



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: December 13, 2016

Title: Co23-04-01 SWAN SOUTHLANDS SPECIFIC PLAN - MODIFICATION (SUBSTANTIAL CHANGE)

Introduction/Background:

The applicant requests amendment to the Specific Plan for 3,062 of the original 3,184 acres to further expand the potential for business and industrial uses, as well as to update the Plan to align it with current County codes or to take advantages of changed circumstances.

Discussion:

A regulatory addendum to the Specific Plan titled *Swan Southlands Governing Policies Modification (Amendments)* is proposed. The addendum provides for a Non-Residential/Employment Option that could supplant part of the planned residential development. The CB-2, CI-1, and CI-2 zones will be added and will be allowed in most areas of the Specific Plan. The existing preliminary development plan will be conceptual as a result. Development and performance standards will be strengthened to protect existing and future residential development, in addition a no industrial use area south of the existing residences in Section 11. Of the 15 numbered items in the *Amendments* addendum, item #'s 6 and 13, along with related item #'s 1, 3, 4, 5, 14, and 15 pertain to the Non-Residential/Employment Option proposal. Item #'s 2, 7, 8, 9, 10, 11, and 12 are related to the proposal to follow County codes or to take advantage of changed circumstances since the Specific Plan was approved. These items pertain to Flood Control requirements, Riparian Area Protection, Native Plant Protection including the Pima pineapple cactus, sewer service, parks and recreation provisions, grading standards, and affordable housing.

Conclusion:

Staff supports the flexible option for business and industrial development in this Focused Development Investment Area where infrastructure is planned and being provided to spur economic development and nearby housing and services. Staff also supports changes to follow updated codes and policies.

Recommendation:

Staff recommends approval of the regulatory addendum to the Specific Plan and the commensurate modification of conditions found on pages 2 through 14 of the staff report and additionally, complete waiver of condition #30 rather than modification as shown. The Planning and Zoning Commission recommends approval to modify conditions as recommended by staff.

Fiscal Impact:

0

Board of Supervisor District:

1 2 3 4 5 All

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

Department Director Signature/Date: [Signature] 11-29-16

Deputy County Administrator Signature/Date: [Signature] 11/28/16

County Administrator Signature/Date: [Signature] 11/29/16

MIV 30116W0128P01KCFP



PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Ramon Valadez, Supervisor, District 2

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

DATE: November 21, 2016

SUBJECT: Co23-04-01 SWAN SOUTHLANDS SPECIFIC PLAN

The above referenced Modification (Substantial Change) of Specific Plan is within your district and is scheduled for the Board of Supervisors' **TUESDAY, DECEMBER 13, 2016** hearing.

REQUEST: Modification of Specific Plan - (Substantial & Non-substantial Changes) on 3,062 acres of original 3,184 acres (excluding Tax Parcel 303-09-002Z known as Parcel D5 on Preliminary Development Plan) approximately one mile south of E. Old Vail Connection Road, generally between S. Swan Road and S. Wilmot Road and extending one mile west of Swan Road in Sections 10 (portion), 12 (portion), 13, 14, and 15, T16S, R14E.

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

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

DISTRICT: 2

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of November 21, 2016, staff has received no written comment.

PLANNING & ZONING COMMISSION RECOMMENDATION: APPROVAL SUBJECT TO REVISED CONDITIONS (8 – 0; Commissioners Mangold and Gavin were absent).

STAFF RECOMMENDATION: APPROVAL SUBJECT TO REVISED CONDITIONS.

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

TD/DP/ar
Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: Co23-04-01

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FOR DECEMBER 13, 2016 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: November 21, 2016

ADVERTISED ITEM FOR PUBLIC HEARING

MODIFICATION (SUBSTANTIAL CHANGE) OF SPECIFIC PLAN

Co23-04-01 SWAN SOUTHLANDS SPECIFIC PLAN

Request of South Wilmot Land Investors, LLC, represented by LVA Urban Design Studio, LLC, for a **Modification (Substantial Changes and Non-substantial Changes)** of certain features of the Swan Southlands Specific Plan. The modification of these features of the specific plan will, at a minimum, require modification (**Substantial and Non-substantial Changes**) of rezoning condition #'s 6, 8, 10, 12, 15(A – F), 16(A – I), 18(B), 18(D), 18(H)(3), 21, 22, and 24(A-B) of Ordinance 2005-2 as modified by Resolution 2011-38.

The requested Modification of the features of the Specific Plan includes:

1. Waiver of acreage and floor area limits for non-residential (commercial and industrial) uses.
2. Addition of a Non-Residential/Employment Uses Option allowing the options of the CB-2 (General Business), CI-1 (Light Industrial/Warehousing), and CI-2 (General Industrial) zones with uses and standards for these zones as provided per the Pima County Zoning Code and including additional minimum performance and development standards.
3. Addition of a formula for reductions to the minimum and maximum residential unit count exchanged for Non-Residential/Employment Uses in excess of 271 acres, while maintaining a minimum of 1,000 residential units.
4. Deletion of "Identity Districts", which are sub-areas of the Specific Plan containing multiple sub-district development parcels. Specific requirements and conditions for each identity district would be waived, including the requirement for a block subdivision plat for each development parcel.
5. Modification of the approved preliminary development plan to allow:
 - a. Deletion of Identity Districts;
 - b. Locations, configurations, and acreage of zoning districts shown to be made conceptual and subject to change by the Master Developer;
 - c. Locations of roads shown to be made conceptual and subject to change as approved by the Pima County Department of Transportation;
 - d. Natural Open Space configuration and acreages shown to be made conceptual and subject to change as determined by adherence to Pima County codes; and
 - e. Deletion of Wastewater Collection, Conveyance & Treatment Facility Study Areas.

6. Modification of Table 3 (Final Density Table) and Table 3B (Sub-District Site Data (Block Plat)) to be made conceptual and subject to change by the Master Developer pertaining to parcels, density ranges, and targets, including deletion of minimum and maximum residential unit counts within each development parcel.
7. Waiver of requirements for Important Riparian Area protection and addition of a requirement to comply with Pima County Code Title 16.30, Watercourse and Riparian Habitat Protection and Mitigation Requirements.
8. Waiver of requirements for a wastewater collection, conveyance, and treatment facility, including donation of land for a treatment facility, and addition of a provision that sewer be served by the planned southeast sewer expansion.
9. Waiver of requirements for hydrology and floodplain management, including a Master Drainage Study and Watershed Master Plan, and addition of a requirement to comply with Pima County Code Title 16 Floodplain Management Ordinance and the provisions of the Lee Moore Wash Basin Management Study.
10. Waiver of requirements pertaining to the Affordable Housing Policy. The policy has been rescinded by Pima County.
11. Addition of a provision allowing the timing and scope of Master Studies and Technical Reports to be determined by County department and agency officials based on the scope and potential impacts of development projects to infrastructure capacities and requirements.
12. Waiver of cut and fill requirements and addition of a provision that all grading requirements comply with applicable Pima County codes.
13. Waiver of requirements for specified minimum parkland acreage, including a 31-acre community park and addition of a provision that per the approved Recreational 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. Also, pocket parks exceeding 5,000 square feet in size shall be counted toward the requirement of providing 871 square feet of recreational amenities per single family residential unit.
14. Modification of certain Administrative Modification provisions, including: a) Deletion of the 20% maximum allowance for changes in configuration of development parcels and addition of administrative changes to the zones of those parcels; b) Addition of administrative changes to roadway alignments; c) Addition of administrative waiver of a block plat for an individual development project; d) Deletion of the 10% maximum transfer of commercial/mixed use square footage from one mixed use parcel to another; and e) Addition of modifications to the alignment and location of infrastructure in addition to the design and construction of infrastructure based upon changing conditions.
15. Addition of a provision for the Annual Administrative Monitoring Report to track residential development to ensure the range of required residential units will be met.

