

5. CONCLUSIONS AND RECOMMENDATIONS

Traffic through the intersection of Valencia Road and Wade Road is presently light. With the continued development of Star Valley, traffic will increase significantly during the next three years. The current intersection configuration and traffic control (stop control) will not be sufficient to serve the demand once Block 4, 7 and 8 are completed. Analysis of signal warrants indicates that a traffic signal at the intersection will be justified. Construction of an eastbound right-turn lane will be warranted and widening of Wade Road will also be warranted. Based on this, it is recommended that roadway improvements be done in a phased manner, as follows:

- Design and construct a traffic signal for the intersection of Wade Road and Valencia Road when signalization warrants are met. This is anticipated to take place when approximately 850 Star Valley units are occupied (this excludes the Star Valley Village). The Figure below shows the projected traffic levels at the intersection of Wade Road and Valencia Road when 650 units are added to the 197 existing units.

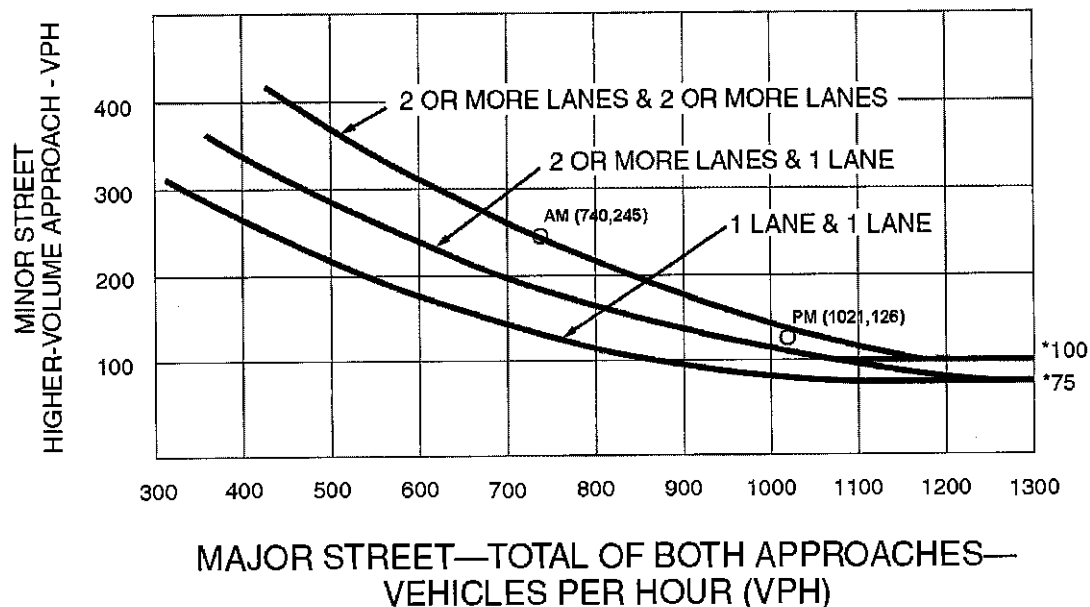


Figure 7 –Warrant 3, Peak-Hour Volumes (from MUTCD) for 850 units

- Increase the available storage for the westbound left turn lane on Valencia Road. Vehicle storage of 675 feet will be required upon completion of Blocks 4, 7 and 8.

However it is suggested that the extension of the storage for this movement be constructed simultaneously with the traffic signal at Valencia Road and Wade Road to minimize construction costs.

