

pineapple cactus mitigation and the recommendation for waiver of conditions #'s 24.A and 24.B regarding the same.

Pertaining to **Item #11**, Section II-E (Hydrology) as advised by Rezoning Policy "C" for RP-58, 59, and 60 and Rezoning Policy "D" for RP-128 referenced in **Item #2.d**, is proposed to be replaced with a requirement that the Specific Plan comply with Title 16 Floodplain Management Ordinance and the recently adopted Lee Moore Wash Basin Management Study (as per Special Area Policy S-18E), inclusive of Flood Hazard Maps and Development Standards. Flood Control District comments below and recommendations on conditions under #14 further address drainage aspects and requirements for the Specific Plan.

Pertaining to **Item #9**, as stated, the project will now be served by the planned southeast sewer expansion designed to serve economic development along the Aerospace Parkway and the planned regional transportation corridor connecting I-19 to I-10. Therefore, plans and requirements for a wastewater treatment facility are proposed for waiver. This technically includes deviation from Rezoning Policy "H" for RP-58, 59, and 60 and Rezoning Policy "F2" for RP-128 referenced in **Item #2.c** pertaining to policy provisions for treatment facilities. Regional Wastewater Reclamation Department comments below confirm the revised plans for County sewer service expansion to the area, and the Department recommends waiver and replacement of existing conditions pertaining to Wastewater under condition #15. Condition #27.D.2 (renumbered to #22.D.2) pertaining to use of the wastewater treatment facility for the existing Industrial-zoned area in Section 12 is also recommended for waiver, as is condition #27.E (renumbered to #22.E) pertaining to use of reclaimed water from the treatment facility.

Pertaining to **Item #10**, with the PDP becoming conceptual and subject to change, the exact requirement for the number, acreage, location, and amenities for parks and trails cannot be pre-determined. Therefore, required Recreational Area Plans associated with residential subdivision platting will address these provisions as required per code, as stipulated in the **Item #10** provisions and requirements, and per conditions of approval under #17 above. Natural Resources, Parks and Recreation comments below and recommendations on conditions under #17 above are in support of the proposed approach to provisions for parks and trails.

Pertaining to **Item #8**, the applicant proposes to follow grading requirements in accordance with applicable County codes. This is already required per the Zoning Code by virtue of Section 18.90.50B3 which addresses Zoning Code regulations that can be supplemented or superseded by provisions of a Specific Plan. Chapter 18.81 Grading Standards is not included for such change. The referenced cut and fill requirements contained within the Specific Plan, under Section II-D Topography, are not extensive, only addressing unprotected, revegetated, and rip-rapped slopes depending on the steepness.

**Item #12** proposes waiver of the affordable housing policy referenced in Section II-R.2 of the specific plan as advised by former Special Area Policy #7 that became Rezoning Policy "G" for RP-58, 59, and 60 as referenced in **Item #2.e**. These Rezoning Policies were deleted as part of the comprehensive plan update due to a change in County policy related to monetary exactions. In line with this, staff recommends waiver of condition #10 pertaining to the requirement that 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 Specific Plan project to meet the goals of the affordable housing policy within the project.

Proposed modifications to Specific Plan Section III-7.a, Administrative Modifications, are requested under **Item #14**. Proposed modifications of provision #2 of that section allow for unrestricted administrative changes to the parcel boundaries, divisions of parcels, combinations of parcels, and zones consistent with the allowance of these changes with the conceptualization of the PDP under **Item #4**. Condition #28 has been recommended for modification accordingly.

Provision #7 of Section III-7.a is proposed for waiver. The waiver would remove provision for administrative relocation or modification of school or park sites related to enhancing the creation of a sense of neighborhood and community, to better centralize schools or parks, or to implement the desires of the school district or Parks Department. Existing condition #29 (see Resolution 2011-38) otherwise requires dedication of school sites acceptable to the school district.

New provision #7 provides administrative authority to waive a Master Block Plat for an individual development project upon demonstration 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. The block plat would not be waived for the entire section of land however.

Provision #9 of Section III-7.a is also proposed for waiver. The waiver would remove provision for a transfer of commercial/mixed use square footage from one mixed use parcel to another of up to 10% as long as the overall square footage cap as defined in Table 3 is not exceeded. With the proposed conceptualization of the Density Table 3 under **Item #3** and the PDP under **Item #4**, the provision would no longer be necessary.

Re-numbered provision #9 of Section III-7.a proposes addition of the words "alignment" and "location" to the potential for administrative modifications to infrastructure and addition of the words "changing conditions" to the bases for such modification.

Re-numbered provision #10 of Section III-7.a proposes removal of the word "target" pertaining to densities, as target densities for individual development parcels would no longer be applicable with proposed modifications pertaining to **Item #1** (identity district and sub-district removal) and proposed conceptualization of the Density Table 3 under **Item #3** and the PDP under **Item #4**.

### **Concurrency**

Concurrency considerations can only be based on the proposed conceptual PDP since it is not known what uses may result from the proposed Non-Residential/Employment Option. However, requirements within the Specific Plan document and the conditions of the Specific Plan approval, as may be amended, require analysis for and provision of adequate infrastructure to accommodate development resulting from the Specific Plan.

### **Maeveen Marie Behan Conservation Lands System (MMBCLS)**

The site contains Important Riparian Areas (IRA) within the MMBCLS.

### **TRANSPORTATION REPORT**

The Department of Transportation has reviewed the request for changes to the Swan Southlands Specific Plan and has no objection to the changes requested. No changes to the rezoning conditions are recommended at this time. The conditions, as previously approved, do not impede the ability to accomplish the proposed policy and administrative changes. Roadways in the area are currently below capacity. New infrastructure will need to be built to serve this site, and the

Department of Transportation will review Traffic Impact Analyses throughout the development phases of this project.

The Department of Transportation notes the following:

**Specific Plan Governing Policies:**

- Item 1.** Identity Districts: The Department of Transportation has no objection to deleting the Identity District concept and block platting based on section boundaries. We have no objection to administrative authority to waive the Master Block Plat requirements to facilitate individual developments in a timely manner; however, it is recommended that an alternative time frame be developed for completion of the master block plat subsequent to the individual development plan. Understanding that timing may be critical, the need for comprehensive development and coordinated infrastructure development should not be overlooked.
  
- Item 4.** Preliminary Development Plan and Parcel Boundaries: The Department of Transportation has no objection to the PDP and parcel boundary policy; however, it should be noted that alignments shall be approved by the Department of Transportation not just changes to the alignment.
  
