



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: March 21, 2017

Title: Co23-04-01 SWAN SOUTHLANDS SPECIFIC PLAN (Resolution)

Introduction/Background:

The Board of Supervisors approved a Modification (Substantial and Non-Substantial Change) of Specific Plan features and conditions for the Swan Southlands Specific Plan on December 13, 2016.

Discussion:

This Resolution reflects the Board of Supervisors' approval of the Modification (Substantial Change and Non-Substantial Change) of Specific Plan Conditions. * Note that condition 13E in the Resolution contains a corrected cross-reference to condition 13B which is consistent with the Board of Supervisors' December 13, 2016 decision but not shown in the agenda item for this hearing.

Conclusion:

The specific plan conditions contained in Ordinance 2005-2, as amended by Resolution 2011-38, may be waived or amended by resolution.

Recommendation:

Staff recommends that the Board of Supervisors approve this Resolution.


Fiscal Impact:

0


Board of Supervisor District:

- 1
- 2
- 3
- 4
- 5
- All

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

Department Director Signature/Date:  2-27-17

Deputy County Administrator Signature/Date:  2/28/17

County Administrator Signature/Date:  2/28/17



Subject: Co23-04-01

Page 1 of 1

FOR MARCH 21, 2017 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division
DATE: February 27, 2017

RESOLUTION FOR ADOPTION

Co23-04-01 **SWAN SOUTHLANDS SPECIFIC PLAN**
Owner: South Wilmot Land Investors, LLC, Attn: Robert Tucker
(District 2)

If approved, adopt RESOLUTION NO. 2017 - _____

OWNER: South Wilmot Land Investors, LLC
Attn: Robert Tucker
2200 E. River Road, Ste. 115
Tucson, AZ 85718-6577

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

DISTRICT: 2

STAFF CONTACT: David Petersen

STAFF RECOMMENDATION: APPROVAL.

TD/DP/ar
Attachments

cc: Co23-04-01 File
Tom Drzazgowski, Principal Planner

RESOLUTION 2017-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE CO23-04-01 SWAN SOUTHLANDS SPECIFIC PLAN; LOCATED GENERALLY BETWEEN S. SWAN ROAD AND S. WILMOT ROAD AND APPROXIMATELY ONE MILE SOUTH OF E. OLD VAIL CONNECTION ROAD IN SECTIONS 10 (PORTION), 12 (PORTION), 13, 14, AND 15, T16S, R14E, AMENDING REZONING CONDITIONS SET FORTH IN SECTION 1 OF ORDINANCE NO. 2005-2, AS AMENDED BY RESOLUTION NO. 2011-38, AND AMENDING SWAN SOUTHLANDS SPECIFIC PLAN.

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

1. On December 7, 2004, in specific plan case Co23-04-01, the Pima County Board of Supervisors approved the rezoning of approximately 3,200 acres (as shown on the map attached as Exhibit A) located generally between S. Swan Road and S. Wilmot Road and approximately one mile south of E. Old Vail Connection Road in Sections 10 (portion), 12 (portion), 13, 14, and 15, T16S, R14E, as shown on Exhibit A from RH (Rural Homestead) to SP (Specific Plan) subject to conditions.
2. On January 4, 2005, the Pima County Board of Supervisors adopted rezoning Ordinance 2005-2, recorded in Docket 12469 at Page 2439, rezoning the approximate 3,200 acres described in rezoning case Co23-04-01 and memorializing the conditions.
3. On April 5, 2010 the owner(s) of approximately 391 acres (as shown on the map attached hereto as Exhibit B) applied for a modification (substantial change) of the certain features of specific plan and the certain rezoning conditions.
4. On June 15, 2010 the Pima County Board of Supervisors approved the requested modification subject to additional and modified standard and special conditions.
5. On March 1, 2011, the Board of Supervisors adopted Resolution 2011-38, recorded at Sequence 20110690880, memorializing the modification approved on June 15, 2010.
6. On August 3, 2016, the owner(s) of the approximately 3,062 acres (as shown on the map attached hereto as Exhibit E) applied for a modification (substantial and non-substantial changes) of certain features of the specific plan and certain rezoning conditions.
7. On December 13, 2016, the Board of Supervisors approved the requested modification subject to additional and modified standard and special conditions.
8. The Pima County Code allows the Board of Supervisors to amend the Specific Plan and the rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 1 of Ordinance 2005-2, as amended by Resolution 2011-38, are restated and modified as follows:

1. Not more than 60 days after the Board of Supervisors approves the amended Specific Plan, the Developer shall submit to the Planning Official the amended specific plan document, including any necessary revisions of the specific plan document, and the specific plan text and exhibits in an electronic format acceptable to the Planning Division.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies with the exception that if a single Development Plan and a separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility is approved according to the exception specified in Section III-7.a.7 of the Specific Plan.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the ~~Department of Transportation, Real Property Division~~ Development Services Department.
6. There shall be no subdividing or lot splitting for single family residential development without the written approval of the Board of Supervisors ~~with the exception that if a single Development Plan and a separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility.~~ For Parcels D3, D4, and D5 (the 391-acre modification area) an exception may be made for minor adjustments to lot lines that do not affect infrastructure layout.
7. 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.
8. Adherence to the amended specific plan document, and the conceptual preliminary development plan as may be modified under provisions of the Swan Southlands Specific Plan Governing Policies Modification (Amendments) addendum, as approved at the public hearing.
 - A. With the exception of Parcels D3, D4, and D5 (the 391-acre modification area): Developer shall enter into a development agreement with Pima County, which shall:
 - 1) define the required on-site and off-site infrastructure to serve the development of the specific plan area, and 2) provide, among other things, an infrastructure phasing schedule coordinated with the phased development of the specific plan area. If the development agreement becomes inconsistent with the requirements of a study called for by these rezoning conditions (or an update to such study) the developer shall provide an appropriate amendment to the development agreement necessitated by the results of such study or update. Said amendment to be reviewed and approved

by the County. Developer shall generally meet the requirements of the County Administrator's December 2, 2004 letter to the developer's representative.

- B. ~~A separate development agreement approved by the Board of Supervisors shall be required prior to submittal of a development plan for Parcel D5 for the correctional facility.~~ A separate development agreement, or amendment to the existing Swan Southlands development agreement, approved by the Board of Supervisors shall be required prior to submittal of a plat for Parcels D3 and D4. The development agreements, or an amendment to the existing development agreement, shall define the required on-site and off-site infrastructure to serve the applicable site and include other requirements as determined by Pima County.
9. This specific plan shall adhere to all applicable Pima County regulations that are not explicitly addressed within this specific plan. Design guidelines shall be used only when not in conflict with County regulations.
- ~~10. A good faith effort shall be made to use approximately 25 percent of the revenues raised from the implementation of the affordable housing policy of the Swan Southlands Specific Plan project to meet the goals of the affordable housing policy within the project.~~
- 11.10. At the request of Pima County, a separate agreement pertaining to the respective responsibilities of the Specific Plan petitioner or their successor(s) and the County will be entered into as it relates to the 640 acres of Pima County owned property that is contained within the specific plan boundaries. Nothing in this condition shall affect the timing or implementation of development in the remainder of the specific plan site (Sections 10, 12, 13, 14).
- 11.11. Block Subdivision Plats:
- A. ~~Prior to the issuance of any permits, this specific plan is subject to the approval of a block subdivision plat for each of the Identity Districts or sub-districts (Summit Village A1, A2, Desert Park B, Desert View C1, C2, C3, Gateway Village D) as shown in the Specific Plan. This specific plan is subject to approval of a maximum of five block subdivision plats generally defined by a section of land, although the specific boundaries of each block subdivision plat shall be flexible to reflect appropriate development limits. A block subdivision plat shall be approved prior to the issuance of permits for a given site, except if the Planning Official determines that the timeframes to complete the Master Block Plat would deny substantial and significant benefits to the greater community in terms of new jobs and/or expanded tax base in accordance with Specific Plan Section III-7.a.7 Administrative Modification Changes.~~ Subsequent site development requires submittal of subdivision plats or development plans prepared in accordance with the block subdivision plat for the applicable Identity District or sub-district section of land. Each block subdivision plat shall make all applicable dedications (including roads, sewer, drainage, trails and open space) and identify necessary improvements and provide a design and construction phasing plan tied to replatting of specific blocks. ~~An exception may be made to this condition for Parcel D5 if a single Development Plan and a separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility.~~