- Design and build an eastbound right turn lane for Valencia Road at Wade Road. This should take place when the eastbound right turns reach a level of 70 vehicles in the peak hour, which is anticipated to occur when approximately 1,500 Star Valley units are occupied (excluding the Star Valley Village). It is suggested that the right turn lane also be built with the traffic signal to achieve economies of scale.
- Widen Wade Road to four lanes between Valencia Road and Dove Wood Way (4,500 feet) when the traffic volumes approach 17,000 vehicles per day. Based on the current schedule, it is anticipated this will take place after completion of 2100 Star Valley units (excluding the Star Valley Village). This could take place during construction of Blocks 4, 7 and 8. Currently, there are 600 feet of exclusive left and right turn lanes on Northbound Wade Road. The ultimate storage need will be 875 feet for 2,591 residential units. Therefore, it is anticipated that the current storage will be able to handle the turning movement volumes until Wade Road is widened to 4 lanes. The design of the widening should reflect the need for a total of 875 feet of storage either on a single lane or preferably in dual lanes if Valencia Road has been widened to 4-lanes.
- Pima County is presently planning to Widen Valencia Road to four lanes as currently outlined in the *2006-2010 Regional Transportation Improvement Program*³ (from Camino de la Tierra to Mark Rd) and in the Regional Transportation Authority's plan (from Mark Road to Ajo Way). The proposed widening should consider the need for dual left turn lanes from westbound Valencia Road onto Wade Road.
- Periodically monitor the volumes and delays at the intersection of Yedra and Wade to determine if a traffic signal will be warranted. The original *Star Valley Development Traffic Impact Analysis*¹ did not find a need for a signal at that location, but monitoring based on actual development intensity is justified.

THOMPSON • KRONE • GIBSON, P.L.C.

Main Office:

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Suite 210
Tucson, Arizona 85715
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Phoenix Office:

2375 East Camelback Road
Suite 600
Phoenix, Arizona 85016
Phone : (602) 258-4559

August 28, 2013

Via: U.S. Mail

Priscilla S. Cornelio, P.E.
Pima County Department of Transportation
201 North Stone Ave., 4th Floor
Tucson, AZ 85701-1207



Re: Signal Installation on Valencia and Wade Road

Dear Ms. Cornelio,

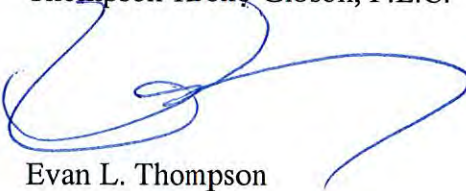
This letter is to inform you that this firm has been retained by S.V.A. Corporation, a member of USH/SVA Star Valley, L.L.C. Please refer all future correspondence regarding this matter to this office and my attention.

This letter is also meant as a response to your letter of July 31, 2013 wherein you have stated that the Pima County Department of Transportation is now hereby requesting the payment of \$137,667 from USH/SVA Star Valley, L.L.C., the developer of the Star Valley Specific Plan. I am attaching hereto a copy of a letter dated July 30, 2013 that was transmitted to Lesley Lukach at the Office of the Pima County Attorney which was responding to her July 2, 2013 response to our initial claim letter that was served on the county pursuant to A.R.S. § 12-821.01. The question that was posed to the county attorney which has gone unanswered is the same question that I would pose to you in response to your July 31, 2013 letter and that is for you to provide to my office the legal basis by which you are claiming the developer USH/SVA Star Valley, L.L.C. has any obligation to pay any monies for the permanent traffic signal at the location of Valencia Road and Wade Road. As I explained to the county attorney I have reviewed the rezoning conditions in detail and see no obligation of the developer to pay any sums for this traffic light. If you have contrary authority I would request that you provide that to me in writing immediately so that we may move forward to attempt to resolve the issue prior to it becoming something that is unsolvable.

If you have any questions or want to discuss this matter further please feel free to contact me directly.

Sincerely,

Thompson•Krone•Gibson, P.L.C.

A handwritten signature in blue ink, appearing to read 'Evan L. Thompson', with a large, sweeping flourish extending to the right.

Evan L. Thompson

ET/dh
enclosure
cc: client

THOMPSON•KRONE•GIBSON, P.L.C.