The modifications of rezoning conditions include:

1. Modification of condition #6 which, in part, requires no subdividing or lot splitting without the written approval of the of the Board of Supervisors to allow the requirement to apply only to lot splits for single-family residential development.
2. Modification of condition #8 which states, "Adherence to the specific plan document and preliminary development plan as approved at public hearing." to allow the preliminary development plan to be made conceptual and allow deletion of Identity Districts and of Wastewater Collection, Conveyance & Treatment Facility Study Areas.
3. Waiver of condition #10 which requires approximately 25 percent of revenues raised by implementation of the Affordable Housing Policy to meet goals for affordable housing within the project.
4. Modification of condition #12 which requires, in part, approval of a block subdivision plat for each of the Identity Districts or sub-districts as shown in the Specific Plan to allow a maximum of five block subdivision plats, generally defined by a section of land.

5. Modification or waiver of condition #15(A – F), #21, and #22 pertaining to Flood Control District requirements to update requirements for current floodplains, including riparian areas.
6. Modification or waiver of condition #16(A – I) pertaining to Wastewater Management Department requirements to update requirements for current sewer service plans that exclude the option for an on-site wastewater treatment facility.
7. Modification of condition #18(B) which, in part, requires provision for a minimum of 202.88 acres of parkland based on target densities to allow provision of parkland in accordance with the approved Recreation Area Plan based upon the amount and type of residential development within the specific plan.
8. Modification of condition #18(D) which, in part, requires, provision of a minimum of one recreation area/park based upon an approved Recreational Area Plan within each residential development parcel per Table 3 of the specific plan to allow provision of parkland in accordance with the approved Recreation Area Plan based upon the amount and type of residential development within the specific plan.
9. Waiver of condition #18(H)(3) which requires provision of a 31-acre land conveyance for a community park located in District "C".
10. Waiver of condition #24(A-B) pertaining to Pima pineapple cactus study, survey, preservation, and mitigation to allow for preservation and mitigation for Pima pineapple cactus per the Pima County Zoning Code, Chapter 18.72, Native Plan Preservation.

The subject site is approximately 3,062 acres of the original 3,184-acre specific plan zoned SP (Swan Southlands Specific Plan, excluding Tax Parcel 303-09-002Z) and is located generally between S. Swan Road and S. Wilmot Road and approximately one mile south of E. Old Vail Connection Road in Sections 10 (portion), 12 (portion), 13, 14, and 15, T16S, R14E. On motion, the Planning and Zoning Commission voted 8-0 to recommend **APPROVAL SUBJECT TO REVISED CONDITIONS** (Commissioners Mangold and Gavin were absent). Staff recommends **APPROVAL SUBJECT TO REVISED CONDITIONS**.

(District 2)

PLANNING AND ZONING COMMISSION HEARING SUMMARY (October 26, 2016)

Staff provided a summary of information from the staff report to the commission with a recommendation of **APPROVAL** of the regulatory Specific Plan addendum, titled *Swan Southlands Governing Policies Modification (Amendments)*, subject to modification of conditions of Resolution 2011-38 found in the staff report on pages 2 through 14. Staff stated that there was a slight change to recommendations shown in the report. The change involved a recommendation for waiver of condition #30 (renumbered to condition #25 in the staff report) rather than modification of the condition as shown in the report. Staff noted that the condition involved preservation of a minimum of 95% of viable riparian areas. However, the applicant requested and staff recommended compliance with Title 16 Floodplain Management Ordinance and the Lee Moore Wash Basin Management Study addresses preservation of riparian habitat and flow corridors. Staff noted that no written public comment had been received, but that the Tucson Airport Authority (TAA) provided a last minute request for use of the most recent versions of the Avigation Easement and Disclosure Statement. Staff made note of the site being in near proximity to Tucson International Airport and to the proposed auxiliary highway linking I-19 to I-10 and that the current planned highway alignment is adjacent to the site along the Alvernon Way alignment.

A commissioner confirmed that the item numbers referred to in the staff report were the items listed in the proposed addendum to the specific plan. Another commissioner confirmed that the specific plan would allow multi-family apartments through CR-5 and TR zoning allowances. The commissioner also asked what the difference was in the new TAA disclosure form compared to the old. Staff stated that the new form was received that morning and had not been compared. The commissioner also confirmed that Parcel D5 was not included in the request and was only a portion of Identity District "D" which was in Section 12 north of the wash.

A commissioner asked if the change to condition #6 on page 3 of the staff report concerning applying the lot splitting approval only to single family residential development was done to allow for flexibility for splits for non-residential uses. Staff indicated that it would allow such flexibility, but it was also the current standard for the condition.

Pertaining to the recommendation for waiver of condition #10 pertaining to affordable housing, the commissioner asked if the policy for affordable housing had been rescinded. Staff confirmed that the policy had been rescinded and that related conditions are consistently recommended for waiver in approved rezoning cases that go back before the Board of Supervisors, including time extensions.

The commissioner also confirmed that the Parks and Recreation conditions recommended for waiver on page 8 of the staff report are in lieu of conformance with current ordinance requirements for parks provisions via recreation plans for proposed residential development. The commissioner asked if there will be a net loss of park area. Staff indicated that the condition requiring an outright 31-acre conveyance for a community park is a direct loss, but that the question cannot be answered because it depends on the eventual amount of residential development, which is unknown due to the requested Employment Option which may reduce residential unit development.

The commissioner asked what the net industrial gain and residential loss was. Staff indicated that this is also unknown. There is a recommended requirement for a minimum of 1,000 units and a reduction of 2.5 units per acre for the Employment Option (after the initial 271 acres is consumed that was assigned in the original specific plan for non-residential development).

The commissioner also confirmed that riparian area and Pima pineapple preservation would be accomplished per existing ordinances.

A commissioner asked about infrastructure cost recovery and allocation. He asked who bears the cost of conveyance due to the removal of the requirement for a wastewater treatment facility. Staff stated that the applicant has worked with the Wastewater Department for this agreement and that the applicant can address this issue.

The commissioner asked about the extent to which the modification affects the balance of cost allocation. Staff indicated that concurrency of infrastructure and private provision of infrastructure within the project is required. The County is putting forth effort, such as the re-location of Hughes Access Road, and money for area infrastructure to support economic development. The commissioner asked if this will be transparent. Staff indicated that these processes show costs, but that the matter before the commission is this project, the request for which fits with the County's efforts of getting employers near infrastructure. The commissioner indicated that he is a supporter of the proposed Sonoran Corridor and its economic development potential, but wants costs evenly distributed and known to the public.

A commissioner confirmed that the proposal provides a minimum 1,000 dwelling units, but that the range of units is still approximately 4,000 to 8,000 units dependent upon success with attracting non-residential employment uses which would reduce the range. The 1,000 unit minimum was meant to ensure a mix of residential, commercial, and industrial uses.

A commissioner cited the approximate 6,000 dwelling unit target and the commercial square footage limit in the specific plan and asked if the plan was to be redlined as done for the first approved amendment. Staff indicated that the proposed regulatory addendum to the specific plan would override those provisions. A representative for the owner stated that the 6,000 unit figure was the mean target between the high and low unit range. He noted that the commercial square footage figure in Table 3 is overridden by the addendum. Staff noted that Tables 3 and 3b were to be labeled as "conceptual and subject to change". Staff stated that the issue of redlining the specific plan text versus achieving the amendment with an addendum to the specific plan was discussed with the applicant.

There was discussion about the interchange of the use of the words "residential units" and "lot" in Item #15 of the proposed Specific Plan addendum relative to tracking the range of required units at full build out. It was thought that it did not appear to be a problem, but the applicant indicated that they would review the wording.