B. Upon submittal of the first block subdivision plat per the applicable ~~Identity District or sub-district~~ section of land, 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. ~~An exception may be made to this condition for Parcel D5 if a single Development Plan and separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility; the required studies, reports, information shall be submitted at the time of the development plan.~~

4312. No building permits within an ~~Identity District~~ a section of land shall be issued until all applicable specific plan requirements for or affecting that ~~Identity District~~ section of land, or parcel if ~~Parcel D5~~ according to the exception specified in ~~Condition 12~~ Section III-7.a.7 of the Specific Plan, are satisfied and the Planning Official issues a Certificate of Rezoning Compliance.

4413. Department of Transportation requirements:

A. Traffic Impact Analysis (TIA) shall be provided by the property owner(s) for this specific plan for review and approval by the Department of Transportation, prior to the first block subdivision plat submittal. The results of the approved TIA shall be used to establish required transportation improvements, and phasing of said improvements, to the area roadway system. The property owner(s) shall be responsible for construction of improvements to area roads impacted by this specific plan development as required by the Department of Transportation to meet concurrency requirements. For Parcels D3, D4, and D5 (the 391-acre modification site): The Transportation and Financing Plan that was approved September 10, 2009 shall need to be updated or revised to reflect the changes being requested.

B. Roads and rights-of-way within the Specific Plan shall be required by the Department of Transportation and shall be compatible with the approved Southeast Arterial Study, or as amended, and shall be incorporated into the design of the block subdivision plats.

C. The property owner(s) shall dedicate to Pima County 75 feet half right-of-way for Swan Road and Wilmot Roads within or adjacent to the specific plan site.

D. The interior loop collector roadway (as depicted on the Preliminary Development Plan) shall consist of a minimum 60 feet right-of-way or common area and shall transition with a wider right-of-way and cross section at intersections Swan Road, Wilmot Road and edges of specific plan boundary.

E. Provision of a continuous connection roadway, between the western and eastern edges of the specific plan boundary to provide an access corridor along the northern boundary of Section 10 and Section 12, for potential use as regional access as determined by the required TIA and the final requirements of Condition 44 13B. There shall be no direct access from individual single-family, residential lots onto interior loop collector roadways or connection roadways within the Specific Plan.

- F. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, parking areas, drives, physical barriers, landscaping, drainageways and drainage easements.

4514. Flood Control District requirements:

- ~~A. The Swan Southlands Specific Plan and development standards shall meet the regulatory requirements of *Title 16* of the Pima County Code, and all subsequent amendments to this ordinance by the Pima County Board of Supervisors. *Title 16* specifies the regulatory requirements for floodplain management, flood control, erosion control, and riparian habitat.~~
- ~~B. An Overall Watershed Master Plan shall be developed with the District for floodplain management information, flood control infrastructure, riparian habitat mitigation planning and funding mechanisms for offsite flood control improvements, provided the improvements are necessary to protect developed property within the Specific Plan from flood damage, and shall be submitted to and subject to approval by the Pima County Flood Control District Board of Directors. The segment of the Watershed Master Plan that impacts Swan Southlands must be adopted prior to recording any final plats for Swan Southlands.~~
- ~~C. A detailed Master Drainage Study for the entire Swan Southland Specific Plan area is required for the first block subdivision plat. The Master Drainage Study will be a detailed hydrologic and hydraulic analysis for the watershed affecting any of the property in the specific plan area, and shall include, but is not limited to, major offsite drainage areas impacting all blocks studied by detailed methods like HEC-1, use of 1-foot contour intervals for floodplain modeling by HEC-2 or HEC-RAS that will produce accurate floodplains affecting planned encroachment areas, sediment transport and erosion hazard setback analysis including bank protected areas, opportunities for regional detention to reduce onsite detention, identify Section 404 jurisdictional waters and impacts, identify drainage infrastructure needs and funding mechanisms, public maintenance concerns, and private drainage maintenance by the future homeowners association.~~
- ~~D. Floodplain and riparian habitat encroachments shall be fully addressed in the Master Drainage Study. Impacts for floodplain and riparian encroachments should be minimized by alternatives explained in the Master Drainage Study.~~
- ~~E. A Riparian Mitigation Plan, as required by *Title 16* of the Pima County Code, also shall be included in the Master Drainage Study. The plan should evaluate, prioritize and identify floodplains and riparian habitats that are to be protected; impacts of necessary flood control improvements for public health, safety and welfare; and provide a habitat mitigation plan to address impacts as well as restoration plans. The Riparian Mitigation Plan shall be subject to approval by the Flood Control District.~~
- ~~F. For Parcels D3, D4, and D5 (the 391-acre modification site): The developer shall prepare a hydrology study for Franco and Flato Wash systems, for approval by Pima County Flood Control District. Limits of encroachment and any other proposed modifications of the floodplains shall be determined through analysis of hydrology,~~

hydraulics, and floodplain mapping. No adverse impacts to flood or erosion risk shall occur upon adjacent properties as measured by flood peaks, flood stage, flood velocity, overbank storage, erosion and sedimentation. Any proposed modifications shall maintain or restore the connection between interdependent components of river systems on the property: channel, overbank floodplain, distributary flow zones, and riparian vegetation. Roadway Drainage improvements to Wilmot Road shall be addressed during this phase of the development.

The development shall comply with the Development Criteria for the Lee Moore Wash Basin Management Study including preservation of flow corridors and shall provide a Master Drainage Plan, Habitat Conservation Plan and Integrated Water Management Plan with each Master Block Plat for review and approval by the Flood Control District.

