transit issues for the specific plan and how it interrelates within the southwest area.~~
- J. ~~Each district shall be designed to establish coordinated pedestrian and transit oriented connections within the specific plan and plan for future connections beyond the limits of the specific plan.~~
13. Regional Flood Control District requirements:
- A. Drainage improvements required to remove the developable portions of the site from the FEMA floodplain will be identified in a drainage report to be finalized with the Master Block Plat. Approval of the Drainage Report and CLOMR shall be required prior to recordation of the Block Plat and approval of the Certificate of Compliance. Approval of the LOMRs by the District and submittal to FEMA is required prior to issuance of any building permits release of assurances for each Block.

- B. Drainage corridors identified in the Specific Plan are to be enhanced to provide riparian habitat connectivity across the site as well as recreational and aesthetic amenity to the residents. ~~If a riparian mitigation plan is required, it~~ A Conservation Plan shall be submitted for approval with the Block Plat and prior to the Certificate of Compliance in order to ensure sustainability principles identified by the County and Specific Plan are implemented.
  - C. Drainage improvements shall be designed in coordination with Ajo Highway and neighboring developments.
  - D. Due to the proposed land use intensities and severe flood and erosion hazards, flood control improvements within the flow corridors and regulatory floodplains within the Blocks shall be constructed with natural bottoms and with channel banks protected with concrete, gunite, soil cement, or other structural methods. Unless otherwise justified as non-erosive, Earthen channels banks shall not be allowed. Channels associated with non-regulatory flows may be fully lined.
  - E. Flow corridors shall be a minimum of 200 feet wide.
  - F. Water conservation measures identified in the Specific Plan shall be implemented with the development. Where necessary as determined at the time each subdivision plat or development plan is submitted, provisions for permanent maintenance of these measures may also be required to be included in the project's CC&Rs and final conservation measures shall be submitted to the District for review and approval.
  - G. Riparian habitat mitigation plans for each Block, if required, shall enhance the flow corridors by providing mitigation within the corridor and within the detention and first flush retention facilities located adjacent to the corridors.
14. Wastewater Reclamation Department requirements:
- A. The owner / developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner / developer to that effect.
  - B. The owner / developer shall obtain written documentation from the PCRWRD that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner / developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
15. Natural Resources, Parks and Recreation Department requirements:
- A. Prior to the release of assurances for ~~the 1,038<sup>th</sup> lot (30%~~ 75% of the lots), the approximate seven-acre park and all associated and required recreation elements shall be constructed.

- B. Prior to the release of assurances for ~~the lots greater than 75% of the total lots within each district parcel~~ as shown on the Phasing Plan (Exhibit IV-A.6I), recreation elements and trail locations shall be built as conceptually shown on Exhibit II-ML within that district parcel.
  - C. The 10-foot shared-use path and eight-foot stabilized trail within the residential collector road shall be constructed by the developer and maintained by a Homeowners Association.
  - D. A Homeowners Association shall maintain all shared-use paths and stabilized trails throughout the development.
  - E. Final determination of recreation areas and elements required shall be determined with a Recreation Area Plan (RAP), which shall be submitted and approved prior to the approval of the tentative plat. A RAP shall be submitted for each district parcel. Each district parcel shall meet the recreation requirements as stated in Section 18.69.090 and the Recreation Area Design Manual.
  - F. A Recreation Area Plan (RAP) shall be submitted with the Tentative Master Block Plat. The RAP shall show the alignment of the trails within the open space as shown on Exhibit II-ML. The RAP shall include the park and show the required recreation elements.
16. Cultural Resources requirements:
- A. Two archaeological sites, AZ AA:16:481(ASM) and AZ AA:16:482(ASM), both eligible for listing in the National Register of Historic Places, are located on the property. Cultural resources mitigation of the archaeological sites is required. The preferred mitigation strategy is avoidance and preservation of sites AZ AA:16:481(ASM) and AZ AA:16:482(ASM). A mitigation plan shall include a preservation strategy that runs with the land; such as a Conservation Easement, a Restrictive Covenant, or recordation on the original Plat submitted to the County. In recording the sites, the Plat map must clearly delineate the spatial extents of the sites with buffer zones and must include a descriptive Plat Note. If avoidance and preservation are not possible, data recovery will be required. If data recovery should become necessary, all archaeological work shall be conducted by an archaeologist permitted by the Arizona State Museum. Any 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.
  - B. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

17. In the event the subject property is annexed, the owner(s) / developer(s) shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
18. The property owner shall execute and record the following disclaimer regarding Prop 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)."
19. Adherence to the amended specific plan document as approved at the Board of Supervisor's public hearing.
20. If required by the Drexel Heights Fire District (District), the developer shall provide a fire station site within the project that is compatible with adjacent land use and acceptable to the developer and the District and to be shown on the applicable subdivision plat or development plan. The developer shall provide for the transfer of that property to the District.
21. The developers shall include disclosure statements regarding Ryan Airfield in all sales contracts, public reports, and the recorded covenants. The developers shall also establish avigation easements relative to Ryan Airfield. The specific language for inclusion in the disclosure statements and the enactment of the avigation easements shall be coordinated with the Tucson Airport Authority. Land use restrictions shall be coordinated with Ryan Airfield operations to ensure compatibility of proposed land uses with current and projected future airport operations.
- ~~22. At a minimum, the majority of infrastructure and transportation costs shall be self-funded by the developer, including but not limited to impact fees. A development agreement to address, at minimum, infrastructure commitments, phasing, and funding shall be developed and approved by the Board of Supervisors prior to submittal of a Master Block Plat. No permits shall be issued until the revisions to the Pima County development impact fee program are adopted by the Board of Supervisors.~~
- ~~23. Any proposal or action which would result in a significant deviation from the objective of providing or reserving the necessary acreage for commercial services within ¼ - ½ mile of all residential development (as stated in the specific plan) or the general dispersal of commercial services to serve the residential development of the specific plan, would be considered a "Substantial Modification" of the specific plan requiring public hearings before the Planning and Zoning Commission and the Board of Supervisors per Section 18.90.080.~~

~~2422. Owner/Developer shall reach an agreement with Tucson Unified School District (TUSD) or another public school provider regarding the provision of a school location within the development as shown and described in the sSpecific pPlan. TUSD and Owner/Developer have begun negotiations. If the agreement is with TUSD, the agreement will be in substantial conformance with the Letter of Intent dated February 13, 2009 between Owner/Developer and TUSD or otherwise mutually acceptable to TUSD and Owner/Developer.~~

TD/JE/ar  
Attachments

cc: Pomegranate Farms Tucson LLC and Pomegranate Farms Commercial Tucson LLC,  
3808 N. Sullivan Road, Ste 202, Bldg N15, Spokane Valley, WA 99216-1608  
LVA Urban Design Studio LLC, 120 S. Ash Avenue, Scottsdale, AZ 85281  
Psomas, 333 E. Wetmore Road, Tucson, AZ 85705  
Tom Drzazgowski, Principal Planner  
Co23-08-02 File