Another representative for the applicant stated that the residential range remains 4,000 to 8,000 units, but that the 6,000 unit target was non-regulatory. The target is to be removed with the requested employment option. He said that the existing commercial requirement remains unchanged if the employment option is not exercised. The commissioner asked if that is in the addendum. The representative stated the expanded employment option is in the addendum as items 6 and 13.

Staff stated that the commercial leasable area in the specific plan is associated with MU zoning areas and the total is at the bottom of Table 3. Within the proposed specific plan addendum, there is allowance to deviate from these limits and it is not explicitly dependent on whether the non-residential uses expected materialize. It is the applicant's commitment to provide residential uses and the market will dictate commercial uses. The proposed addendum allows changes to the preliminary development plan regardless of whether the non-residential/employment uses expected are garnered.

A representative for the owner provided an overview of the site's economic development potential in relation to the County's comprehensive and economic development plans, existing and planned infrastructure investment in the area relative to surface roads, highway and rail links, sewer expansion, the successful attraction of certain industries including the potential expansion of the Raytheon site, the interest shown by other business entities, and the site's location relative to the airport and the Port of Tucson. The vision for the proposed addition of the employment element was compared to other successful projects including Innovation Park in Oro Valley and Eastmark in Mesa.

The representative indicated that the specific plan modification request has three elements. The first being the employment uses authorization, the second being administrative clean-up of the original adopted plan (as necessary for the first element) such as elimination of Identity Districts, and the third being conformance with lots of things adopted since the plan was approved including the Lee Moore Wash Study, the Southwest Sewer Study, and compliance with current codes. He noted

that the County prefers use of the expanded and improved sewage system and plant, but that all connections would be paid for privately along with user and connection fees proportional to the burden on the system. It is a transparent process and included in the Development Agreement and sewer code.

The representative also said that the main entrance to the project will become Alvernon Way as part of the second phase of the Aerospace Parkway with a short connection that either they will be responsible for or involved with the County with impact fee investment. Swan Road will be de-emphasized and there will be less wash crossings. The employment aspects of the site will also have net benefit to the County and higher tax generation than just residential development and will help leverage and pay for the infrastructure and commitment that the County has placed in the area. The project has no separate subsidies, but the plan for the site builds on the County's and others' efforts which have generated interest from companies across the nation. He noted that the Tucson Airport Authority's new aviation easement form has been reviewed and has inconsequential changes.

A commissioner asked about progress on the Sonoran Corridor and its funding and time line. The applicant cited the project's phases over many years and that the over \$250 million funding for the eventual limited access interstate highway has not been secured, but would involve local, state, and federal contributions. He cited the study currently underway and its state and local sponsors.

A commissioner confirmed from the applicant that elements of the specific plan not addressed in the proposed addendum will otherwise apply.

There were no other speakers.

The public hearing was closed.

Commissioner Matter made a motion to **APPROVE** the recommended addendum to the specific plan and modification of specific plan conditions, including waiver of condition #30. Commissioner Membrilla gave second to the motion.

A commissioner noted that the specific plan modification parallels the specific plan modification near Ryan Airfield that was before the commission last month in that it allows something in line with what's more likely to happen. He noted the flexibility being provided and alluded to the need for assurance that items that need approval will come back to staff as the project develops.

A commissioner asked if the commission would see items related to the specific plan again. Staff indicated only if further substantial change requests were made. There are checks and balances and staff approvals necessary for the development.

A commissioner disagreed with the parallel view. He felt that the subject request was a real need, whereas last month's request was for monetary considerations. He also noted that last month's rezoning (for residential development) in this area now made more sense.

A commissioner stated a desire that for local residents to fill management and well-paying jobs generated within the development.

The commission voted to **APPROVE** the motion (8 – 0, Commissioners Mangold and Gavin were absent). The recommended modification of conditions are as follows:

1. Not more than 60 days after the Board of Supervisors approves the amended Specific Plan, the Developer shall submit to the Planning Official the amended specific plan document, including any necessary revisions of the specific plan document, and the specific plan text and exhibits in an electronic format acceptable to the Planning Division.
4. Provision of development related assurances as required by the appropriate agencies with the exception that if a single Development Plan and a separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility is approved according to the exception specified in Section III-7.a.7 of the Specific Plan.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the ~~Department of Transportation, Real Property Division~~ Development Services Department.
6. There shall be no subdividing or lot splitting for single family residential development without the written approval of the Board of Supervisors ~~with the exception that if a single Development Plan and a separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility.~~ For Parcels D3, D4, and D5 (the 391-acre modification area) an exception may be made for minor adjustments to lot lines that do not affect infrastructure layout.
8. Adherence to the amended specific plan document, and the conceptual preliminary development plan as may be modified under provisions of the Swan Southlands Specific Plan Governing Policies Modification (Amendments) addendum, as approved at the public hearing.
 - A. With the exception of Parcels D3, D4, and D5 (the 391-acre modification area): Developer shall enter into a development agreement with Pima County, which shall: 1) define the required on-site and off-site infrastructure to serve the development of the specific plan area, and 2) provide, among other things, an infrastructure phasing schedule coordinated with the phased development of the specific plan area. If the development agreement becomes inconsistent with the requirements of a study called for by these rezoning conditions (or an update to such study) the developer shall provide an appropriate amendment to the development agreement necessitated by the results of such study or update. Said amendment to be reviewed and approved by the County. Developer shall generally meet the requirements of the County Administrator's December 2, 2004 letter to the developer's representative.
 - B. ~~A separate development agreement approved by the Board of Supervisors shall be required prior to submittal of a development plan for Parcel D5 for the correctional facility.~~ A separate development agreement, or amendment to the existing Swan Southlands development agreement, approved by the Board of Supervisors shall be required prior to submittal of a plat for Parcels D3 and D4. The development agreements, or an amendment to the existing development agreement, shall define the required on-site and off-site infrastructure to serve the applicable site and include other requirements as determined by Pima County.
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.~~

4211. Block Subdivision Plats:

- A. ~~Prior to the issuance of any permits, this specific plan is subject to the approval of a block subdivision plat for each of the Identity Districts or sub-districts (Summit Village A1, A2, Desert Park B, Desert View C1, C2, C3, Gateway Village D) as shown in the Specific Plan. This specific plan is subject to approval of a maximum of five block subdivision plats generally defined by a section of land, although the specific boundaries of each block subdivision plat shall be flexible to reflect appropriate development limits. A block subdivision plat shall be approved prior to the issuance of permits for a given site, except if the Planning Official determines that the timeframes to complete the Master Block Plat would deny substantial and significant benefits to the greater community in terms of new jobs and/or expanded tax base in accordance with Specific Plan Section III-7.a.7 Administrative Modification Changes.~~ Subsequent site development requires submittal of subdivision plats or development plans prepared in accordance with the block subdivision plat for the applicable Identity District or sub-district section of land. Each block subdivision plat shall make all applicable dedications (including roads, sewer, drainage, trails and open space) and identify necessary improvements and provide a design and construction phasing plan tied to replatting of specific blocks. ~~An exception may be made to this condition for Parcel D5 if a single Development Plan and a separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility.~~
- B. Upon submittal of the first block subdivision plat per the applicable Identity District or sub-district section of land, the studies, reports, information required by these specific plan conditions and the specific plan document itself, shall be provided for review and approval of the applicable Pima County department or departments. ~~An exception may be made to this condition for Parcel D5 if a single Development Plan and separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility; the required studies, reports, information shall be submitted at the time of the development plan.~~