4615. Wastewater Management Reclamation Department requirements:

A. ~~Refer to Condition 27A.~~

B. ~~The owner/developer shall fund, design and construct all necessary public and private sanitary sewerage collection, conveyance and treatment facilities required to serve the rezoning area, and provide conveyance capacity and service (flow through) to all the naturally occurring up gradient properties identified in a basin study prepared by the owner/developer. Specific facility construction requirements will be documented in a master sewer service agreement executed prior to submittal of a final plat. Final alignments for flow through and flow through conveyance capacity will be established at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.~~

C. ~~The owner /developer shall time all development within the rezoning area to coincide with the availability of treatment and conveyance capacity.~~

D. ~~No more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review, the owner / developer shall obtain written documentation that sanitary sewerage treatment and conveyance capacity for the proposed development will be available when needed to serve the development.~~

E. ~~The owner/developer shall complete the construction of necessary public and/or private sewerage facilities, obtain necessary discharge authorizations (approvals of construction) from the Arizona or Pima County Department of Environmental Quality, and convey title to facilities that may be owned and maintained by Pima County.~~

F. ~~As specified in the Master Sewer Service Agreement, the owner /developer shall connect development within the specific plan area to the sanitary sewer system at the location and in the manner specified.~~

G. ~~The wastewater treatment facility sites are to be sized and located such that they will accommodate future expansion to treat flows from upstream areas within the basin as identified in the basin study. The owner/developer shall provide sufficient, but not less than 10 acres of, land within the rezoning area to accommodate expansion of treatment facilities to the full projected build out of the rezoning area plus the upstream~~

~~tributary areas in accordance with the Master Sewer Service Agreement. This condition is not applicable to Parcel D5 for the correctional facility.~~

~~H. In accordance with the Arizona Department of Environmental Quality, disclosure statements are to be provided to all buyers of property adjacent to the wastewater treatment facilities acknowledging their presence and identifying them as 24-hour facilities with the potential for occasional noise and odor.~~

~~I. For the 120 acres (Parcel D5) for the correctional facility: No person shall construe any action by Pima County as a commitment to provide sewer service to any new development within the plan amendment area until Pima County executes an agreement with the owner / developer to that effect. By accepting this specific plan amendment, the owner / developer acknowledges that adequate treatment and conveyance capacity to accommodate this plan amendment in the downstream public amendment area is to occur, unless it is provided by the owner / developer and other affected parties.~~

A. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the plan area until Pima County executes an agreement with the owner(s) to that effect.

B. The owner(s) shall comply with the 2010 Amended and Restated Development Agreement Section 8, as may be amended, which addresses the Design and Construction of Wastewater Improvements. Prior to the approval of the first Block Plat or Development Plan, the owner(s) shall prepare an updated Wastewater Plan which identifies the off-site and on-site wastewater collection system to serve the plan area and includes an infrastructure phasing schedule that is tied to the phased development of the plan area. The Wastewater Plan is subject to review and approval by the PCRWRD. The involved parties acknowledge that PCRWRD has agreed to a proposed plan area connection to the County's existing regional public system (Old Nogales line) as the method of sewer disposal for the plan area. The updated Wastewater Plan shall identify the applicable Wastewater Improvements necessary for the development of the plan area based upon such a connection.

C. The owner(s) acknowledge that adequate treatment and conveyance capacity to accommodate this plan area in the downstream public sewerage system may not be available when new development within the plan area is to occur, unless it is provided by the owner(s) and other affected parties.

D. The owner(s) shall obtain written documentation from the PCRWRD that treatment and conveyance capacity is available for any new development within the plan area no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review.

E. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected

parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

- F. The owner(s) shall time all new development within the plan area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- G. The owner(s) shall connect all development within the plan area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
- H. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the plan area in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
- I. On-site disposal systems are not proposed to serve this plan area and geologic report that demonstrates feasibility has not been developed; therefore, all improvements shall be connected to an approved sewer system pursuant to ADEQ requirements.

4716. Department of Environmental Quality requirement: On-site disposal systems are not proposed to serve this development, and a geologic report that demonstrates feasibility has not been developed, therefore all improvements shall be connected to an approved sewer system pursuant to ADEQ requirements.

4817. Natural Resources, Parks and Recreation Department requirements:

- A. Passive recreation activities including trails shall be located adjacent to project open space and NPPO set-aside areas to allow for continuity of riparian habitat and restoration of disturbed habit as needed. Should an environmentally sensitive trail alignment or public utility constitute a minor intrusion, as determined by the Planning Official, into the already designated 30 percent NPPO set-aside, a request may be made to the Planning Official who may consider the merits of the trail alignment upon recommendation from the Design Review Committee. Acceptance of a minor intrusion would not necessitate a revision or an amendment to the Specific Plan.
- ~~B. Based upon target densities, the developer(s) shall designate and dedicate to the public or create as common area a minimum of 202.88 acres based on 871 square feet per single family unit of developed public and/or private parkland for community parks, neighborhood parks, public and private trails, and joint use public facilities. Developer shall designate the public and private parkland commensurate with the densities of the development. In no case shall the dedication or creation as common area of the public and private parkland be less than the amount required for the minimum densities.~~

~~C. Pima County Natural Resources, Parks and Recreation (NRPR) shall maintain public parks greater than 10 acres in size and public trails developed within the boundaries of the Specific Plan.~~

~~D. Within each residential development parcel per Table 3, page 71 of the Specific Plan, the developer shall construct and maintain a minimum of one recreation area/park. An approved Recreation Area Plan (RAP) is required for each development parcel prior to tentative plat approval.~~

EB. Interactive recreation elements along trails may include benches, par course stations, tables, grills, ramadas, water fountains, bicycle racks, and directional and educational information signage, subject to the approval of NRPR staff; these public easements shall be shown on a trails plan and approved by staff prior to any subdivision plat approval.

FC. Street sections of interior loop roads and the east/west minor arterial roadway shall include a six-foot sidewalk, a 10-foot paved pathway and two bicycle lanes.

GD. The developer shall submit trail corridor locations subject to approval by NRPR staff prior to any plat approval; the trails shall provide connectivity/linkage to all areas of the project and to regional trail system (if applicable).

HE. For the area of Parcels D3, D4, and D5 (the 391-acre modification site):

1) The Recreation Area Plan dated March 2005 shall be updated with the submittal of Master Block Plat for District A, B, or C.

2) A Recreation Area Plan shall be submitted with the Master Block Plat for District D submittal to show recreation trails.

~~3) The 31-acre land conveyance for a community park shall be located in District "C".~~

1918. Cultural Resources requirements:

~~A. With the exception of Parcels D3, D4, and D5 (the 391-acre modification site):~~

~~1) Avoidance and preservation in place of all National Register eligible cultural resources shall be the first consideration in all cases. Where avoidance is not possible, all required cultural resources mitigation studies shall be conducted and reported on by Identity District or sub-district.~~

~~2) A mitigation plan and plan of work shall be developed for each Identity District or sub-district that contains cultural resources. In the event that an archaeological site spans more than Identity District or sub-district, a single plan of work shall be prepared and implemented for the entire archaeological site.~~

~~3) All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.~~

- 4) ~~All plans shall be submitted to the Pima County Cultural Resources Office for approval prior to implementation and all reports shall be submitted to this office for review after the required field studies are completed.~~

~~B. For Parcels D3, D4, and D5 (the 391-acre modification site):~~

- 1) A. Development within the plan amendment area will potentially affect cultural resources, especially archaeological sites. Standard cultural resources requirements for rezoning and grading are the minimum required. Cultural resources inventory is required for any development area, and ~~Where~~ significant cultural resources are found, avoidance through development design, open space set-asides, and conservation easements are the preferred mitigation strategies; although when not possible to implement conservation strategies, other mitigation measures shall apply.
- 2) B. A cultural resources mitigation plan, detailing strategies that include testing, documentation, data recovery, preservation, protection, analysis, reporting, and curation for the management of all Register-eligible significant sites shall be submitted to the Office of Sustainability and Conservation, Cultural Resources & Historic Preservation Division (OSC) for review and approval. ~~The State Historic Preservation Office may also be consulted for review and approval.~~ The cultural resources mitigation work will be conducted by an Arizona State Museum permitted archaeologist, or registered architect, as appropriate. This work shall be completed and approved by OSC prior to issuance of a grading permit and any ground-disturbing construction activities.
- 3) C. 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 Law ARS 41-865 requires 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.