- Item 13.** Non-Residential/Employment Option Provisions: The Department of Transportation has no objection to the non-residential employment option; however, it should be noted that the department has concerns about connectivity and non-compatible uses sharing roadway facilities. The master block plats will be critical in identifying the appropriate roadway connections to avoid conflicts between industrial traffic while providing the maximum level of connectivity. Although there is no objection to the concept, the floating overlay should probably be limited to areas within the specific plan that are most likely to develop as high intensity commercial or industrial.

**Section III – 7.a. Administrative Modification Changes:**

Provision 2: The Department of Transportation does not object to this change. Roadway alignments should be approved by the Department of Transportation.

Provision 9: The Department of Transportation supports the use of advanced and innovative technology. There is no objection to this change.

Provision 10: It should be noted that a right-of-way use permit is needed to modify, adjust, or otherwise use the public right-of-way. The language in the specific plan does not waive the applicability of a right-of-way use permit.

**FLOOD CONTROL REPORT**

The Flood Control District has reviewed the Specific Plan, the requested changes to the Governing Policies, and the current conditions and has the following comments on each:

Specific Plan:

No updates to the hydrology or water supply analyses have been submitted. The existing conditions required that a watershed and master drainage study be completed to include the entire project due to a lack of floodplain mapping within the area. Since the time the Specific Plan was approved the District has completed the Lee Moore Wash Basin Management Study. This

study identifies flow corridors, development standards and needed capital improvements. Such studies are appropriate in this very large 'distributary' alluvial fan wherein flow paths change due to sediment accumulation and natural arroyo channels are not large enough to contain the 100 year regulatory event. New conditions are recommended below to ensure compliance with design standards in place at the time of development and in particular the Lee Moore Wash Basin Management Study.

Governing Policies:

1. The District agrees that current riparian habitat mitigation standards provide the level of protection reflected in the original specific plan and that performance conditions related to riparian habitat protection are not necessary. The recommended condition below will ensure that mitigation compliant with the standards in place at the time is addressed at the time of each block plat.
2. Other changes requested have been made.

Resolution:

1. The District recommends that Master Drainage Plans, Habitat Mitigation Plans and Water Conservation Plans be completed with each block plat. Our understanding is that there will be five, one for each Section. All flood control conditions may be replaced with the condition recommended below.
2. Condition #27.A requires the Wastewater Department and District to notify neighbors when groundwater pumping monitoring to be conducted by the provider indicates drawdown that impacts their wells. The District does not wish to assume this responsibility and recommends it be placed with the water system operator.
3. PCRFCFCD should be added next to ADEQ in condition #27.C.3.f if it is retained.
4. If condition #30 is retained, the District recommends removal of the term "viable" in the first and last sentence.

Recommended Replacement Condition:

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 District.

**ENVIRONMENTAL PLANNING REPORT**

Office of Sustainability and Conservation - Environmental Planning reviewed earlier iterations of the proposed modifications and worked with the applicant to address our concerns. We have no objection to the requested modifications as currently proposed.

Condition #'s 24.A and 24.B address implementation of the Swan Southlands Specific Plan's General Development Standards that modify Pima County Zoning Code Chapter 18.72 (Native Plant Preservation Ordinance - NPPO) standards according to the Design Review Committee's variances regarding Sections 18.72.090.C.1 and 18.72.090-1. If the variances had not been approved, the code requirements of 18.72 (including PPC mitigation) would have prevailed. As this current request proposes to revert back to outright full compliance with the NPPO (including PPC mitigation), the requirements of Condition #'s 24.A and 24.B become redundant and are no

longer necessary. Therefore, Environmental Planning recommends waiver of condition #'s 24.A and 24.B.

#### **WASTEWATER RECLAMATION REPORT**

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has received the above referenced submittal and offers the following comments for your use. The proposed modifications would allow for development ranging from single family residential to industrial.

The 3,062-acre plan area is currently within the PCRWRD service area and is tributary to the Agua Nueva Water Reclamation Facility. The proposed master-planned community will be served by the County's existing regional public system (Old Nogales line). An extension of public sewer is planned along Old Vail Connection Road to allow this development and other planned developments in the area to connect to the Old Nogales sewer.

The PCRWRD has no objections to the above referenced request for modification of the specific plan, but requests the existing wastewater conditions in rezoning Resolution 2011-38 adopted March 1, 2011 by the Board of Supervisors be replaced with updated conditions under #15 above.

#### **NATURAL RESOURCES, PARKS AND RECREATION REPORT**

Natural Resources, Parks and Recreation has no objection to the applicant's proposed modifications for requirements for parks and trails provisions. Staff recommends modifications to conditions from Resolution 2011-38 under #18 above as the project has changed. Conditions recommended for waiver are either not needed or are otherwise a requirement in the Zoning Code.

#### **CULTURAL RESOURCES REPORT**

The Office of Sustainability and Conservation, Cultural Resources & Historic Preservation Division (OSC) has reviewed the requested modifications to the Specific Plan and recommends deleted and modified conditions under #18 above. The recommended wording of the conditions should be used for all development within the five sections of the Swan Southlands so that cultural resources conditions are the same for the entire area.

Cultural resources compliance can be done at any land scale. The recommended wording leaves the developers the opportunity to address cultural resources at a land scale appropriate to their needs.

#### **CITY OF TUCSON**

No comments have been received to date.

#### **RURAL METRO FIRE DEPARTMENT**

The Rural/Metro Fire Department has reviewed the submittal for the above referenced case and has no objections to the modification request.

The following condition shall still be applicable:

As the development continues into the plan stage, the applicant shall be required to submit plans to our fire prevention department for review of fire code compliance. This review will cover fire flow and fire hydrant requirements, fire department access, fire sprinkler systems

and all other applicable fire code requirements. As of January 1, 2016 the 2012 edition of the International Fire Code shall be the applicable fire code for this project.

**TUCSON AIRPORT AUTHORITY (TAA) – TUCSON INTERNATIONAL AIRPORT**

No comments have been received to date.

**ARIZONA STATE LAND DEPARTMENT**

No comments have been received to date.

**ARIZONA DEPARTMENT OF CORRECTIONS**

The Arizona Department of Corrections has reviewed the Swan Southlands Specific Plan (Co23-04-01) and at this time has no comments to add to the proposed modifications. We would be very interested in the future as the project progresses to explore opportunities to connect to projects new sewer system once it is installed. We would also be very interested in reviewing any plans should a private prison be proposed for the site specified in the proposed changes.

**TUCSON ELECTRIC POWER COMPANY**

No comments have been received to date.

**SUNNYSIDE SCHOOL DISTRICT**

No comments have been received to date.

**UNITED STATES FISH AND WILDLIFE SERVICE**

No comments have been received to date.