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

4514. Flood Control District requirements:

- A. ~~The Swan Southlands Specific Plan and development standards shall meet the regulatory requirements of Title 16 of the Pima County Code, and all subsequent amendments to this ordinance by the Pima County Board of Supervisors. Title 16 specifies the regulatory requirements for floodplain management, flood control, erosion control, and riparian habitat.~~
- B. ~~An Overall Watershed Master Plan shall be developed with the District for floodplain management information, flood control infrastructure, riparian habitat mitigation planning and funding mechanisms for offsite flood control improvements, provided the improvements are necessary to protect developed property within the Specific Plan from~~

~~flood damage, and shall be submitted to and subject to approval by the Pima County Flood Control District Board of Directors. The segment of the Watershed Master Plan that impacts Swan Southlands must be adopted prior to recording any final plats for Swan Southlands.~~

- ~~C. A detailed Master Drainage Study for the entire Swan Southland Specific Plan area is required for the first block subdivision plat. The Master Drainage Study will be a detailed hydrologic and hydraulic analysis for the watershed affecting any of the property in the specific plan area, and shall include, but is not limited to, major offsite drainage areas impacting all blocks studied by detailed methods like HEC-1, use of 1 foot contour intervals for floodplain modeling by HEC-2 or HEC-RAS that will produce accurate floodplains affecting planned encroachment areas, sediment transport and erosion hazard setback analysis including bank protected areas, opportunities for regional detention to reduce onsite detention, identify Section 404 jurisdictional waters and impacts, identify drainage infrastructure needs and funding mechanisms, public maintenance concerns, and private drainage maintenance by the future homeowners association.~~
- ~~D. Floodplain and riparian habitat encroachments shall be fully addressed in the Master Drainage Study. Impacts for floodplain and riparian encroachments should be minimized by alternatives explained in the Master Drainage Study.~~
- ~~E. A Riparian Mitigation Plan, as required by Title 16 of the Pima County Code, also shall be included in the Master Drainage Study. The plan should evaluate, prioritize and identify floodplains and riparian habitats that are to be protected; impacts of necessary flood control improvements for public health, safety and welfare; and provide a habitat mitigation plan to address impacts as well as restoration plans. The Riparian Mitigation Plan shall be subject to approval by the Flood Control District.~~
- ~~F. For Parcels D3, D4, and D5 (the 391-acre modification site): The developer shall prepare a hydrology study for Franco and Flato Wash systems, for approval by Pima County Flood Control District. Limits of encroachment and any other proposed modifications of the floodplains shall be determined through analysis of hydrology, hydraulics, and floodplain mapping. No adverse impacts to flood or erosion risk shall occur upon adjacent properties as measured by flood peaks, flood stage, flood velocity, overbank storage, erosion and sedimentation. Any proposed modifications shall maintain or restore the connection between interdependent components of river systems on the property: channel, overbank floodplain, distributary flow zones, and riparian vegetation. Roadway Drainage improvements to Wilmot Road shall be addressed during this phase of the development.~~

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

4615. Wastewater Management Reclamation Department requirements:

- A. ~~Refer to Condition 27A.~~
- B. ~~The owner/developer shall fund, design and construct all necessary public and private sanitary sewerage collection, conveyance and treatment facilities required to serve the rezoning area, and provide conveyance capacity and service (flow through) to all the naturally occurring up gradient properties identified in a basin study prepared by the owner/developer. Specific facility construction requirements will be documented in a master sewer service agreement executed prior to submittal of a final plat. Final alignments for flow through and flow through conveyance capacity will be established at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.~~
- C. ~~The owner /developer shall time all development within the rezoning area to coincide with the availability of treatment and conveyance capacity.~~
- D. ~~No more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review, the owner / developer shall obtain written documentation that sanitary sewerage treatment and conveyance capacity for the proposed development will be available when needed to serve the development.~~
- E. ~~The owner/developer shall complete the construction of necessary public and/or private sewerage facilities, obtain necessary discharge authorizations (approvals of construction) from the Arizona or Pima County Department of Environmental Quality, and convey title to facilities that may be owned and maintained by Pima County.~~
- F. ~~As specified in the Master Sewer Service Agreement, the owner /developer shall connect development within the specific plan area to the sanitary sewer system at the location and in the manner specified.~~
- G. ~~The wastewater treatment facility sites are to be sized and located such that they will accommodate future expansion to treat flows from upstream areas within the basin as identified in the basin study. The owner/developer shall provide sufficient, but not less than 10 acres of, land within the rezoning area to accommodate expansion of treatment facilities to the full projected build out of the rezoning area plus the upstream tributary areas in accordance with the Master Sewer Service Agreement. This condition is not applicable to Parcel D5 for the correctional facility.~~
- H. ~~In accordance with the Arizona Department of Environmental Quality, disclosure statements are to be provided to all buyers of property adjacent to the wastewater treatment facilities acknowledging their presence and identifying them as 24 hour facilities with the potential for occasional noise and odor.~~
- I. ~~For the 120 acres (Parcel D5) for the correctional facility: No person shall construe any action by Pima County as a commitment to provide sewer service to any new development within the plan amendment area until Pima County executes an agreement with the owner / developer to that effect. By accepting this specific plan amendment, the owner / developer acknowledges that adequate treatment and conveyance capacity to accommodate this plan amendment in the downstream public amendment area is to occur, unless it is provided by the owner / developer and other affected parties.~~

- A. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the plan area until Pima County executes an agreement with the owner(s) to that effect.
- B. The owner(s) shall comply with the 2010 Amended and Restated Development Agreement Section 8, as may be amended, which addresses the Design and Construction of Wastewater Improvements. Prior to the approval of the first Block Plat or Development Plan, the owner(s) shall prepare an updated Wastewater Plan which identifies the off-site and on-site wastewater collection system to serve the plan area and includes an infrastructure phasing schedule that is tied to the phased development of the plan area. The Wastewater Plan is subject to review and approval by the PCRWRD. The involved parties acknowledge that PCRWRD has agreed to a proposed plan area connection to the County's existing regional public system (Old Nogales line) as the method of sewer disposal for the plan area. The updated Wastewater Plan shall identify the applicable Wastewater Improvements necessary for the development of the plan area based upon such a connection.
- C. The owner(s) acknowledge that adequate treatment and conveyance capacity to accommodate this plan area in the downstream public sewerage system may not be available when new development within the plan area is to occur, unless it is provided by the owner(s) and other affected parties.
- D. The owner(s) shall obtain written documentation from the PCRWRD that treatment and conveyance capacity is available for any new development within the plan area no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review.
- E. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
- F. The owner(s) shall time all new development within the plan area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- G. The owner(s) shall connect all development within the plan area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
- H. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the plan area in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.

I. On-site disposal systems are not proposed to serve this plan area and geologic report that demonstrates feasibility has not been developed; therefore, all improvements shall be connected to an approved sewer system pursuant to ADEQ requirements.

4817. Natural Resources, Parks and Recreation Department requirements:

- A. Passive recreation activities including trails shall be located adjacent to project open space and NPPO set-aside areas to allow for continuity of riparian habitat and restoration of disturbed habitat as needed. Should an environmentally sensitive trail alignment or public utility constitute a minor intrusion, as determined by the Planning Official, into the already designated 30 percent NPPO set-aside, a request may be made to the Planning Official who may consider the merits of the trail alignment upon recommendation from the Design Review Committee. Acceptance of a minor intrusion would not necessitate a revision or an amendment to the Specific Plan.
- ~~B. Based upon target densities, the developer(s) shall designate and dedicate to the public or create as common area a minimum of 202.88 acres based on 871 square feet per single family unit of developed public and/or private parkland for community parks, neighborhood parks, public and private trails, and joint use public facilities. Developer shall designate the public and private parkland commensurate with the densities of the development. In no case shall the dedication or creation as common area of the public and private parkland be less than the amount required for the minimum densities.~~
- ~~C. Pima County Natural Resources, Parks and Recreation (NRPR) shall maintain public parks greater than 10 acres in size and public trails developed within the boundaries of the Specific Plan.~~
- ~~D. Within each residential development parcel per Table 3, page 71 of the Specific Plan, the developer shall construct and maintain a minimum of one recreation area/park. An approved Recreation Area Plan (RAP) is required for each development parcel prior to tentative plat approval.~~
- EB. Interactive recreation elements along trails may include benches, par course stations, tables, grills, ramadas, water fountains, bicycle racks, and directional and educational information signage, subject to the approval of NRPR staff; these public easements shall be shown on a trails plan and approved by staff prior to any subdivision plat approval.
- FC. Street sections of interior loop roads and the east/west minor arterial roadway shall include a six-foot sidewalk, a 10-foot paved pathway and two bicycle lanes.
- GD. The developer shall submit trail corridor locations subject to approval by NRPR staff prior to any plat approval; the trails shall provide connectivity/linkage to all areas of the project and to regional trail system (if applicable).
- HE. For the area of Parcels D3, D4, and D5 (the 391-acre modification site):
 - 1) The Recreation Area Plan dated March 2005 shall be updated with the submittal of Master Block Plat for District A, B, or C.