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July 30, 2013

Via: U.S. Mail

Lesley Lukach
Office of Pima County Attorney
32 North Stone Ave., Suite 2100
Tucson, AZ 85701-1412

Re: Stewart Title Trust 3698 / A.R.S. § 12-82101 Claim

Dear Lesley,

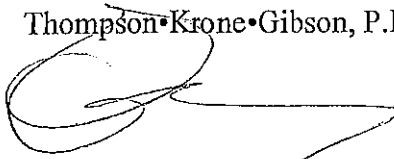
This letter is in response to the second half of your letter of July 2, 2013 which has nothing to do with our original claim and is not protected under Rule 408 of the Rules of Evidence. You stated in your email that the County will be pursuing the master developer of Star Valley for its share of the cost of the permanent signal at the intersection of Wade Road and Valencia Road. You further state that Star Valley Village has obligations for infrastructure, including improvements to Valencia Road, under the existing rezoning conditions.

I have reviewed the rezoning conditions in detail and this letter shall act as a request that you provide to me a specific and more detailed list of the obligations for infrastructure and improvements to Valencia Road and provide to me the authority for that list in the existing rezoning conditions. Such a broad statement that the County will be pursuing the master developer creates a question as to what exactly you mean by pursuing and by what authority they will be acting.

I would appreciate it if we could receive that information sooner rather than later and if you need to discuss this matter further feel free to contact me directly.

Sincerely,

Thompson•Krone•Gibson, P.L.C.



Evan L. Thompson

ET/dh
cc: client



DEPARTMENT OF TRANSPORTATION
201 NORTH STONE AVENUE, FOURTH FLOOR
TUCSON, ARIZONA 85701-1207

PRISCILLA S. CORNELIO, P. E.
DIRECTOR

(520) 724-6410
FAX (520) 724-6439

September 11, 2013

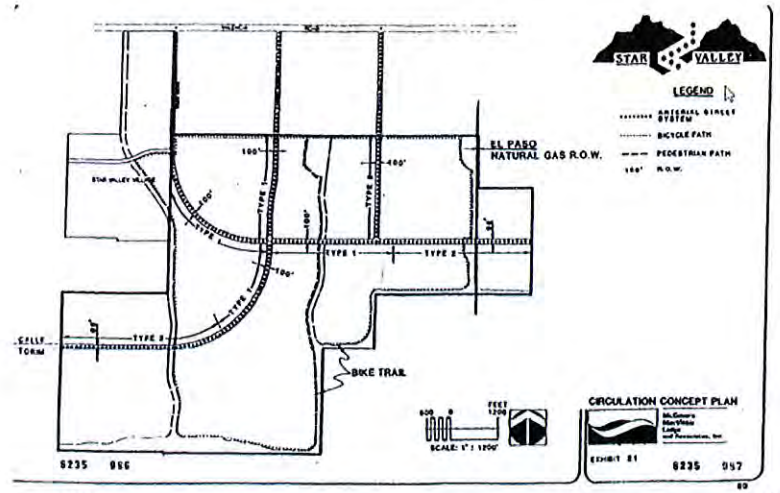
Thompson, Krone and Gibson
6303 E. Tanque Verde Road
Suite 210
Tucson, Arizona 85715

RE: Star Valley Signal Installation

Dear Mr. Thompson:

Star Valley requirements are built on a series of successive studies and approvals that the county relied upon from the Star Valley Associates assurances (all written) that they will fund and build this infrastructure. Title 11 of State Statute is very clear regarding the county's authorities to regulate land use, subdivision of lands and provisions of services such as sewer, roads, parks and other public facilities. The information below addresses our authority to require payment for the traffic signalization as well as request construction of Camino Verde.