**PUBLIC COMMENT**

To date, staff has not received any written public comment pertaining to this request. On October 10, 2016, the applicant conducted a courtesy neighborhood meeting to provide local property owners information concerning the modifications proposed for the Specific Plan. A copy of the invitation letter and the meeting sign-in sheet is attached.

Respectfully Submitted,



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DP/CP

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# Specific Plan Addendum

## Swan Southlands Specific Plan Governing Policies Modification (Amendments)

The original Specific Plan for Swan Southlands' 3,184 acres was adopted in September 2005. The Specific Plan anticipated the need for future amendments to respond to changing regional and market conditions. To that end, in 2010 the Specific Plan was amended to allow an industrial use on the eastern boundary of the property. Since then, several changes in regional planning and regional infrastructure have resulted in additional changed circumstances that warrant amendments and additional flexibility to the Specific Plan as set forth in this document.

The amendments proposed herein are consistent with the concepts of the Swan Southlands Specific Plan being developed as a residential and mixed use master plan as approved in 2005 and amended in 2010. The changes herein are primarily designed to update the Specific Plan and bring them into better conformance with Pima County's ten-year comprehensive land use plan, Pima Prospers, approved in May 2015. Pima County's economic development priorities are stated in Pima Prospers. Chapter 6 addresses Economic Development, including 6.1 Business Retention, Expansion and Attraction, 6.3 Positive Climate for Business and 6.7 Construction as a Stimulus to our Economy. Each of these Goals has numerous Implementation Measures which are better supported with additional flexibility in the Swan Southlands Specific Plan. The Swan Southlands 2016 Specific Plan amendment, Pima County's 2015-2017 Economic Development Plan and Pima Prospers all seek to promote economic development by providing quality residential development in proximity to employment centers and by allowing greater land use flexibility for business retention, expansion and attraction.

There are regional plans to develop an Aerospace, Defense, High Tech and Manufacturing Business Park in the southeast area. This was initiated with the development of the Aerospace Parkway to serve Raytheon and the Tucson International Airport. The alignment of a future regional transportation corridor connecting I-19 to I-10 is also planned. Construction of a second runway at Tucson International Airport, expansion of utility infrastructure in the area and extension of Union Pacific rail in the southeast are also elements of the regional economic development plan in the southeast. The nexus of interstate, air and rail access in the southeast and plans to develop the area into a major economic development hub affirms both the original concepts of the Swan Southlands Specific Plan as well as the importance of the need to be responsive to land use adjustments as the southeast area develops.

Additionally, this amendment seeks to update several Specific Plan provisions that are outdated based on current Pima County regulations and policies that have been updated since the adoption of the original 2005 Specific Plan. Specifically, Title 16.30, Watercourse and Riparian Habitat Protection and Mitigation Requirements, the Lee Moore Wash Basin Management Study, Southeast Sewer Expansion facility, and changes to the affordable housing policy are all elements that have been updated by Pima County since the time the Specific Plan was adopted. This amendment seeks to update these provisions to be in line with current County regulations and policies.

The two primary objectives of the Specific Plan amendments are:

A) To update the Specific Plan based on changes to various Pima County regulations and policies, while maintaining the overall vision and intent of the Specific Plan as a residential mixed/multiple use master planned community with phased development of residential, commercial and employment areas.

B) To provide the flexibility for one or more employment campuses to locate within the Specific Plan area with appropriate additional development standards and corresponding adjustments.

To facilitate implementation of those objectives and to more closely align the Specific Plan with Pima County's current regional planning and market conditions, the following Governing Policies and Provisions shall supplement and modify the Specific Plan and shall be the governing policies of the Specific Plan. Specifically, to the extent any Governing Policy or Provision below conflicts with and/or modifies any other provision, definition, map, chart, figure, table or similar item within the Specific Plan, the provisions below shall be deemed to govern and control and the Specific Plan document relative to those provisions shall be deemed to be conceptual only.

This Specific Plan Governing Policies Modifications below apply to the approximately 3,062 acre property as defined in Amended and Restated Swan Southlands Specific Plan Development Agreement recorded on December 8, 2010 in Document No. 20102350201 and shall not affect the CCA Parcel as defined therein.

1. Identity Districts. The project will not be developed using Identity Districts. Consequently, the specific requirements for each Identity District, including the requirement for a master block plat for each Identity Sub-District shall no longer be required. Instead, the project shall be developed on a phased basis with a maximum of five (5) master block plats, generally defined by a section of land, although the specific boundaries of each master block plat shall be flexible to reflect appropriate development limits. The Planning Director has the administrative authority to waive the requirement for a Master Block Plat for an individual development project if one has not already been completed, if the applicant can demonstrate 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. Any waiver request by the applicant shall be determined on a case by case basis as the project is developed.

2. Comprehensive Plan Special Area Policies. The Specific Plan references several Comprehensive Plan Special Area Policies affiliated from plan amendment cases CO7-03-07, CO7-03-09 and CO7-03-10 within the body of the document. Note that these Special Area Policies have been changed to Rezoning Policies under the current Comprehensive Plan. Based on the proposed changes herein, deviations from the Special Area Policies shall be as proposed below.



- a. Special Area Policy #6: Flexible Mixed-Use Policy (Current Rezoning Policy "F" for RP-58, RP-59, and RP-60): In accordance with Item #6 below, the Flexible Mixed-Use Policy (referenced on pages 65 and 67 of the Specific Plan) conflicts with more recent goals to attract non-residential employment-based land uses within the region by limiting the amount of non-residential uses within the project. Acreage limitations for non-residential uses within the Specific Plan that stem from the policy shall be removed to promote the goal of providing large-scale employment uses within the project.
- b. Special Area Policy #2: Riparian Area Protection Policy (Current Rezoning Policy "B" for RP-58, RP-59, and RP-60 and "C" for RP-128): In accordance with Item #7 Riparian Protection and Open Space below, the provisions pertaining to the Riparian Area Protection Policy (referenced on pages 77 and 83-84) of the Specific Plan) shall instead be accomplished by complying with Title 16.30, Watercourse and Riparian Habitat Protection and Mitigation Requirements. When originally applied, SAP Policy #2 addressed the need to comply with the Conservation Lands System and retain 95% of all Important Riparian Areas (IRA) and all washes with 100-year flow events greater than or equal to 250 cfs as natural and undisturbed. IRA's were not subject to any other protection mechanism such as Title 16.30. However, in 2005, Title 16.30 was amended to incorporate all IRA's identified by the CLS as a regulated riparian habitat type, establish mitigation requirements compatible with CLS conservation objectives, and include IRA's in maps of regulated riparian areas. Compliance with Title 16.30, therefore, fulfills the intent of the Riparian Area Protection Policy.
- c. Special Area Policy #8: Wastewater Policy (Current Rezoning Policy "H" for RP-58, RP-59, and RP-60 and "F2" for RP-128): In accordance with Item #9 below, the provisions pertaining to the Wastewater Policy (referenced on pages 93-94 of the Specific Plan) shall be replaced with a provision that sewer be served by the planned southeast sewer expansion designed to serve economic development along the Aerospace Parkway and future regional transportation corridors connecting I-19 to I-10.
- d. Special Area Policy #3: Hydrology/Floodplain Management Policy (Current Rezoning Policy "C" for RP-58, RP-59, and RP-60 and "D" for RP-128): In accordance with Item #11, Drainage, the provisions pertaining to the Hydrology/Floodplain Management Policy (referenced on pages 76 and 78 of the Specific Plan) shall be replaced with a requirement that the project comply with the Pima County Flood Control District Lee Moore Wash Basin Management Study (as per Special Area Policy S-18E Floodplain Management) and Regulated Riparian Areas. The change is based on the more recently adopted Lee Moore Wash Basin Management Study that was not available at the time the original policy was adopted.