- 2) A Recreation Area Plan shall be submitted with the Master Block Plat for District D submittal to show recreation trails.
- ~~3) The 31-acre land conveyance for a community park shall be located in District "C".~~

4918. Cultural Resources requirements:

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

- ~~1) Avoidance and preservation in place of all National Register eligible cultural resources shall be the first consideration in all cases. Where avoidance is not possible, all required cultural resources mitigation studies shall be conducted and reported on by Identity District or sub-district.~~
- ~~2) A mitigation plan and plan of work shall be developed for each Identity District or sub-district that contains cultural resources. In the event that an archaeological site spans more than Identity District or sub-district, a single plan of work shall be prepared and implemented for the entire archaeological site.~~
- ~~3) All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.~~
- ~~4) All plans shall be submitted to the Pima County Cultural Resources Office for approval prior to implementation and all reports shall be submitted to this office for review after the required field studies are completed.~~

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

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

- 3) C. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Law ARS 41-865 requires that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

- ~~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 Flate 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 cannot be preserved in place, they will be transplanted according to transplant protocols established in the approved Swan Southlands Specific Plan Appendix 11—Preliminary 10-Year PPC Study and 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.~~

2722. Water:

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

Water Conservation:

- 1) An overall water conservation plan describing water conservation measures which will be offered for the specific plan site is required for review and approval by Pima County Development Services Department in consultation with the water resources staff of the Flood Control District prior to a master block plat approval.
- 2) The plan will provide a commercial, residential, common area, and public water conservation program and implementation strategy.

- 3) The plan will address:
 - a) Stormwater management;
 - b) Reuse of treated wastewater;
 - c) Community education program;
 - d) Homeowner association CCR's and design guidelines;
 - e) Exterior use of the latest advancements in water conservation measures to minimize potable water use including but not limited to: irrigation systems, drought tolerant plant material, grading plans, turf limitations, and recreational water use restrictions; and
 - f) Subject to ADEQ and PCRFCDC criteria, interior use of latest advancements in water conservation measures to minimize potable water use including but not limited to: low water use appliances, and plumbing systems.
- 4) A more detailed water conservation plan, consistent with the overall plan, shall be submitted for review and approval by Pima County Development Services Department in consultation with the water resources staff of the Flood Control District with each tentative plat.

D. For the areas of Parcels D3 and D5D4:

- 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; and
 - d) Interior water conservation measures to minimize potable water use including, but not limited to, low water use appliances and plumbing systems.
- 2) ~~In the future, if sewer line connections are provided, the 5,000 bed prison and the other areas included in this modification may connect to the Swan Southlands Wastewater Treatment Facility to allow for reuse and recharge of effluent within the Swan Southlands area, subject to terms of the agreement with the Pima County Regional Wastewater Reclamation Department.~~

- ~~E. The immediate direct and beneficial reuse of any reclaimed water generated from the treatment facility that will either be constructed and operated by the owner/developer or Pima County will be required, provided the source water entering the wastewater treatment facility is not of Tucson Water. The reclaimed water should first be utilized to irrigate landscaping, parks and school turf areas within the development area.~~
- ~~3025. 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.~~
3426. For the areas of Parcels D3 and D4: A minimum 500 feet open space buffer along the west boundary as shown on the preliminary development plan shall be provided if the areas of Parcel D3 or D4 or successor parcels to D3 or D4 are is developed for permitted industrial uses, other than a correctional facility for which Condition ~~3327.D~~ applies. The buffer shall be shown on any applicable development plan or plat.
- ~~32. For Parcel D5: The operations of a prison facility and the security level of inmates housed therein shall adhere to the restrictions and prohibitions on prisons included in Title 41, Arizona Revised Statutes. The security level of inmates housed at the prison facility shall be less than Maximum level (based on the Arizona Department of Correction's Custody Levels, or equivalent). The facility shall be accredited by the American Correctional Association (ACA) within 2 years of it receiving its first inmates and shall house inmates in these facilities in a manner determined appropriate by ACA.~~
3327. For the areas of Parcels D3 and D4:
- A. Of the permitted industrial uses, the uses that are equivalent to the CI-2 zone of the Pima County Zoning Code are allowed on the east half of the areas of Parcels D3 and D4 or successor parcels to D3 or D4 (the west boundary boundaries being an approximate distance of 2,400 feet from Wilmot Road).
 - B. Of the permitted industrial uses, the uses that are equivalent to the CI-1 zone of the Zoning Code are allowed throughout the areas of Parcel D3 and D4 or successor parcels to D3 or D4, with the exception of condition ~~3327.D~~ below.
 - C. The permitted industrial uses are subject to the performance standards of the equivalent zone of the Pima County Zoning Code except that all allowable uses within 2,500 feet of a residential structure (e.g. residences of Section 11) shall adhere to the performance standards set forth in the Zoning Code Section 18.43.020B which are the performance standards for the CB-1 zone. This requirement is comparable to the Mixed Use provision of the CI-1 zone.
 - D. Any proposal to locate a correctional facility in the area of Parcel D3 or successor parcels to D3 shall be subject to the following requirements:
 - 1) Approval of a Type III Conditional Use permit;

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

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

- ~~34. For Parcels D3, D4, and D5 (the 391-acre modification site): The correctional facility or other industrial uses cannot be used to count toward the specific plan's commercial/employment square footage target (762,312 s.f.) and goal of providing convenient commercial services to specific plan residents.~~
- ~~3528. 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 boundary of Parcels D3 and D5.~~
29. CI-1 and CI-2 industrial uses shall not be permitted within the area of the Specific Plan south of the boundary with Section 11 and the north of the southern limits of the north tributary of the Flato Wash.
30. MU and CB-2 business uses shall not be permitted within the 300-foot transitional area adjacent to Section 11. The 300-foot transitional area shown on the preliminary development plan is not conceptual and is further subject to development standards listed for Table 4, Residential Development Standards.