1. The Board of Supervisors has comprehensive plan policies pursuant to a Concurrency Management System (2001 Comprehensive Plan, Cost of Development Element) to require development to construct the proper facilities to maintain an appropriate level of service to serve that development. Facilities subject to concurrency include, sewer service (which the contractor constructed to the site) utilities, parks (which the developer constructed) drainage, roads, school sites, and fire station sites.
 2. When Star Valley was approved as a specific plan, it was with the full understanding that the spine infrastructure as depicted in the Specific Plan Circulation Concept Plan (pages 77-83) would be constructed by the primary developer with some shared responsibility with the secondary builder. The arterial streets, depicted in Exhibit 21, are Camino Verde from Valencia to boundary on the west, Wade Road to the boundary on the east and Viviana Road . A requirement was included in the rezoning ordinance for an agreement for financing and construction of the roads that would address specifically the improvements needed, the time table and responsibilities.
-



3. This requirement was a rezoning condition in the rezoning ordinance 1987-212 under condition 11.D. "A transportation improvement financing plan and transportation system implementation plan for the specific plan area shall be required before any subdivision plat is approved. The implementation plan shall address the provision of major routes within the plan area, the **provision of capacity and route continuity adjacent to the plan** and the areas of responsibility of the County, the primary developer and any subsequent developer. "
4. At the time that the master plat was submitted, a Traffic Analysis was submitted by MMLA as part of the platting requirement. The analysis measured the impacts of the development and presented a long list of recommendations for traffic improvements. Quoting from the February 2002 Traffic Impact Study submitted by the Star Valley developer:

6.4 Site Access

The planned development roadway network will provide good site access and can be implemented in conjunction with the development phasing. Initially, the primary access point into the development will be Wade Road since it currently connects to Valencia Road. As such, the Wade Road/Valencia Road intersection may need to be signalized. Extension of Camino Verde, south of Valencia Road into the site, should be completed early in the development. This connection will enhance access to both Valencia Road and Ajo Highway. Additional site access at Vahalla Road and Viviana Road can be implemented as development extends to the east and west of Camino Verde.

Thompson, Krone and Gibson
RE: Star Valley Signal Installation
September 11, 2013
Page 3

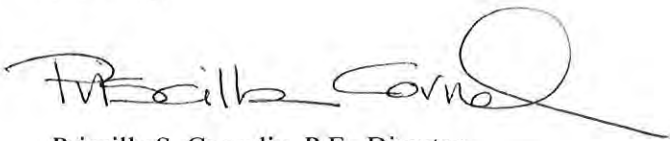
The list of recommended improvements formed the basis of the transportation improvement financing plan agreement. Before the plat was recorded, the developer and his agent approved that agreement. Pima County relied on that agreement and recorded the plat. Please see the final correspondence from Mr. Tom Lodge to Ben Goff. DOT accepted that letter and allowed the plat to record.

5. Please note that Item 5 of the financing agreement regarding Wade Road/Valencia Road Intersection signalization, "Pima County and Star Valley will share in the funding of this improvement." This improvement is now due.

Some conditions have changed, but not the need for additional infrastructure to be built in the area to support this development. We have made repeated attempts to urge your client to negotiate a revised agreement acknowledging the sale of blocks to the Pascua Yaqui Tribe, schedule new target dates for the remaining improvements and discuss transportation impact fee improvements. Lots and Blocks can't be released for further development without the needed infrastructure improvements. We hope that this can be resolved soon.

Thanks.

Sincerely,

A handwritten signature in black ink, appearing to read "Priscilla Cornelio", with a large, stylized loop at the end.

Priscilla S. Cornelio, P.E., Director
Pima County Department of Transportation

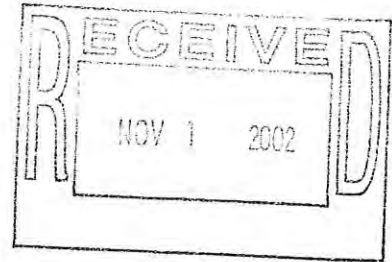
cc: Carmine DeBonis, Director, Development Services
Carla Blackwell, Deputy Director, Development Services
Benjamin H. Goff, Deputy Director – Transportation Systems, Support and Operations
Robert C. Young, P.E., Division Manager, Transportation Systems
Lesley Lukach, County Attorney, Pima County Attorney's Office



MMLA

McGovern MacVittie Lodge & Associates, Inc.