- e. Special Area Policy #7: Affordable Housing Policy (Deleted Policy “G” for RP-58, RP-59, and RP-60): In accordance with Item #12 below, the provisions pertaining to the Affordable Housing Policy (referenced on page 109 of the Specific Plan) shall be removed in its entirety to eliminate inconsistencies with current Pima County policy.

3. Residential Density. The minimum residential unit count of 4,300 units and a maximum of 8,014 residential units within the overall Specific Plan shall be retained. The required minimum and maximum residential units within any individual Development Parcel is hereby removed. Table 3 (pages 70-71) and 3B (page 113) will remain in the Specific Plan document and a notation shall be added: “*Parcels, density ranges and targets are conceptual only and subject to change*”. A modification to the Annual Implementation and Monitoring Program (Monitoring Program) has been provided to administratively track residential units on a phased basis. The Monitoring Program will ensure that as the project is developed over time, the actual residential units provided is within the proportional minimum and maximum residential unit range based on the amount of net residential land area developed to date.

4. Preliminary Development Plan and Parcel Boundaries. Changes in zoning, configuration, and size of individual Development Parcels shown on the Preliminary Development Plan (Figures 13R and 14R) to include modifications of boundaries, division of larger parcels, or combinations of parcels for both residential and non-residential designations, shall be permitted without restriction, as long as the Watercourse and Riparian Habitat Protection and Mitigation Requirements per Title 16.30 and the Native Plant Preservation Ordinance per Title 18.72 are met as the project is developed, there is adequate provisions for school sites, division of parcels for single family residential uses are subdivided, special conditions for parcels D3 and D5 are met, qualifications for zones established under Item #6 are met, and there is no net change in the required range of minimum or maximum residential units referenced in Items #3 and #6. Changes to roadway alignments may be made subject to approval by the Department of Transportation. This provision for land use flexibility does not negate the specific plan intent that higher density residential uses be located adjacent to primary transportation corridors to take advantage of commercial and multi-modal transportation services. A notation to the Preliminary development Plan shall be added “*Conceptual only and subject to change*.”

5. Master Studies. The timing and scope of required Master Studies and Technical Reports will be determined by applicable County departments and agencies based on the scope of each development project and its potential impacts to applicable infrastructure capacities and/or requirements.

6. Non-Residential/Employment Option. In addition to the correctional facility and other approved industrial uses in Section 12, commercial, industrial,

manufacturing, office and retail uses may exceed the previous limitations designated within the Specific Plan and any such limitation referenced herein is hereby removed, except that special provisions for use and zone restrictions pertaining to existing residential uses in Section 11 shall be maintained. Additionally, the CB-2 (General Business), CI-1 (Light Industrial/Warehousing), and CI-2 (General Industrial) zones in the Zoning Code shall be established as zones within the Specific Plan subject to use allowances and other provisions for the zones. These zones shall be permitted anywhere within the Specific Plan without limitation to location, configuration or size, except as restricted per applicable development standards and special conditions, including required setbacks and buffering, distance separation from residential uses or zones and business zones, distance separation from other specified uses or zones, uses restricted within proximity of state or federal highways, land use restrictions pertaining to existing residential uses within Section 11, and designated natural open space. Any such excess uses above 271 acres (not including Parcels D3, D4 and D5) will have a corresponding reduction in the minimum and maximum residential unit count of 2.5 residences per acre, with proportional adjustments to recreational open space requirements. Proposed zoning shall be identified on subdivision plats and development plans submitted for review. A map of all final zoning within the entire specific plan shall also be submitted with subdivision plats and development plans submitted for review. Master block plats are not required to identify zoning. Upon final approval of a development plan or subdivision plat, the zoning identified on the approved area shall be final. Any further changes to zoning after final approval shall follow the amendment procedures outlined in Section 18.90.080.C of the Pima County Zoning Code. A minimum of 1,000 residential units shall be maintained regardless of any proportional reduction in residential units to ensure a minimum requirement for residential uses is provided within the development. The uses described herein may be concentrated in a specific location within the Specific Plan or may be dispersed throughout the development. Minimum performance standards have been provided herein (Item #13 below) as part of this amendment to ensure appropriate buffers between residential and non-residential uses, and between higher intensity and lower intensity uses.

7. Riparian Protection and Open Space. Those elements of Section II-E and Section II-F of the Specific Plan that require compliance with SAP #2, allocation of Project Natural Open Space (SP/NOS), and Pima pineapple cactus mitigation shall be replaced with the requirement to comply with the Regional Flood Control District's Title 16.30, Watercourse and Riparian Habitat Protection and Mitigation Requirements and to comply with Title 18.72, Native Plant Preservation Ordinance. Additionally, establishment of a Conservation Area Overlay (SP/NOS/CAO) and recordation of a conservation easement and deed restriction to run with the land is no longer mandatory, but may occur at the land owner's discretion.

8. Cut and Fill. All cut and fill requirements contained within the Specific Plan shall be removed and all grading requirements shall comply with applicable Pima County codes.

9. Wastewater. The project will now be served by the planned southeast sewer expansion designed to serve economic development along the planned regional transportation corridor connecting I-19 to I-10 and Aerospace Parkway. Consequently, the planned on-site Wastewater Collection, Conveyance and Treatment Facility is hereby removed from the northwest corner of Section 10 and any reference to or requirement for the on-site Wastewater Treatment Facility, including any required donation of land for the development of such facility, is hereby deleted. Additionally, any specific zoning designation for the parcel formerly planned for the Wastewater Treatment Facility shall be removed and all permitted Specific Plan land uses shall apply to such parcel.