TD/DP/ar
Attachments

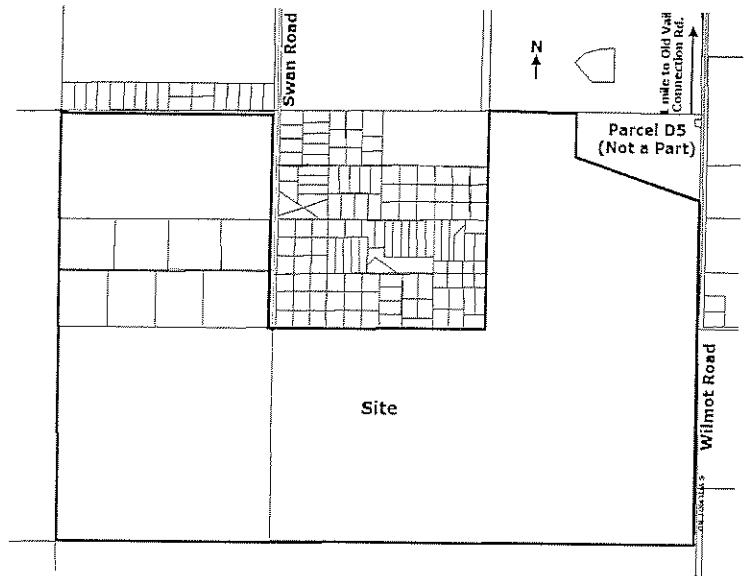
cc: South Wilmot Land Investors, LLC, Attn: Robert Tucker, 2200 E. River Road, Ste. 115
Tucson, AZ 85718-6577
LVA Urban Design Studio, LLC, Attn: Mark Reddie, 120 S. Ash Avenue
Scottsdale, AZ 85281
Tom Drzazgowski, Principal Planner
Co23-04-01 File

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION

HEARING October 26, 2016

DISTRICT 2

CASE Co23-04-01 Swan
Southlands Specific
Plan
Link to plan on record:
[http://webcms.pima.gov/UserFiles/Servers/Server_6/File/Government/Development%20Services/Land%20Planning%20and%20Regulation/Current%20Planning%20Tab/Swan%20Southlands%20\(Verano\)\[1\].pdf](http://webcms.pima.gov/UserFiles/Servers/Server_6/File/Government/Development%20Services/Land%20Planning%20and%20Regulation/Current%20Planning%20Tab/Swan%20Southlands%20(Verano)[1].pdf)



REQUEST Modification of Specific Plan - (Substantial & Non-substantial Changes) on 3,062 acres of original 3,184 acres (excluding Tax Parcel 303-09-002Z known as Parcel D5 on Preliminary Development Plan)

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

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

LOCATION

Approximately one mile south of E. Old Vail Connection Road, generally between S. Swan Road and S. Wilmot Road and extending one mile west of Swan Road in Sections 10 (portion), 12 (portion), 13, 14, and 15, T16S, R14E.

APPLICANT'S STATED REASON

The summary paragraph in the applicant's *Introduction & Amendment Rational* states: "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.”

The last paragraph on page 1 of the applicant’s *Swan Southlands Specific Plan Governing Policies Modification (Amendments)* i.e., the proposed regulatory addendum to the Specific Plan states: “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.”

COMPREHENSIVE PLAN DESIGNATION

The comprehensive plan designation of the site is Planned Development Community (PDC). The objective of PDC is to designate existing, approved specific plans. Specific plans comprise a unique zoning regimen within a planned community. Specific plan documents include detailed information on the intent for the community as a whole, as well as the individual planning and zoning districts within the specific plan area.

The PDC designation does not restrict choice of zoning districts or the residential density or land use intensity within the specific plan area. However, applications for amendments to individual specific plans shall be done in accordance with Section 18.90 (Specific Plans) of the Pima County Code.

SURROUNDING LAND USES / GENERAL CHARACTER

North:	RH (PC & COT)	Primarily Residential / Undeveloped / State Prison
South:	RH (COT)	Undeveloped State Land
East:	RH (COT)	Wilmot Road / Undeveloped State Land (Majority)
West:	RH (COT)	Undeveloped State Land

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the Modification of Swan Southlands Specific Plan request allowing the *Swan Southlands Governing Policies Modification (Amendments)* as a regulatory addendum to the Specific Plan for the subject 3,062 acres subject to the following revised conditions (in addition to the existing unchanged conditions – see attached Resolution 2011-38). (The request and recommendations exclude the 122 acres consisting of Parcel 5D which is under different ownership and is proposed for a private prison. The Specific Plan will remain unchanged and Resolution 2011-38 will continue to apply to Parcel 5D.)

1. Not more than 60 days after the Board of Supervisors approves the amended Specific Plan, the Developer shall submit to the Planning Official the amended specific plan document, including any necessary revisions of the specific plan document, and the specific plan text and exhibits in an electronic format acceptable to the Planning Division.
4. Provision of development related assurances as required by the appropriate agencies with the exception that if a single Development Plan ~~and a separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility~~ is approved according to the exception specified in Section III-7.a.7 of the Specific Plan.

5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the ~~Department of Transportation, Real Property Division~~ Development Services Department.
6. There shall be no subdividing or lot splitting for single family residential development without the written approval of the Board of Supervisors ~~with the exception that if a single Development Plan and a separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility.~~ For Parcels D3, D4, and D5 (the 391-acre modification area) an exception may be made for minor adjustments to lot lines that do not affect infrastructure layout.
8. Adherence to the amended specific plan document, and the conceptual preliminary development plan as may be modified under provisions of the Swan Southlands Specific Plan Governing Policies Modification (Amendments) addendum, as approved at the public hearing.
 - A. With the exception of Parcels D3, D4, and D5 (the 391-acre modification area): Developer shall enter into a development agreement with Pima County, which shall: 1) define the required on-site and off-site infrastructure to serve the development of the specific plan area, and 2) provide, among other things, an infrastructure phasing schedule coordinated with the phased development of the specific plan area. If the development agreement becomes inconsistent with the requirements of a study called for by these rezoning conditions (or an update to such study) the developer shall provide an appropriate amendment to the development agreement necessitated by the results of such study or update. Said amendment to be reviewed and approved by the County. Developer shall generally meet the requirements of the County Administrator's December 2, 2004 letter to the developer's representative.
 - B. ~~A separate development agreement approved by the Board of Supervisors shall be required prior to submittal of a development plan for Parcel D5 for the correctional facility.~~ A separate development agreement, or amendment to the existing Swan Southlands development agreement, approved by the Board of Supervisors shall be required prior to submittal of a plat for Parcels D3 and D4. The development agreements, or an amendment to the existing development agreement, shall define the required on-site and off-site infrastructure to serve the applicable site and include other requirements as determined by Pima County.
- ~~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.~~

4211. Block Subdivision Plats:

- A. ~~Prior to the issuance of any permits, this specific plan is subject to the approval of a block subdivision plat for each of the Identity Districts or sub-districts (Summit Village A1, A2, Desert Park B, Desert View C1, C2, C3, Gateway Village D) as shown in the Specific Plan.~~ This specific plan is subject to approval of a maximum of five block subdivision plats generally defined by a section of land, although the specific boundaries of each block subdivision plat shall be flexible to reflect appropriate

development limits. A block subdivision plat shall be approved prior to the issuance of permits for a given site, except if the Planning Official determines that the timeframes to complete the Master Block Plat would deny substantial and significant benefits to the greater community in terms of new jobs and/or expanded tax base in accordance with Specific Plan Section III-7.a.7 Administrative Modification Changes. Subsequent site development requires submittal of subdivision plats or development plans prepared in accordance with the block subdivision plat for the applicable ~~Identity District or sub-district~~ section of land. Each block subdivision plat shall make all applicable dedications (including roads, sewer, drainage, trails and open space) and identify necessary improvements and provide a design and construction phasing plan tied to replatting of specific blocks. ~~An exception may be made to this condition for Parcel D5 if a single Development Plan and a separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility.~~