2019. Tucson Airport Authority:

A. With the exception of Parcels D3, D4, and D5 (the 391-acre modification site):

- 1) Prior to subdividing the property, the owner shall record an Avigation Easement and Disclosure Statement approved by the Tucson Airport Authority. A copy of the executed Avigation Easement(s) shall be provided to TAA.
- 2) In Section 12 (*within Identity District D - Gateway Village*), Noise attenuation measures will be provided for all construction as stipulated in the Uniform Building Code, Chapter 35, Section 3501, Sound Transmission Control.

- 3) Applies to the Specific Plan site: The applicant shall work with TAA to ensure that the plans for the proposed development are compatible with the operations and master plan for Tucson International Airport.
- B. For Parcels D3, D4, and D5 (the 391-acre modification site):
- 1) The developers of any residential development shall provide disclosure statements in all sales contracts, public reports, and the recorded covenants. The specific language for inclusion in the disclosure statements shall be coordinated with the Tucson Airport Authority (TAA). Provisions for additional notification and disclosure mechanisms, including potential acknowledgment of airspace rights, shall be defined and coordinated with TAA.
 - 2) In Section 12, Noise attenuation measures for any residential development will be provided for all construction as stipulated in the Uniform Building Code, Chapter 35, Section 3501, Sound Transmission Control or the building code adopted by Pima County at the time of site plan or tentative plat approval, whichever provides the greater level of noise attenuation.
 - 3) The Northwest quarter of Section 12 will be the subject of a special study to determine land uses and densities that are compatible with airport operations only if residential development is proposed. The applicant will work with TAA to ensure the plans for the proposed development are compatible with the operations and master plan for Tucson International Airport.
 - 4) Any non-residential development of the northern 391-acres of Section 12 (more specifically identified by Co7-10-01) shall meet the following two requirements:
 - a) That prior to the County's approval of the first development plan, site plan or plat for any portion of the subject area, the property owner shall record an avigation easement.
 - b) That the sponsor of any development or construction activity within 20,000 feet of Tucson International Airport, that exceeds a 100:1 surface from any point on any of TIA's runways, shall send one executed form set of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office. Copies of the form and electronic submittal are available at: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp/>

~~21. With the exception of Parcels D3 and D5: The Final Conceptual Riparian Restoration Plan necessary for compliance with Special Area Policy #2 of the plan amendment cases CO7-03-07, CO7-03-09, and CO7-03-10 shall be submitted to and subject to approval by the Development Services Environmental Planning Manager and the Flood Control District prior to the approval of the first tentative block subdivision plat. The Final Conceptual Riparian Restoration Plan shall identify success criteria, where appropriate, for riparian areas to be mitigated with additional containerized or salvaged plantings; establish the specifics of a monitoring program; and a reporting schedule. Any riparian restoration activities proposed subsequent to the approval of the Final Conceptual Riparian~~

~~Restoration Plan shall also be submitted to and approved by the Development Services Environmental Planning Manager and the Flood Control District prior to implementation.~~

~~22. The Final Conceptual Riparian Restoration Plan shall identify specific measures to control sheet erosion within protected portions of the South Fork of the Flato Drainage in Section 14. These efforts to control sheet erosion shall commence in conjunction with the Swan Road improvements along the west boundary of Section 14.~~

~~23. Prior to the approval of the first tentative block subdivision plat, the final location of these utility crossings and trail alignments and other recreation amenities that will be located in or across Project Riparian Areas as identified in the Specific Plan shall be determined by review and subject to approval by representatives from the Flood Control District, the Natural Resources, Parks, and Recreation Department, and Development Services Environmental Planning Manager.~~

~~24. Pima pineapple cactus (PPC):~~

~~A. With exception of Parcels D3, D4, and D5 (the 391-acre modification site):~~

~~1) The Final 10-Year Study: Pima pineapple cactus (PPC) will be submitted to and approved by the Development Services Environmental Planning Manager prior to the approval of the first tentative block subdivision plat. This study will include, but may not be limited to, identification of the different transplant methodologies to be evaluated, descriptions of propagation methods, disclosure of the location(s) of the transplant research sites and propagation nurseries, description of monitoring and reporting protocols, and disclosure of the disposition of Pima pineapple cactus (PPC) produced by any successful propagation.~~

~~2) The Final 10-Year Study of Pima pineapple cactus (PPC) will commence prior to, but no later than the approval of the first tentative block subdivision plat.~~

~~3) Prior to the approval of the each tentative subdivision plat, the appropriate project area will be surveyed for Pima pineapple cactus (PPC) according to the survey methodology described in the approved Final 10-year Study Plan. Each Pima pineapple cactus located will be identified and transplanted into suitable habitat areas within the project area. The original location of each PPC will be documented with Global Positioning System coordinates (or the equivalent).~~

~~B. For Parcels D3, D4, and D5 (the 391-acre modification site): Using the survey protocols established in the approved Swan Southlands Specific Plan Appendix 11 - Preliminary 10-Year PPC Study and prior to the approval of each development plan within the amendment area, the appropriate project area will be surveyed for Pima pineapple cactus (PPC). If PPC cannot be preserved in place, they will be transplanted according to transplant protocols established in the approved Swan Southlands Specific Plan Appendix 11 - Preliminary 10-Year PPC Study and relocated to protected open space or other suitable locations within District D. The original location of each PPC, as well as its transplant location, will be documented with Global Positioning System coordinates (or the equivalent). Every year for ten (10) years, an annual status report will be provided that summarizes the survivorship and~~

~~reproduction of transplanted PPC. This report is to be incorporated into the Specific Plan Annual Implementation Monitoring Report for the Swan Southlands Specific Plan submitted to Development Services Department.~~

~~2520.~~ When landscaping bufferyards are required for single-family residential subdivisions and are adjacent to public streets, they shall be placed in common areas, not within individual residential lots.

~~2621.~~ When a block plat is submitted prior to any development in Section 12, the developer will have to review that plat with the Department of Corrections and/or prison staff and provide Pima County with documentation that such review has occurred.

~~2722.~~ Water:

- A. If a hydrological study of projected declines in water levels due to the operation of the proposed well or wells is required pursuant to AAC R12-15-830, the developer shall provide one copy to Development Services, one copy to the Department of Wastewater Management Reclamation, and one copy to the Water Resources Division of the Flood Control District at the same time copies are provided by or to Arizona Department of Water Resources (ADWR). ~~The Wastewater Management Department and Water Resources Division of the Flood Control District~~ water system operator shall notify well owners in the area. Development Services shall make available a copy of the study for public review. The applicant shall follow the ADWR Well Spacing and Impact Rules according T12-15-830, and observe any revisions.
- B. The project will use City of Tucson Water or an acceptable municipal, private, or formed district alternative as its water delivery provider.
- C. With the exception of Parcels D3, D4, and D5 (the 391-acre modification site):

Water Conservation:

- 1) An overall water conservation plan describing water conservation measures which will be offered for the specific plan site is required for review and approval by Pima County Development Services Department in consultation with the water resources staff of the Flood Control District prior to a master block plat approval.
- 2) The plan will provide a commercial, residential, common area, and public water conservation program and implementation strategy.
- 3) The plan will address:
 - a) Stormwater management;
 - b) Reuse of treated wastewater;
 - c) Community education program;
 - d) Homeowner association CCR's and design guidelines;
 - e) Exterior use of the latest advancements in water conservation measures to minimize potable water use including but not limited to: irrigation systems,

drought tolerant plant material, grading plans, turf limitations, and recreational water use restrictions; and

- f) Subject to ADEQ and PCRFCO criteria, interior use of latest advancements in water conservation measures to minimize potable water use including but not limited to: low water use appliances; and plumbing systems.