800 E. Wetmore Road
Suite 110
Tucson, AZ 85719
Telephone (520) 292-2300
1-800-441-5875
Fax (520) 292-1290



October 30, 2002

Mr. Ben Goff, P.E., Deputy Director
Pima County Department of Transportation
And Flood Control District
201 N. Stone Avenue, 3rd Floor
Tucson, AZ 85701

**Re: Star Valley Development – Transportation Improvement Financing Plan
MMLA 86171-62-11**

Dear Mr. Goff:

Our client is accepting Pima County's October 7, 2002 and October 20, 2002 requested changes to the Star Valley Transportation Financing Plan.

The changes are as follows:

1. **Wade Road (#5).** Wade Road will be extended to Camino Verde as a two-lane roadway in the years 2002-2003.
2. **Camino Verde (#6).** Camino Verde will be constructed as a two-lane roadway from Wade Road/Los Reales Road to the development plan boundary in the years 2002-2003.
3. **Camino Verde (#7).** Camino Verde will be constructed as a two-lane roadway from the development plan boundary north to Valencia Road in the years 2005-2010. This roadway will be an at-grade roadway.
4. **Camino Verde/Valencia Road Intersection (#8).** This intersection will be signalized, as warranted, between the years 2005 and 2010. Pima County and Star Valley will share in the funding of this improvement.
5. **Wade Road/Valencia Road Intersection (#9).** This intersection will be signalized, as warranted, between the years 2005 and 2010. Pima County and Star Valley will share in the funding of this improvement.

6. **Los Reales Road (#12).** Los Reales Road will be constructed as a two-lane roadway from Camino Verde to Viviana Road in the years 2002-2003.
7. **Los Reales Road (#13).** Los Reales Road will be constructed as a two-lane roadway from Viviana Road to the development plan boundary sometime after the year 2010.
8. **Viviana Road (#14).** Viviana Road will be constructed as a two-lane roadway from Los Reales Road to Valencia Road sometime after the year 2010 if planned build-out occurs. This roadway would be constructed as an at-grade roadway.
9. **Camino Verde (#15).** Camino Verde will be constructed as a two-lane roadway to tie into Yedra Road in the years 2002-2003. The actual connection to Yedra Road shall not occur until Yedra Road has been improved (see item #10).
10. **Yedra Road (#16).** Yedra Road will be improved as a two-lane roadway from Camino Verde to Vahalla Road. The actual connection to Camino Verde shall not occur until this roadway improvement is complete. This roadway would be constructed as an at-grade roadway. This project would be eligible for development impact fee credit. Pima County shall be responsible for right-of-way acquisition and clearance of encroachments. Pima County will exercise its power to require the Utility Companies to relocate their facilities necessary for road construction.
11. **Camino Verde (#18).** Camino Verde will be constructed as a four-lane roadway from Wade Road/Los Reales Road to Valencia Road sometime after the year 2010 if planned build-out occurs. Adjacent property owners outside the project boundary along Camino Verde (south of Valencia) would also be required to contribute towards this project if they are actively developing the property. This project would be eligible for development impact fee credit.
12. **Camino Verde/Los Reales Road Intersection (#20).** This intersection will be signalized, as warranted, sometime after the year 2010. Pima County shall not participate in the funding of this improvement.

Item #10 was corrected to reflect your October 7 conditions. We have assumed that the deletion was a typographical error.

Items 3, 8 and 9 are outside of the Specific Plan boundary. PCDOT will assist the developer in obtaining third-party permits (i.e., Section 404), however, required mitigation is considered part of these off-site improvement projects.

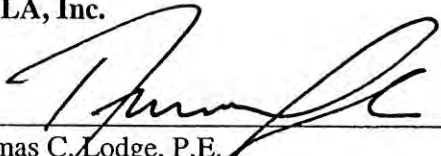


By its acceptance of the County's changes to the Financing Plan, USH/SVA Star Valley does not waive any constitutional or statutory grounds it may have to challenge the requirement of off-site improvements as a condition of plat approval, or its ability to seek the inclusion of the off-site improvements as projects to be funded by future development fees adopted by Pima County.