- B. Upon submittal of the first block subdivision plat per the applicable ~~Identity District or sub-district~~ section of land, the studies, reports, information required by these specific plan conditions and the specific plan document itself, shall be provided for review and approval of the applicable Pima County department or departments. ~~An exception may be made to this condition for Parcel D5 if a single Development Plan and separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility; the required studies, reports, information shall be submitted at the time of the development plan.~~
4312. No building permits within an ~~Identity District~~ a section of land shall be issued until all applicable specific plan requirements for or affecting that ~~Identity District~~ section of land, or parcel if ~~Parcel D5~~ according to the exception specified in ~~Condition 12~~ Section III-7.a.7 of the Specific Plan, are satisfied and the Planning Official issues a Certificate of Rezoning Compliance.
4514. Flood Control District requirements:
- A. ~~The Swan Southlands Specific Plan and development standards shall meet the regulatory requirements of Title 16 of the Pima County Code, and all subsequent amendments to this ordinance by the Pima County Board of Supervisors. Title 16 specifies the regulatory requirements for floodplain management, flood control, erosion control, and riparian habitat.~~
- B. ~~An Overall Watershed Master Plan shall be developed with the District for floodplain management information, flood control infrastructure, riparian habitat mitigation planning and funding mechanisms for offsite flood control improvements, provided the improvements are necessary to protect developed property within the Specific Plan from flood damage, and shall be submitted to and subject to approval by the Pima County Flood Control District Board of Directors. The segment of the Watershed Master Plan that impacts Swan Southlands must be adopted prior to recording any final plats for Swan Southlands.~~
- C. ~~A detailed Master Drainage Study for the entire Swan Southland Specific Plan area is required for the first block subdivision plat. The Master Drainage Study will be a detailed hydrologic and hydraulic analysis for the watershed affecting any of the property in the specific plan area, and shall include, but is not limited to, major offsite~~

~~drainage areas impacting all blocks studied by detailed methods like HEC-1, use of 1-foot contour intervals for floodplain modeling by HEC-2 or HEC-RAS that will produce accurate floodplains affecting planned encroachment areas, sediment transport and erosion hazard setback analysis including bank protected areas, opportunities for regional detention to reduce onsite detention, identify Section 404 jurisdictional waters and impacts, identify drainage infrastructure needs and funding mechanisms, public maintenance concerns, and private drainage maintenance by the future homeowners association.~~

- ~~D. Floodplain and riparian habitat encroachments shall be fully addressed in the Master Drainage Study. Impacts for floodplain and riparian encroachments should be minimized by alternatives explained in the Master Drainage Study.~~
- ~~E. A Riparian Mitigation Plan, as required by Title 16 of the Pima County Code, also shall be included in the Master Drainage Study. The plan should evaluate, prioritize and identify floodplains and riparian habitats that are to be protected; impacts of necessary flood control improvements for public health, safety and welfare; and provide a habitat mitigation plan to address impacts as well as restoration plans. The Riparian Mitigation Plan shall be subject to approval by the Flood Control District.~~
- ~~F. For Parcels D3, D4, and D5 (the 391-acre modification site): The developer shall prepare a hydrology study for Franco and Flato Wash systems, for approval by Pima County Flood Control District. Limits of encroachment and any other proposed modifications of the floodplains shall be determined through analysis of hydrology, hydraulics, and floodplain mapping. No adverse impacts to flood or erosion risk shall occur upon adjacent properties as measured by flood peaks, flood stage, flood velocity, overbank storage, erosion and sedimentation. Any proposed modifications shall maintain or restore the connection between interdependent components of river systems on the property: channel, overbank floodplain, distributary flow zones, and riparian vegetation. Roadway Drainage improvements to Wilmot Road shall be addressed during this phase of the development.~~

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

4615. Wastewater Management-Reclamation Department requirements:

- ~~A. Refer to Condition 27A.~~
- ~~B. The owner/developer shall fund, design and construct all necessary public and private sanitary sewerage collection, conveyance and treatment facilities required to serve the rezoning area, and provide conveyance capacity and service (flow through) to all the naturally occurring up-gradient properties identified in a basin study prepared by the owner/developer. Specific facility construction requirements will be documented in a master sewer service agreement executed prior to submittal of a final plat. Final alignments for flow through and flow through conveyance capacity will be established at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.~~

- ~~C. The owner /developer shall time all development within the rezoning area to coincide with the availability of treatment and conveyance capacity.~~
- ~~D. No more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review, the owner / developer shall obtain written documentation that sanitary sewerage treatment and conveyance capacity for the proposed development will be available when needed to serve the development.~~
- ~~E. The owner/developer shall complete the construction of necessary public and/or private sewerage facilities, obtain necessary discharge authorizations (approvals of construction) from the Arizona or Pima County Department of Environmental Quality, and convey title to facilities that may be owned and maintained by Pima County.~~
- ~~F. As specified in the Master Sewer Service Agreement, the owner /developer shall connect development within the specific plan area to the sanitary sewer system at the location and in the manner specified.~~
- ~~G. The wastewater treatment facility sites are to be sized and located such that they will accommodate future expansion to treat flows from upstream areas within the basin as identified in the basin study. The owner/developer shall provide sufficient, but not less than 10 acres of, land within the rezoning area to accommodate expansion of treatment facilities to the full projected build out of the rezoning area plus the upstream tributary areas in accordance with the Master Sewer Service Agreement. This condition is not applicable to Parcel D5 for the correctional facility.~~
- ~~H. In accordance with the Arizona Department of Environmental Quality, disclosure statements are to be provided to all buyers of property adjacent to the wastewater treatment facilities acknowledging their presence and identifying them as 24 hour facilities with the potential for occasional noise and odor.~~
- ~~I. For the 120 acres (Parcel D5) for the correctional facility: No person shall construe any action by Pima County as a commitment to provide sewer service to any new development within the plan amendment area until Pima County executes an agreement with the owner / developer to that effect. By accepting this specific plan amendment, the owner / developer acknowledges that adequate treatment and conveyance capacity to accommodate this plan amendment in the downstream public amendment area is to occur, unless it is provided by the owner / developer and other affected parties.~~
- A. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the plan area until Pima County executes an agreement with the owner(s) to that effect.
- B. The owner(s) shall comply with the 2010 Amended and Restated Development Agreement Section 8, as may be amended, which addresses the Design and Construction of Wastewater Improvements. Prior to the approval of the first Block Plat or Development Plan, the owner(s) shall prepare an updated Wastewater Plan which identifies the off-site and on-site wastewater collection system to serve the plan area and includes an infrastructure phasing schedule that is tied to the phased development

of the plan area. The Wastewater Plan is subject to review and approval by the PCRWRD. The involved parties acknowledge that PCRWRD has agreed to a proposed plan area connection to the County's existing regional public system (Old Nogales line) as the method of sewer disposal for the plan area. The updated Wastewater Plan shall identify the applicable Wastewater Improvements necessary for the development of the plan area based upon such a connection.

- C. The owner(s) acknowledge that adequate treatment and conveyance capacity to accommodate this plan area in the downstream public sewerage system may not be available when new development within the plan area is to occur, unless it is provided by the owner(s) and other affected parties.
- D. The owner(s) shall obtain written documentation from the PCRWRD that treatment and conveyance capacity is available for any new development within the plan area no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review.
- E. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
- F. The owner(s) shall time all new development within the plan area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- G. The owner(s) shall connect all development within the plan area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
- H. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the plan area in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
- I. On-site disposal systems are not proposed to serve this plan area and geologic report that demonstrates feasibility has not been developed; therefore, all improvements shall be connected to an approved sewer system pursuant to ADEQ requirements.

4817. Natural Resources, Parks and Recreation Department requirements:

- A. Passive recreation activities including trails shall be located adjacent to project open space and NPPO set-aside areas to allow for continuity of riparian habitat and restoration of disturbed habit as needed. Should an environmentally sensitive trail alignment or public utility constitute a minor intrusion, as determined by the Planning Official, into the already designated 30 percent NPPO set-aside, a request may be

made to the Planning Official who may consider the merits of the trail alignment upon recommendation from the Design Review Committee. Acceptance of a minor intrusion would not necessitate a revision or an amendment to the Specific Plan.