- 4) A more detailed water conservation plan, consistent with the overall plan, shall be submitted for review and approval by Pima County Development Services Department in consultation with the water resources staff of the Flood Control District with each tentative plat.

D. For the areas of Parcels D3 and D5D4:

- 4) The applicant shall provide a water conservation plan that details how the post-modification Specific Plan demand for water will be reduced through quantifiable conservation elements. The water conservation plan shall be submitted with the master block plat, if one is required, or with each development plan submitted. The water conservation plan(s) shall be reviewed and approved by Pima County Development Services Department in consultation with the Regional Flood Control District's Water Resources staff prior to final approval of the master block plat, if one is required, or final approval of the individual development plan. The water conservation plan(s) will employ state of the art conservation measures appropriate for the intended use(s) and will conserve and minimize the use of potable water wherever possible. The water conservation plan(s) shall address and evaluate the feasibility of the following:

- a) Stormwater management and rainwater harvesting;
- b) Re-use of grey water or effluent, if available;
- c) Exterior water conservation measures to minimize potable water use including, but not limited to, irrigation systems, drought tolerant plant material, grading plans, and turf limitations; and
- d) Interior water conservation measures to minimize potable water use including, but not limited to, low water use appliances and plumbing systems.

- ~~2) In the future, if sewer line connections are provided, the 5,000 bed prison and the other areas included in this modification may connect to the Swan Southlands Wastewater Treatment Facility to allow for reuse and recharge of effluent within the Swan Southlands area, subject to terms of the agreement with the Pima County Regional Wastewater Reclamation Department.~~

- ~~E. The immediate direct and beneficial reuse of any reclaimed water generated from the treatment facility that will either be constructed and operated by the owner/developer or Pima County will be required, provided the source water entering the wastewater treatment facility is not of Tucson Water. The reclaimed water should first be utilized to irrigate landscaping, parks and school turf areas within the development area.~~

~~2823.~~ The City of Tucson Transportation Planning and/or Urban Planning and Design Transportation Administrator shall be included as a reviewing agency for any Swan/

Southlands Specific Plan transportation issues and/or plans. The city's comments shall be considered in the process of reviewing studies, reports, and/or subdivision plats, however, they may not hold up processing of a proposed action and Pima County shall retain sole authority over approval.

~~29~~24. Upon concurrence with the school district, developer shall either dedicate school sites as depicted in the Specific Plan or alternate sites within the specific plan area acceptable to the school district. In addition, developer shall submit evidence of a signed agreement with the school district superseding the March 9, 2004 memorandum of understanding, prior to submittal of the first block plat.

~~30.~~ A minimum of ~~95 percent of the viable riparian areas shall be preserved.~~ For the purposes of this condition, ~~preservation of viable riparian areas shall be measured by percentage of vegetative canopy cover.~~

~~34~~25. For the areas of Parcels D3 and D4: A minimum 500 feet open space buffer along the west boundary as shown on the preliminary development plan shall be provided if the areas of Parcel D3 or D4 or successor parcels to D3 or D4 are is developed for permitted industrial uses, other than a correctional facility for which Condition ~~33~~26.D applies. The buffer shall be shown on any applicable development plan or plat.

~~32.~~ For Parcel D5: ~~The operations of a prison facility and the security level of inmates housed therein shall adhere to the restrictions and prohibitions on prisons included in Title 41, Arizona Revised Statutes. The security level of inmates housed at the prison facility shall be less than Maximum level (based on the Arizona Department of Correction's Custody Levels, or equivalent). The facility shall be accredited by the American Correctional Association (ACA) within 2 years of it receiving its first inmates and shall house inmates in these facilities in a manner determined appropriate by ACA.~~

~~33~~26. For the areas of Parcels D3 and D4:

A. Of the permitted industrial uses, the uses that are equivalent to the CI-2 zone of the Pima County Zoning Code are allowed on the east half of the areas of Parcels D3 and D4 or successor parcels to D3 or D4 (the west boundary boundaries being an approximate distance of 2,400 feet from Wilmot Road).

B. Of the permitted industrial uses, the uses that are equivalent to the CI-1 zone of the Zoning Code are allowed throughout the areas of Parcel D3 and D4 or successor parcels to D3 or D4, with the exception of condition ~~33~~26.D below.

C. The permitted industrial uses are subject to the performance standards of the equivalent zone of the Pima County Zoning Code except that all allowable uses within 2,500 feet of a residential structure (e.g. residences of Section 11) shall adhere to the performance standards set forth in the Zoning Code Section 18.43.020B which are the performance standards for the CB-1 zone. This requirement is comparable to the Mixed Use provision of the CI-1 zone.

D. Any proposal to locate a correctional facility in the area of Parcel D3 or successor parcels to D3 shall be subject to the following requirements:

- 1) Approval of a Type III Conditional Use permit;
- 2) The west property boundary extends no further west than the 1,320 feet boundary described and shown in the letter dated May 12, 2010 from the applicant (as shown on Exhibit C) and map (as shown on the map attached hereto as Exhibit D). If the area of Parcel D3 or successor parcels to 3D is developed as a correctional facility, the open space buffer will therefore be expanded from 500 feet to 1,320 feet;
- 3) In addition to the standard public notification for a Type III Conditional Use Permit, public notice shall be expanded to include all property owners within Section 11.

~~E. The immediate direct and beneficial reuse of any reclaimed water generated from the treatment facility that will either be constructed and operated by the owner/developer or Pima County will be required, provided the source water entering the wastewater treatment facility is not of Tucson Water. The reclaimed water should first be utilized to irrigate landscaping, parks and school turf areas within the development area.~~

~~34. For Parcels D3, D4, and D5 (the 391-acre modification site): The correctional facility or other industrial uses cannot be used to count toward the specific plan's commercial/employment square footage target (762,312 s.f.) and goal of providing convenient commercial services to specific plan residents.~~

~~3527. Administrative Modification III-7.a.2 which allows changes in the boundaries of individual parcels up to a maximum of 20% shall not apply to the west boundaries boundary of Parcels D3 and D5.~~

~~28. CI-1 and CI-2 industrial uses shall not be permitted within the area of the Specific Plan south of the boundary with Section 11 and the north of the southern limits of the north tributary of the Flato Wash.~~

~~29. MU and CB-2 business uses shall not be permitted within the 300-foot transitional area adjacent to Section 11. The 300-foot transitional area shown on the preliminary development plan is not conceptual and is further subject to development standards listed for Table 4, Residential Development Standards.~~

Section 2. The Pima County Board of Supervisors hereby amends the Swan Southlands Specific Plan, originally adopted in Section 2 of Ordinance No. 2005-2 and attached as Exhibit A to Ordinance No. 2005-2. The amended Swan Southlands Specific Plan is attached as Exhibit F to this Resolution (it is not recorded, but may be viewed at the office of the Pima County Development Services Department – Planning Division).