The above items reflect our understanding of our commitment to the Star Valley Transportation Financing Plan. We thank you again for assisting in resolving this issue and we look forward to commencing this project immediately. We look forward to the Plat recording this week.

Sincerely,

MMLA, Inc.



Thomas C. Lodge, P.E.
Vice President, Private Development

TCL:pl

Cc: John Bernal, Pima County
Joe Cesare, Broadway Realty & Trust
David Cada, US Home Corporation
Carmin DeBonis, Pima County
Katharina Richter, Pima County





DATE: January 10, 2014

TO: C.H. Huckelberry, County Administrator
John Bernal, Deputy County Administrator

FROM: Carmine DeBonis, Jr., Development Services Director

SUBJECT: **Star Valley Block 4**

CD

Staff recently met to review the Star Valley Specific Plan requirements and specifically the status of Block 4. Star Valley Block 4 is a platted subdivision within the Star Valley Master Plan consisting of 572 lots (P1205-093). Staff also met with Mr. Joe Cesare and Mr. GT Alley to discuss the pending sale and development of Block 4, and other Star Valley improvements.

Status of Block 4 Improvement Plans: The Block 4 sewer, paving and grading improvement plans were approved in 2006 but never constructed. They subsequently expired and were not renewed. In order to be reapproved, the plans will have to be resubmitted for review but not necessarily redesigned provided no change of standards has occurred. If there are no significant changes, the plans can simply be resealed and DSD can review the paving and grading plans in 5 days. The sewer improvement plans will take longer and must be reapproved by ADEQ; however DSD will help facilitate expedited plan processing. Notwithstanding, approval of improvement plans shall not commit Pima County to the release of lots or building permits.

Disagreement Regarding Required Offsite Improvements: Pima County and Mr. Cesare have a fundamental difference of opinion regarding the agreement for offsite roadway improvement construction. Mr. Cesare's stated position is that the list of improvements identified in the October 30, 2002 letter from his engineer does not constitute a binding agreement to fund and construct Star Valley offsite improvements. It is his position that transportation impact fees (initiated around the same time) were to be designated for these improvements. He expressly disagrees with the amount of impact fees that were contributed to Valencia Road widening.

Pima County's Position on Offsite Improvements: Pima County maintains that the October 30, 2002 letter constitutes the Transportation Improvement Financing Plan required to satisfy the Specific Plan conditions. Completion of the transportation plan was a prerequisite to recording the Star Valley Master Block plat. If the letter does not constitute an agreement as suggested by Mr. Cesare, then Specific Plan Condition 11.D (Ordinance 1987-212) has not been satisfied and no

building permits should be issued until such time as the condition is satisfied. Condition 11.B of the same ordinance requires the developer to construct the roads per the plan. All subdivision plats including the Master Block Plat (P1200-184) and Block 4 (P1205-093) contain plat notes indicating the subdivisions are subject to the rezoning conditions adopted by the Board of Supervisors.

Currently, the following developer required improvements are being advanced by Pima County Department of Transportation in response to traffic safety concerns from area residents:

- Per the Specific Plan and the Star Valley Transportation Financing Plan, Camino Verde is required to be constructed from the Star Valley development north boundary to Valencia Road. Pima County has commenced design of this roadway. Full reimbursement will be necessary from the developer to cover all costs including design, right-of-way acquisition and construction. The total cost for Camino Verde is estimated to be \$1.2 million. Mr. Cesare maintains that Camino Verde is not warranted and favors expansion of Wade Road instead.
- Per the Specific Plan and Star Valley Transportation Financing Plan, funding is required from the developer for half of the cost of the stop light at the intersection of Wade Road and Valencia Road. The installation cost for the permanent signal is \$275,334; the developer's portion is approximately \$137,667 plus any applicable interest.

It is the Department of Transportation's position that both of these conditions must be satisfied by the developer before any new lots may be released. This position has been communicated to Mr. Cesare's attorney, Evan Thompson, via written correspondence dated September 11, 2013.