10. Parks and Trails. In accordance with approved Recreation Area Plan, the required number, acreage, location and amenities of Parks and Trails will be adjusted as the project is developed based upon the amount and type of residential development within Swan Southlands. Any parks developed within the project that exceed 5,000 square feet in size shall be counted towards the requirement of providing 871 square feet of recreational amenities per single family residential unit. The 2008 Pima County Natural Resources, Parks and Recreation letter clarifying Special Purpose Parks, Alternative Recreation Areas in master plans shall apply.

11. Drainage. Section II-E of the Specific Plan shall be replaced with a requirement that the project comply with the Flood Management Ordinance, Title 16 of the Pima County Code and the Lee Moore Watershed Basin Management Study. Any conflicting drainage requirements contained within the Specific Plan shall no longer apply. The change is based on the more recently adopted Lee Moore Wash Basin Management Study including Flood Hazard Maps and Development Standards that was not available at the time the original Specific Plan was adopted.

12. Working Families Affordable Housing. The Working Families Affordable Housing Policy is hereby removed in its entirety to eliminate inconsistencies with current Pima County policy.

13. Non-Residential/Employment Option Provisions. In accordance with Item #6 above, the Non-Residential Uses/Employment Option shall permit all uses and standards defined within the following Pima County Zoning Code Chapters:

- CB-2 General Business Zone (Chapter 18.45)
- CI-1 Light Industrial/Warehousing Zone (Chapter 18.51)
- CI-2 General Industrial Zone (Chapter 18.53)

Any use proposed pertaining to the Non-Residential Uses/Employment Option shall comply with the Zoning Code provisions defined within the applicable zone for which the use is designated, including all performance standards, development

standards, and any other requirements, as applicable. For uses classified as CB-2, CI-1 and CI-2 within 2,500 feet of a residential use or zone, the performance standards of Section 18.43.020.B of the Zoning Code apply. Notwithstanding the above, the following additional development standards defined within Table A1, *Additional Development Standards* shall apply. Where there is a conflict between the Specific Plan and the Pima County Zoning Code, the most restrictive performance or development standards apply for these zones. For purposes of determining setbacks and buffering from an adjacent use or zone, the zone provided on the preliminary development plan shall apply unless a subdivision plat or development plan has been approved, in which case the approved zone shall apply.

**Table A1: Additional Development Standards**

Development Standard	CB-2 General Business	CI-1 Light Industrial	CI-2 General Industrial
<b>Minimum Building Setbacks (feet)</b>			
From a Residence in a Rural District or a Residential or Business District	100	200	500
From a Lower Intensity Industrial District	20	50	100
Adjacent to a Public Street	20	50	50
Maximum Building Height	per code	per code	per code
<b>Minimum Perimeter Landscape Area</b>			
From a Residence in a Rural District or a Residential or Business District	20	100	100
From a Lower Intensity Industrial District	15	50	50
Adjacent to a Public Street	20	30	50
<b>Minimum Outdoor Storage Setback</b>			
From a Residence in a Rural District or a Residential or Business District	N/A	150	200
From a Lower Intensity Industrial District	N/A	50	50
Adjacent to a Public Street	N/A	50	50
<b>Screening Requirements for CI-1 and CI-2 Industrial Uses</b>			
All outdoor storage or outdoor uses within 500 feet of any residential use or district, business use or district, and any public street shall be screened from view by a minimum 6-foot tall, solid wall or fence and shall fully screen all materials or uses.			

*Footnote: The Perimeter Landscape Area may be undisturbed natural desert if wide enough to meet that allowance for bufferyards per the Landscape Design Manual. Otherwise, the plant density multiplier and structure element requirements shall, at a minimum, be consistent with the widest optional bufferyard type for non-undisturbed natural desert.*

14. Specific Plan Amendment Procedures: Administrative Modifications: In accordance with the amendment provisions defined above, changes to Section III-7.a, *Administrative Modifications* of the Specific Plan are provided to ensure consistency between the modification provided above and the provisions defined within the Specific Plan. The specific changes are listed below (note that double underlined text represents additions and strike-through text represents deletions).

Section III-7.a. Administrative Modification Changes

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1. Adjustments or Modification in the Phasing Order - as long as infrastructure development is precedent or concurrent.
2. Changes in configuration of individual Development Parcels to include modifications of boundaries, division of larger parcels, or combinations of parcels, and changes to zones are permitted by a maximum of 20%, as long as the Watercourse and Riparian Habitat Protection and Mitigation Requirements per Title 16.30 and the Native Plant Preservation Ordinance per Title 18.72 are met as the project is developed, and there is adequate provisions for school sites, and there is no net change increase in the total minimum or maximum number of residential units allowable. within the applicable Identity District or Sub-District or no net decrease below the minimum defined within the Identity District or Sub-District defined within Table 3R of the Specific Plan document. Changes to roadway alignments may be made subject to approval by the Department of Transportation. This modification is not applicable to the west boundaries of either parcel D-3 or D-5.
3. Change or modification in lot sizes and/or lot configuration by up to 10%, which encourages diversity of housing types, as long as within the allowable density of the Specific Plan.
4. Changes in lot coverage ratios which encourage diversity in housing type as long as within the allowable density of the zones.
5. Creation of gated neighborhoods, private streets, or other modifications in common area assets to be voluntarily maintained by a group or resident homeowners, as long as the integrity of the interior circulation provided by public street system is maintained.
6. Placement and/or construction of identity or character features such as community art, entry monuments, mailboxes, neighborhood signage, etc. unless there is a safety concern.
7. ~~Relocation or modification of a school or park site, which either enhances the opportunity to create a sense of neighborhood and community, to better centralize the school and/or park site based on actual development densities, or to implement the desires of the School District or County Parks Department as to the most appropriate location for the school and/or park sites, as long as within the allowable density of the Specific Plan, and subject to approval by Sunnyside School District and/or Natural Resources, Parks and Recreation Department.~~