Section 3. The Pima County Board of Supervisors hereby reaffirms Section 3 of Ordinance No. 2005-2.

Section 4. No building permits shall be issued based on the rezoning approved by this Resolution until all conditions 1 through 29 are satisfied and the Planning Official issues a Certificate of Rezoning Compliance.

Section 5. This Resolution shall become effective upon adoption.


Passed and adopted, this _____ day of _____, 2017.

Chair, Pima County Board of Supervisors

ATTEST:

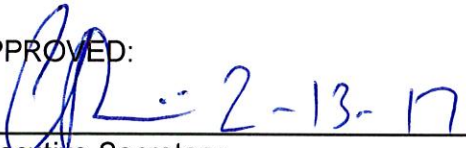
APPROVED AS TO FORM:

Clerk of the Board

 2/19/17

Deputy County Attorney
Lesley M. Lukach

APPROVED:



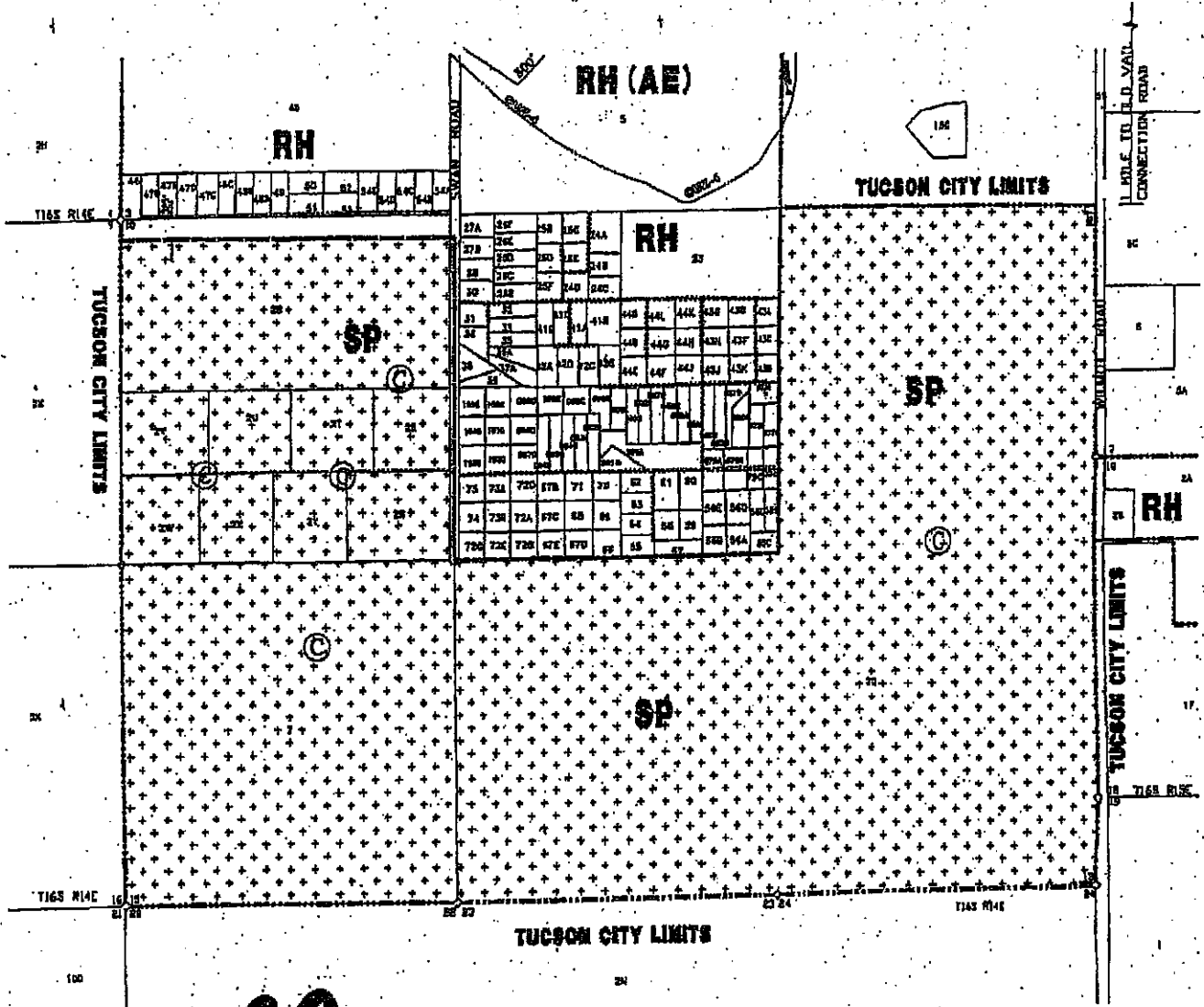
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO's 3, 2 & 129 BY ORDINANCE NO. 2005-2
 TO PIMA COUNTY ZONING MAP NO's 189, 248 & EPC TUCSON, AZ.
 PARCELS 2Q, 2R, 2S, 2T, 2U, 2V, 2W, 2X, 2Y, 7 & PORTION OF 2B.
 BEING ALL OF SECTIONS 12, 13, 14, & 15 AND PART OF SECTION 10
 T16S R14E.



ADOPTED: January 4, 2005 EFFECTIVE: January 14, 2005



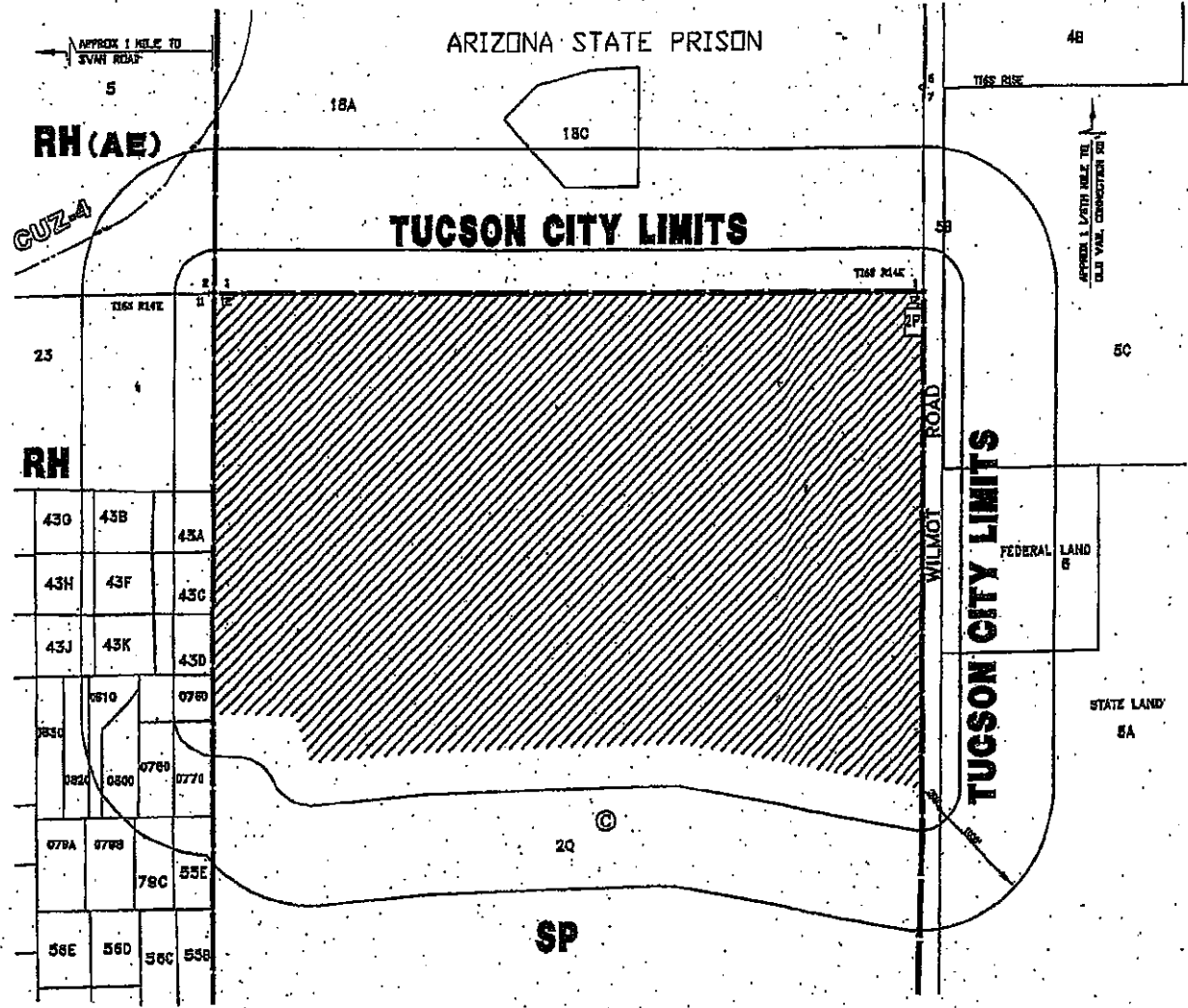
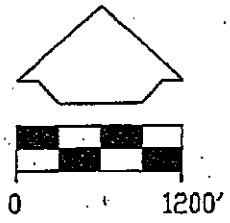
Handwritten signature