Additional Options: Given the pending sale of Block 4 (Mr. Cesare indicated a cash offer has been tendered that could be jeopardized if permits and lot releases continue to be withheld), any or all of the following alternatives could be considered:

1. Reapprove improvement plans and allow issuance of building permits in Block 4, but hold the release of assurance for the sale of lots until the developer portion of the traffic signal is paid since traffic from Block 4 would access at the Wade and Valencia Road intersection. Require an updated Traffic Impact Statement (TIS) that reflects current conditions, and pursuant to the updated TIS, establish terms for developer financing of Camino Verde and other future improvements via development agreement prior to issuance of permits and release of lots for Blocks 7 and 8.
2. Reapprove improvement plans and allow issuance of building permits in Block 4, but phase the release of lots. Establish a threshold for an updated TIS that reflects current conditions including the sale of the nine blocks to the Pascua Yaqui Tribe when 200 lots are released. Condition the release of the next 200 lots on execution of a new development agreement outlining the time frames for required future transportation improvements pursuant to the TIS. Condition the release of the final lots upon full reimbursement for all transportation improvements paid for by Pima County

3. The developer may request reconsideration of the infrastructure obligations related to the Star Valley Specific Plan through Board of Supervisors' action in the form of amendments to the specific plan and/or its conditions.

Attachment

c: Priscilla Cornelio, Director, Department of Transportation
Carla Blackwell, Deputy Director Development Services
Tom Drzazgowski, Deputy Chief Zoning Inspector
Joseph R. Cesare



DEPARTMENT OF TRANSPORTATION
201 NORTH STONE AVENUE, FOURTH FLOOR
TUCSON, ARIZONA 85701-1207

PRISCILLA S. CORNELIO, P. E.
DIRECTOR

(520) 724-6410
FAX (520) 724-6439

September 11, 2013

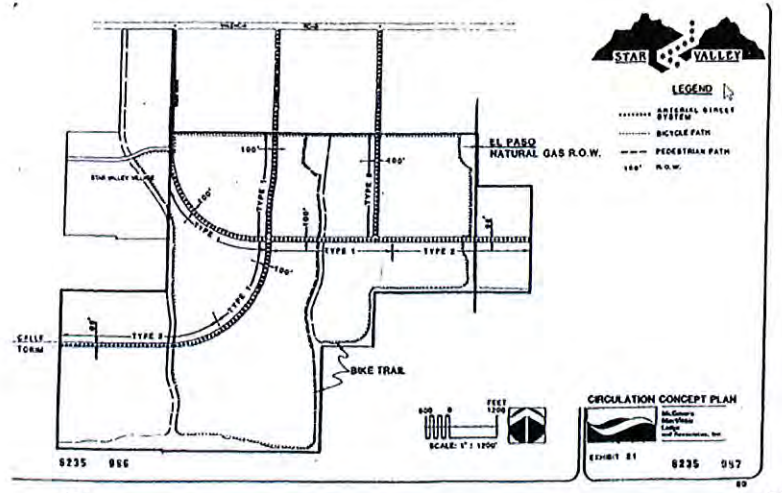
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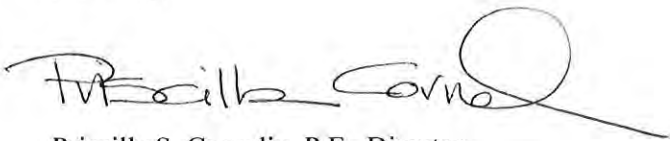
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Priscilla S. Cornelio, P.E., Director
Pima County Department of Transportation

cc: Carmine DeBonis, Director, Development Services
Carla Blackwell, Deputy Director, Development Services
Benjamin H. Goff, Deputy Director – Transportation Systems, Support and Operations
Robert C. Young, P.E., Division Manager, Transportation Systems
Lesley Lukach, County Attorney, Pima County Attorney's Office