7. The Planning Official has the administrative authority to waive the requirement for a Master Block Plat for an individual development project if one has not already been completed, if the applicant can demonstrate 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. Any waiver request by the applicant shall be determined on a case by case basis as the project is developed.
8. Interpretations to Terminology, References, Glossary, Designation, or Nomenclature which do not impact the overall intent of the Specific Plan can be made independent of all other sections of the Specific Plan.
9. ~~A transfer of commercial/mixed use square footage from one mixed use parcel to another of up to 10% as long as the overall square footage cap as defined in Table 3 is not exceeded.~~
910. Modifications in the alignment, location, design and construction of infrastructure based upon changing conditions or technological advances are permitted when proposed modification is accepted by County Transportation, Wastewater, or Flood Control District. Infrastructure capacity based upon planned ~~target~~ densities and intensities of use and phasing of infrastructure precedent or concurrent with development will remain unchanged.
1011. Minor modifications or adjustments to intrusions, encroachments, easements, right-of-ways, or open space is permitted, so long as the modifications fall within the general overall range and ~~target~~ densities for the community and regulatory open space requirements are maintained.
1112. Any analogous interpretations of the list of permitted or conditional uses of the Property set forth in the Specific Plan, as determined by the Pima County Planning Official.
1213. Other changes not identified to be Substantial or Insubstantial in nature, as identified by Section 18.90.080.C.3.d and e and as deemed appropriate by the Planning Official, as long as the changes do not impact the general health, safety, and welfare of the residents of Pima County, and do not modify the overall intent of the approved Specific Plan including the plan's compliance with the applicable rezoning and special area policies.

15. Specific Plan Annual Implementation Monitoring Report: In order to ensure that the range of require residential units is met at full build-out of the project, additional requirements to Section III-8, Specific Plan *Annual Implementation Monitoring Report* are provided below (note that double underlined text represent additions).

Section III-8 Specific Plan Annual Implementation Monitoring Report Changes  
 In accordance with Pima County Zoning Code Section 18.90.090.D, the Master Developer for Swan Southlands shall submit an Annual Implementation Monitoring Report for review by applicable County departments and submittal at public hearings by the Planning and Zoning Commission and the Board of Supervisors. The report shall describe in acceptable form and detail the following:

- a) Project adherence to schedules submitted by the Specific Plan (as amended);
- b) The number of total dwelling units proposed, platted, and permitted, and the allocation of the balance of approved units. In order to ensure the range of required residential units will be met at full build out, the Master Developer must demonstrate that proportionally, the community does not fall below 20% of the proportional minimum or above 20% of the proportional maximum residential unit count requirement at any time after the 500<sup>th</sup> lot is developed as reported through the annual report. This will be calculated by tracking each plat or development plan and determining the proportional density and unit count in relation to the total amount of residentially-designated land area per the preliminary development plan to ensure it is within the required proportional range.
- c) A record of zoning violations charged to the project; and
- d) Such items as established by adopted County policy.



Swan Southlands  
A Master Planned Community  
By South Wilmot Land Investors, L.L.C.

2016 Specific Plan Amendment

## INTRODUCTION & AMENDMENT RATIONALE

The subject property is approximately 3,062 acres of land located in the southeast portion of metropolitan Tucson area. Recent changes in planned land uses and infrastructure have resulted in new information and changed circumstances. Relevant changes to the regional context of Swan Southlands are outlined below.

Pima County's Economic Development Plan 2015-2017 sets forth policies and 14 focus areas to grow the local economy, increase jobs and income and increase overall community wealth.

In 2012, the Joint Planning Advisory Committee consisting of the Pima Association of Governments, Central Arizona Association of Governments and Maricopa Association of Governments executed a Freight Framework Study for the Sun Corridor. After analysis of sites throughout the State, the area south of Tucson International Airport was identified as the ideal location for import distribution in Arizona. The components leading to this conclusion are the proximity to two interstate highways; Interstate 19 connecting with Mexico and Interstate 10, the only all-weather east-west transcontinental interstate; two rail lines, the main Union Pacific east-west Sunset route and the Nogales line, the only Arizona rail line into Mexico; and TIA. Access will be further enhanced once the Sonoran Corridor connecting I-19 and I-10 is completed. Another logistics component is the proximity to the Port of Tucson, which is the only intermodal facility in Arizona certified for direct delivery and origination of international containers. There are excellent training programs in place and an available labor force for new or expanding employers to immediately be productive. The flat terrain lends itself to reasonable construction costs. Integrated, all of these transportation systems improvements make this location an ideal logistics center for southern Arizona and the United States.

It is important to facilitate the development of distribution, logistics and other corporate expansions in the vicinity of TIA and in the jobs corridor connecting Rita Road at I-10 to the Old Nogales Highway or I-19. This corridor includes the one million square foot Target Fulfillment Center, La Costena and the 800,000 sq. ft. \$79 million Home Goods distribution warehouse facility.

Pima County and the Port of Tucson received a federal TIGER Grant to create a major offloading point from the intercontinental Union Pacific Railroad. This will allow the Port of Tucson to accept significantly larger train capacity. Major tenants include Biagi Bros. and Zucarmex. The presence of on-site Customs offices makes Tucson a true, cost effective inland port.

Tucson International Airport is in the process to develop a second parallel runway at TIA. This additional runway will improve safety and increase the landing capacity available at TIA, which is an important component of any air cargo expansion.

The TIA Logistics Center is flanked by I-10 and I-19, two high-speed surface transportation facilities. The interstate system has been one of the primary driving forces of economic expansion in the United States. A new 16-mile interstate auxiliary highway is planned which connects the U of A Tech Park to the defense and aerospace manufacturing centers on TIA. This connection between I-19 and I-10 is the highest priority transportation improvement in the region for economic development and expansion. The Sonoran Corridor connects to I-19 in the vicinity of Pima Mine Road and continues east to the Alvernon Road alignment where it continues north to the Old Vail Connection Road. The Aerospace Parkway which serves Raytheon, Tucson International Airport, and the Arizona Air National Guard connects to the Sonoran Corridor at Alvernon and Old Vail. It then continues east to I-10 connecting at Rita Road, linking the Tucson Tech Corridor.

Mexico is the United States' third largest trading partner and first for Arizona. According to the University of Arizona Eller School's Arizona Mexico Economic Indicators, Arizona exported \$21.1 billion in products in 2014. International trade with Mexico may be the most important component of ensuring this area becomes a key logistics hub for the entire Southwestern United States. Mexico's importance to the global economy cannot be understated. Sonora's middle class is growing and key industry sectors in the economy are expanding rapidly; aerospace and agriculture being two. In addition to I-10 and I-19, Mexico is investing over \$1 billion to improve Highway 15 which runs north-south through the state of Sonora to the \$244 million expanded Mariposa Port of Entry. In addition, the Port of Guaymas is expanding its capacity with a \$300 million upgrade to handle larger ships and an expansion of the rail yard in Empalme. These phased expansions scheduled to be completed in 2017 and 2020 will increase the number of international shipping containers loaded for U.S. transport onto trucks. In 2013, over 310,000 trucks crossed the Nogales POE. The Union Pacific Sunset Line is the only all-weather interstate rail line which means predictable and timely delivery of goods. Adjacent to the UP Nogales rail line is the only rail line in Arizona that runs into Mexico. As China's labor and shipping costs rise, Mexico offers high-skill, low-cost manufacturing. Many U.S. manufacturers are moving operations, "near-shoring" from Asia to Mexico. The maquiladora industry in Nogales Sonora includes approximately 110 assembly-for-export plants. These factors make the development of an import-export logistics center at TIA.