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM RH 3200.0 ac±
 ds-NOVEMBER 1, 2004

CO23-04-01
 CO7-00-20
 303-09-002Q, 002R,
 002S, 002T, 002U,
 002V, 002W, 002X,
 002Y, 0070, &
 PTN OF 303-09-002B

EXHIBIT B



Petition area

Notification area

BASE MAP 188, 189, 247, 248

Notes MODIFICATION (SUBSTANTIAL CHANGE) OF SPECIFIC PLAN
REQUIRES SURVEY PRIOR TO ORDINANCE.

Tax codes Portion of
303-09-0020

Date 05/05/10
 Drafter DS

File no. C023-04-01
SWAN SOUTHLANDS SPECIFIC PLAN

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION

EXHIBIT C

SOUTH WILMOT LAND INVESTORS, LLC
2200 E. River Road, Suite 115
Tucson, AZ 85718
(520) 577-0200 / fax (520) 299-5602

May 12, 2010

Mr. Arlan Colton
Planning Director
Pima County Development Services Department
201 N. Stone Avenue, 2nd Floor
Tucson, AZ 85701

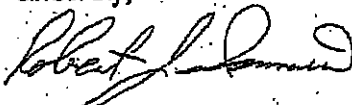
Subject: C023-04-01 Swan Southlands Specific Plan Modification

Dear Arlan:

Pursuant to our teleconference yesterday afternoon, we request that correctional facility uses be a conditional use allowed within Parcel "D3" of Section 12, subject to a Type 3 Conditional Use Permit, and, provided that any such use be located no closer than 1,320 feet east of the western property line of Section 12 and additionally provided that, if such conditional use is approved in the eligible area, then the westernmost 1,320 feet of "D3" shall remain as open space.

We trust this information is sufficient for your needs. Please feel free to contact us should you have any questions.

Sincerely,



Robert J. Iannarino
Project Manager

RJI

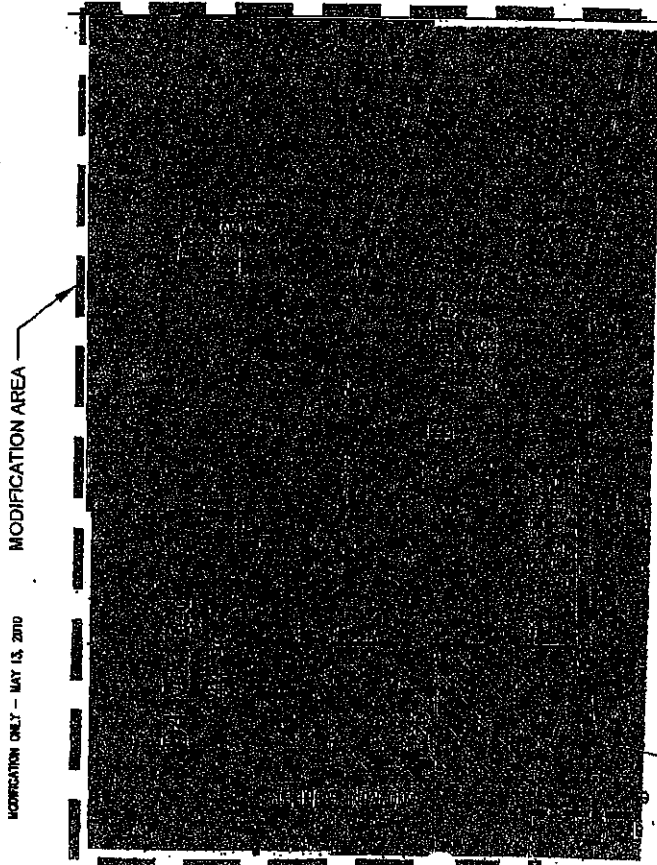
A
ATHEKTON ENGINEERING, INC.
 CIVIL ENGINEERS AND LAND SURVEYORS
 1203 S. MONROE AVE., TUCSON, AZ 85741-4008
 (520) 278-2331 • FAX (520) 238-1008

MODIFICATION ONLY - MAY 13, 2010

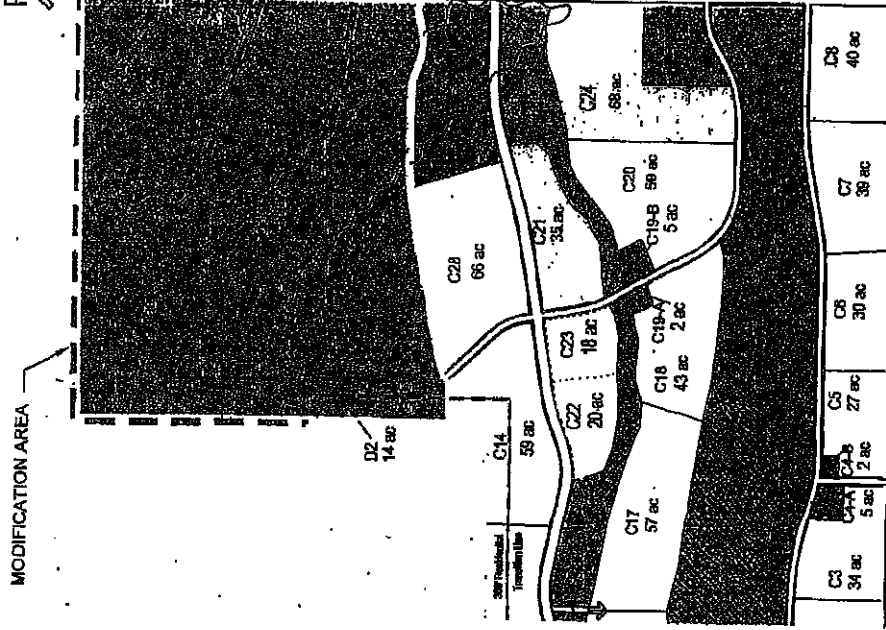
EXHIBIT D

"Identity District D Modification"