There are four significant employers within Pima County that contribute substantially to our economic health: Raytheon, Davis-Monthan Air Force Base, the 162nd Fighter Wing of the Arizona Air National Guard and the University of Arizona. According to a 2011 Bloomberg Government Study, Tucson is the seventh top recipient city of federal defense dollars and Tucson is the number one ranked city in Arizona for federal defense monies.

Raytheon Missile Systems is our largest private employer with a total of 13,500 employees. The County has been working on strategies to protect and allow Raytheon to further its production facilities and ensure Raytheon's long-term occupation and lease of Air Force Plant 44. These strategies include acquisition of buffer acreage, relocation of Hughes Access Road and negotiations with USAF, TIA and Raytheon for the development of a secure and integrated aerospace campus.

The Arizona Air National Guard 162nd Fighter Wing is located at Tucson International Airport. The 162nd Wing trains United States and partner nation F-16 fighter pilots; provides armed MQ-1 Intelligence, Surveillance and Reconnaissance and Incident Awareness and Assessment around the globe; supports NORAD Aerospace Control Alert directives with 24/7 immediate response aircraft in the defense of North America and delivers an integrated realistic training environment for United States and partner nation deployments. The AZ ANG requires additional and updated access to address current Department of Defense protection measures. A plan for a modern entrance off Park Avenue is in process.

The Tucson Tech Corridor, which is anchored by UA Tech Park, includes Port of Tucson connects several existing and emerging employment centers of significant importance, these include UA Bio Park at The Bridges, Banner UA Medical Center South and The Offshore Group. The Tucson Tech Corridor is in a position to expand high-tech industry jobs, while other initiatives move forward. A roadway connection between the TIA logistics center and the Tucson Tech Corridor linking these employment centers is planned.

In 2015, the Pima County Board of Supervisors approved the updated ten year comprehensive land use plan, Pima Prospers. Pima Prospers acknowledges this changing southeast regional landscape and the emphasis on economic development, aerospace and defense, international manufacturing logistics and technology innovation and incubation. An example of this was the reduction in the number of narrowly defined commercial categories allowing greater flexibility for business expansion and attraction, the addition of two new categories; Planned Development Communities and Mixed Use, both of which promote live, work, play communities with combined commercial, residential and employment land uses. In addition to the mixed use PDC category, in the southeast region, where Swan Southlands is located, Pima Prospers identified and mapped Economic Development Corridors, Community Development Target Areas and Revitalization Opportunity Corridors.

New business development, planned land use changes and economic development priorities create the context for an amendment to the Swan Southlands Specific Plan. The amendment to the land use plan is consistent with the master planned community concepts originally approved in the Specific Plan. The intent is to allow greater flexibility to align the land uses with regional planning priorities, provide an opportunity for major employers to locate within the master plan which would enhance the live work potential, preserve the major biological corridors which bisect the property, provide a variety of housing types and retain overall consistency with the planning policies which define the zoned land uses.

**Pagination List**  
**Swan Southland Specific Plan Pages Impacted by Amendments**

The following document is a page reference analysis of the currently adopted Specific Plan, with the intent to identify areas within the Specific Plan that are impacted by the proposed modifications. While this is not purported to be an exhaustive list of every items and location, it attempts to identify the primary areas within the Specific Plan that are impacted by the amendments.

**PART I - SITE INVENTORY**

As Part I is a narrative of existing conditions at the time the original Specific Plan was prepared, and does not require any modification affiliated with the proposed Specific Plan amendment. However, the Applicant has provided a supplemental narrative describing the changing conditions that justify the requested amendments to the Specific Plan.

**PART II - LAND USE PROPOSAL**

Summary of changes proposed by Specific Plan page number and amendment topic number from the Specific Plan Governing Policies Modifications document:

- Page 61: Item #7-Open Space: Reference to conservation easements. Reference to specific open space acreage and park acreage.
- Page 61: Item #1-Identify District: Reference to Identify District.
- Page 62: Item #1-Identify Districts: Reference to block plats and Identify District.
- Page 64: Item #4-Land Use Plans: Reference to minimum and maximum residential density per parcel and percentage adjustment of a parcel.
- Page 65: Item #1-Identify Districts: Reference to Identify District.
- Page 65-66: Item #6-Non-Residential Uses (Employment Overlay): Reference limitation on non-residential acreage and square footage.
- Page 67: Item #2-CPSAP: Reference to SAP #6.
- Page 67: Item #1-Identify Districts: Figure 13R-Reference to Identify Districts.
- Page 68: Item #1 Identify Districts: Figure 14R-Reference to Identify Districts.
- Page 70-71: Item #3 & 4-Residential Density and Land Use Plans: Reference Table 3
- Page 73: Item #8-Cut and Fill: Reference cut and fill requirements.
- Page 74: item #8-Cut and Fill: Figure 15R
- Page 75-80: Item #11-Drainage: Reference conformance to PCFCD Lee Moore Watershed and Regulated Riparian Areas.
- Page 81-87: Item #7-Open Space: Reference various open space provisions.
- Page 91-92: Item #5: Master Studies: References master studies and roadway alignments.
- Page 93-95: Item #9-Wastewater: Reference connection to the PC Southeast Sewer expansion plant.
- Page 100: Item #10: Parks, Trails and Schools: References school sites and locations.

- Page 101: Item #1, 5 and 10-Identify District, Master Studies, Parks, Trails & Schools: Reference to block plat, Identify Districts and TIA. Reference to specific acreages and reference RAP requirement.
- Page 102: Item #10-Parks, Trails and Schools: References Preliminary RAP calculation.
- Page 105-106: Item #5: Figures 22 and 22a referencing specific roadway cross sections.
- Page 109: Item #12-Working Family: References working family (affordable housing).
- Page 110: Item #1-Identify District: Reference to Identify Districts.
- Page 112: Item #1-Identify Districts: Reference to Identify District in development schedule narrative.
- Page 112-113: Item #1 Identify Districts: Reference to master block plats.
- Page 114: Item #1-Identify Districts: Figure 23R.
- Page 115: Item #1-Identify Districts: Reference to Identify Districts.