Swan Southlands
 Pima County, Arizona
 Figure 14R with Option 1 for Parcel D3
 Preliminary Development Plan



Option 1 Modification
 if correctional facility use on Parcel D3,
 then subject to Type 3 Conditional Use
 Permit and add 33-acre open space buffer
 (to existing 500' buffer)



Current Modification

LEGEND

[Pattern]	INDUSTRIAL
[Pattern]	SP/CR3
[Pattern]	SP/CR5
[Pattern]	SP/PR
[Pattern]	SP/UM
[Pattern]	SP/CR5 WITH PIMA COUNTY PUBLIC PARK OVERLAY
[Pattern]	SP/NO3
[Pattern]	SP/NO3/CAO (CONSERVATION AREA OVERLAY)
[Pattern]	SP/CR5 WITH POTENTIAL SCHOOL SITE OVERLAY
[Pattern]	PUBLIC USE WITH UNDERLYING SP/UM ZONING
[Pattern]	SP/UM WITH PIMA COUNTY PUBLIC PARK OVERLAY
[Pattern]	IDENTITY DISTRICT A BOUNDARY
[Pattern]	IDENTITY DISTRICT B BOUNDARY
[Pattern]	IDENTITY DISTRICT C BOUNDARY
[Pattern]	IDENTITY DISTRICT D BOUNDARY
[Pattern]	WASTEWATER COLLECTION, CONVEYANCE & TREATMENT FACILITY STUDY AREAS
[Pattern]	NOISE SENSITIVE OVERLAY ZONE
[Pattern]	300' RESIDENTIAL TRANSITION
[Pattern]	500' RESIDENTIAL TRANSITION

WestLand Resources
 Date: 03-11-10
 Job#: 185621272
 Drawn By: jww




CVA
 Urban Design Studio L.L.C.

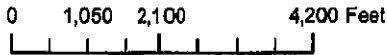
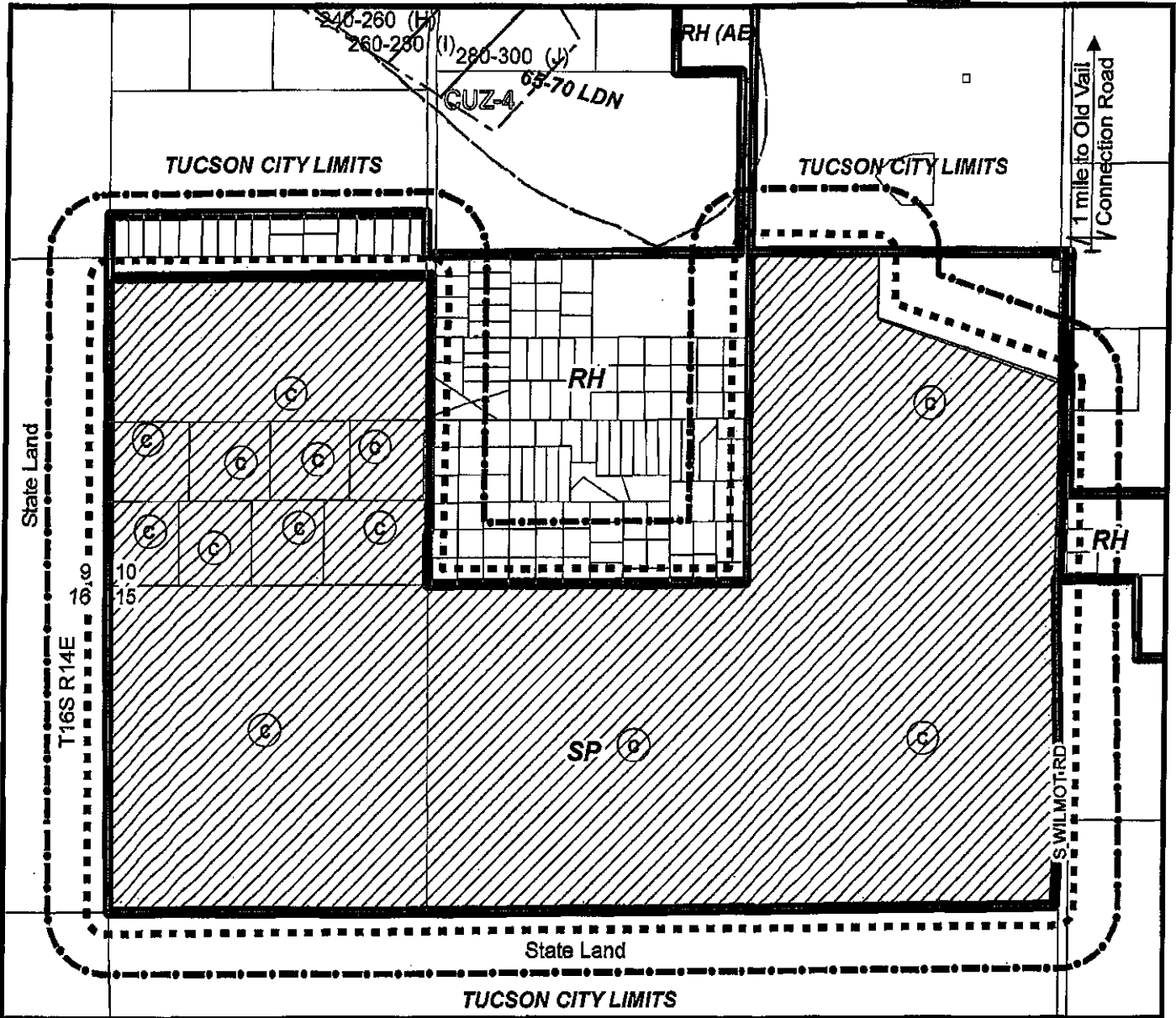
Case #: Co23-04-01

Case Name: SWAN SOUTHLANDS SPECIFIC PLAN

Tax Code(s): 303-09-002R, 002S, 002T, 002U, 002V, 002W, 002X, 002Y, 0070, 0030, Ptn of 303-09-002B

EXHIBIT E

-  300' Notification Area
-  1000' Notification Area
-  Zoning Boundary



Subject Site 

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes: Modification (Substantial Change) of Specific Plan	
PIMA COUNTY COMPREHENSIVE PLAN C07-13-10	
Planning & Zoning Hearing: 10/26/16 (scheduled)	Board of Supervisors Hearing: 12/13/16 (scheduled)
Base Map(s): 199, 248, EPC	Map Scale: 1:30,000
	Map Date: 11/16/2016



EXHIBIT F

Exhibit F is the Swan Southlands Specific Plan document approved by the Pima County Board of Supervisors on December 7, 2004 and amended by the Pima County Board of Supervisors on June 15, 2010 and December 13, 2016.

The document is not recorded but may be viewed at the office of the Pima County Development Services Department, Planning Division, at the following address:

**City-County Public Works Building
201 N. Stone Avenue, 2nd Floor
Tucson, Arizona**