### **PART III - REGULATORY DEVELOPMENT STANDARDS**

- Page 119: Item #7: Reference Conservation Area Overlay definition.
- Page 120: Item #1, 13: Reference Identify District definition.
- Page 121: Item #7, 9: Reference Project Natural Open Space definition, and WCCTF definition.
- Page 122: Item #1, 3, 4: Reference to Identify Districts, density per parcel and restrictions on parcel adjustments.
- Page 122: Item #5: Reference to master plan studies.
- Page 123: Item #1, 3, 4: Reference to Identify Districts, density and parcel adjustments.
- Page 124: Item #1, 3: Reference to identify Districts and minimum densities.
- Page 138: Item #7: Reference NPPO 30% set aside specific acreage numbers.
- Page 139: Item #1-Identify Districts: Reference to Identify Districts.
- Page 140: Item #14: Administrative modifications have been revised.
- Page 141: Item #15, Specific Plan Annual Implementation Monitoring Program has been revised.

F. ANN RODRIGUEZ, RECORDER  
Recorded By: CML  
DEPUTY RECORDER  
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PIMA CO CLERK OF THE BOARD  
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SEQUENCE: 20110690880  
NO. PAGES: 307  
RES 03/10/2011 18:00  
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AMOUNT PAID: \$0.00

RESOLUTION 2011- 38

**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 WILMOT ROAD AND APPROXIMATELY ONE MILE SOUTH OF OLD VAIL CONNECTION ROAD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 1 OF ORDINANCE NO. 2005-2 AND AMENDING SWAN SOUTHLANDS SPECIFIC PLAN.**

WHEREAS, on March 23, 2004, the owner(s) of approximately 3200 acres applied for a rezoning from RH (Rural Homestead) to SP (Specific Plans);

WHEREAS, on December 7, 2004 the Pima County Board of Supervisors approved the rezoning (specific plan), subject to standard and special conditions;

WHEREAS, on January 4, 2005 the Pima County Board of Supervisors adopted rezoning Ordinance No. 2005-2, as recorded in Docket 12469 at Page 2439, rezoning the approximate 3200 acres described in specific plan Co23-04-01 (as shown on the map attached hereto as EXHIBIT A) and memorializing the standard and special conditions;

WHEREAS, 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 specific plan and the specific plan (rezoning) conditions and restrictions;

WHEREAS, on June 15, 2010 the Pima County Board of Supervisors approved the request for a modification (substantial change) of the specific plan and the rezoning (specific plan) conditions and restrictions subject to additional and modified standard and special conditions; and,

WHEREAS, Pima County Code §18.91.100(A)(7) provides for the preparations and adoption of a Resolution stating an approved amendment to a rezoning condition.

NOW, THEREFORE, BE IT RESOLVED, that

Section 1.

The Pima County Board of Supervisors hereby reaffirms and modifies the rezoning conditions represented in Section 1 of Ordinance No. 2005-2 as follows:

1. Not more than 60 days after the Board of Supervisors approves the Specific Plan, the Developer shall submit to the Planning Official the 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.
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.
6. There shall be no subdividing or lot splitting 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 specific plan document and preliminary development plan 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. 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).

#### 12. 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. 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. Each block subdivision plat shall make all 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, 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.

13. No building permits within an Identity District shall be issued until all applicable specific plan requirements for or affecting that Identity District, or parcel if Parcel D5 according to the exception specified in Condition 12A, are satisfied and the Planning Official issues a Certificate of Rezoning Compliance.

14. 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 14B. 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.

15. 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 off site 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.

16. Wastewater Management 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 sewerage system may not be available when new development within the plan amendment area is to occur, unless it is provided by the owner / developer and other affected parties.

17. 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.

18. 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.

E. 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.

F. 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.

G. 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).

H. For 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".

19. 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) 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. 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) 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 sites shall be submitted to the Office of Cultural Resources & Historic Preservation 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 a State permitted archaeologist, or registered architect, as appropriate. This work shall be completed and approved prior to issuance of a grading permit and any ground-disturbing construction activities.

3) 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.

20. 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 those 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 can not 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 re-located 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.

25. 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.

26. 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.

27. 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, 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 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;
- f) subject to ADEQ 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 Parcels D3 and D5:

1) 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;
- 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.
28. 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. 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.
31. For 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 Parcel D3 is developed for permitted industrial uses, other than a correctional facility for which Condition 33D 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 those facilities in a manner determined appropriate by ACA.
33. For Parcel D3:
- 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 Parcel D3 (the west boundary 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 Parcel D3, with the exception of condition 33D 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 Parcel 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 Parcel D3 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.

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.


35. 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 of Parcels D3 and D5.

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 E to this Resolution (it is not recorded, but may be viewed at the office of the Pima County Development Services Department – Planning Division). The Swan Southlands Specific Plan is subject to further amendment as necessitated by Board of Supervisors action. Section 2 of Ordinance No. 2005-2 is reaffirmed except as modified by this section.

Section 3. The Pima County Board of Supervisors hereby reaffirms Sections 3 through 6 of Ordinance No. 2005-2.

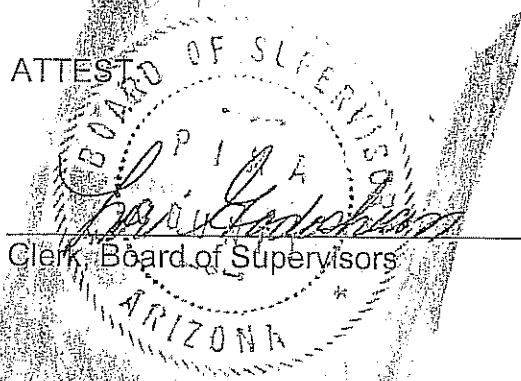
Section 4. This Resolution shall become effective upon adoption.

RESOLVED by the Board of Supervisors of Pima County, Arizona. on this  
1st day of March, 2011,

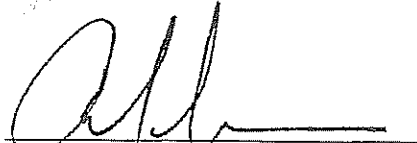
  
Chairman, Board of Supervisors

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ATTEST

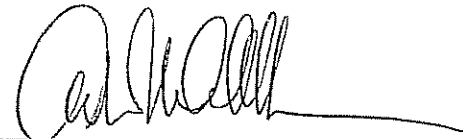
  
Clerk, Board of Supervisors

APPROVED AS TO FORM:

  
Civil Deputy County Attorney

**ANDREW FLAGG**

APPROVED:

  
Executive Secretary  
Planning and Zoning Commission