- ~~B. Based upon target densities, the developer(s) shall designate and dedicate to the public or create as common area a minimum of 202.88 acres based on 871 square feet per single family unit of developed public and/or private parkland for community parks, neighborhood parks, public and private trails, and joint use public facilities. Developer shall designate the public and private parkland commensurate with the densities of the development. In no case shall the dedication or creation as common area of the public and private parkland be less than the amount required for the minimum densities.~~
- ~~C. Pima County Natural Resources, Parks and Recreation (NRPR) shall maintain public parks greater than 10 acres in size and public trails developed within the boundaries of the Specific Plan.~~
- ~~D. Within each residential development parcel per Table 3, page 71 of the Specific Plan, the developer shall construct and maintain a minimum of one recreation area/park. An approved Recreation Area Plan (RAP) is required for each development parcel prior to tentative plat approval.~~
- ~~EB. Interactive recreation elements along trails may include benches, par course stations, tables, grills, ramadas, water fountains, bicycle racks, and directional and educational information signage, subject to the approval of NRPR staff; these public easements shall be shown on a trails plan and approved by staff prior to any subdivision plat approval.~~
- ~~FC. Street sections of interior loop roads and the east/west minor arterial roadway shall include a six-foot sidewalk, a 10-foot paved pathway and two bicycle lanes.~~
- ~~GD. The developer shall submit trail corridor locations subject to approval by NRPR staff prior to any plat approval; the trails shall provide connectivity/linkage to all areas of the project and to regional trail system (if applicable).~~
- ~~HE. For the area of Parcels D3, D4, and D5 (the 391-acre modification site):~~
 - ~~1) The Recreation Area Plan dated March 2005 shall be updated with the submittal of Master Block Plat for District A, B, or C.~~
 - ~~2) A Recreation Area Plan shall be submitted with the Master Block Plat for District D submittal to show recreation trails.~~
 - ~~3) The 31-acre land conveyance for a community park shall be located in District "C".~~

4918. 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):~~

- ~~4) A. Development within the plan amendment area will potentially affect cultural resources, especially archaeological sites. Standard cultural resources requirements for rezoning and grading are the minimum required. Cultural resources inventory is required for any development area, and ~~W~~where significant cultural resources are found, avoidance through development design, open space set-asides, and conservation easements are the preferred mitigation strategies; although when not possible to implement conservation strategies, other mitigation measures shall apply.~~
- ~~2) B. A cultural resources mitigation plan, detailing strategies that include testing, documentation, data recovery, preservation, protection, analysis, reporting, and curation for the management of all Register-eligible significant sites shall be submitted to the Office of Sustainability and Conservation, Cultural Resources & Historic Preservation Division (OSC) for review and approval. ~~The State Historic Preservation Office may also be consulted for review and approval.~~ The cultural resources mitigation work will be conducted by an Arizona State Museum permitted archaeologist, or registered architect, as appropriate. This work shall be completed and approved by OSC prior to issuance of a grading permit and any ground-disturbing construction activities.~~
- ~~3) C. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Law ARS 41-865 requires that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.~~

~~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 cannot be preserved in place, they will be~~

~~transplanted according to transplant protocols established in the approved Swan Southlands Specific Plan Appendix 11 Preliminary 10 Year PPC Study and 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.~~

2722. Water:

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

Water Conservation:

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

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

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

D. For the areas of Parcels D3 and D5D4:

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; and
- d) Interior water conservation measures to minimize potable water use including, but not limited to, low water use appliances and plumbing systems.

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

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

3025. 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.

~~3426.~~ For the areas of Parcels D3 and D4: A minimum 500 feet open space buffer along the west boundary as shown on the preliminary development plan shall be provided if the areas of Parcel D3 or D4 or successor parcels to D3 or D4 are is developed for permitted industrial uses, other than a correctional facility for which Condition ~~3327.D~~ applies. The buffer shall be shown on any applicable development plan or plat.

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

~~3327.~~ For the areas of Parcels D3 and D4:

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

B. Of the permitted industrial uses, the uses that are equivalent to the CI-1 zone of the Zoning Code are allowed throughout the areas of Parcel D3 and D4 or successor parcels to D3 or D4, with the exception of condition ~~3327.D~~ below.

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

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

1) Approval of a Type III Conditional Use permit;

2) The west property boundary extends no further west than the 1,320 feet boundary described and shown in the letter dated May 12, 2010 from the applicant (as shown on Exhibit C) and map (as shown on the map attached hereto as Exhibit D). If the area of Parcel D3 or successor parcels to 3D is developed as a correctional facility, the open space buffer will therefore be expanded from 500 feet to 1,320 feet;

3) In addition to the standard public notification for a Type III Conditional Use Permit, public notice shall be expanded to include all property owners within Section 11.

~~E.~~ The immediate direct and beneficial reuse of any reclaimed water generated from the treatment facility that will either be constructed and operated by the owner/developer or Pima County will be required, provided the source water entering the wastewater

treatment facility is not of Tucson Water. The reclaimed water should first be utilized to irrigate landscaping, parks and school turf areas within the development area.

- ~~34. For Parcels D3, D4, and D5 (the 391-acre modification site): The correctional facility or other industrial uses cannot be used to count toward the specific plan's commercial/employment square footage target (762,312 s.f.) and goal of providing convenient commercial services to specific plan residents.~~
- ~~3528. 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 boundary boundary of Parcels D3 and D5.~~
29. CI-1 and CI-2 industrial uses shall not be permitted within the area of the Specific Plan south of the boundary with Section 11 and the north of the southern limits of the north tributary of the Flato Wash.
30. MU and CB-2 business uses shall not be permitted within the 300-foot transitional area adjacent to Section 11. The 300-foot transitional area shown on the preliminary development plan is not conceptual and is further subject to development standards listed for Table 4, Residential Development Standards.

STAFF REPORT

The Swan Southlands Specific Plan was approved in 2004 as an approximate five-square-mile (3,148 acres) master-planned residential community with requisite, but limited, Mixed Use zoning that would provide commercial services and some job opportunities for the area. In 2010, an amendment to the Specific Plan for 391 acres allowed the addition of an Industrial zoning category that would allow for correctional facilities and other industrial (CI-1 and CI-2 equivalent with some prohibited uses) and commercial uses. To date, no development within the Specific Plan has occurred.

The owner now seeks a second amendment to the Specific Plan to further expand the potential for business and industrial uses within the Specific Plan, as well as to update the plan to align it with current County codes or to take advantage of changed circumstances in the years since the plan was approved. To achieve this, the applicant proposes a regulatory addendum to the Specific Plan titled *Swan Southlands Governing Policies Modification (Amendments)*. The *Amendments* addendum lists 15 numbered items to which this report refers and addresses. **Items #'s 6 and 13**, along with related **items #'s 1, 3, 4, 5 and 15** of the *Amendments* addendum are addressed in Part A. Non-Residential/Employment Option and Other Related Amendments below. Part B. Code and Other Policy-Related Amendments, addresses **item #'s 2, 7, 8, 9, 10, 11, 12, and 14** of the *Amendments* addendum. The *Amendments* addendum should be referred to with the reading this report.

The central aspect of the requested *Swan Southlands Governing Policies Modification (Amendments)* regulatory addendum to the Specific Plan is the proposal for a Non-Residential/Employment Option (**shown in Item #'s 6 and 13 of the *Amendments* addendum**) that would potentially reduce, but not eliminate, residential uses. The applicant reasons, with staff concurrence, that the location of the Specific Plan lends to potential for business and industrial development.

The location of the Specific Plan is in the environs of Tucson International Airport which is an area of focus for economic development. The Pima County Economic Development Plan 2015 through 2017 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." The Pima County Economic Development Plan 2015 through 2017 can be found at: <http://webcms.pima.gov/cms/One.aspx?portalId=169&pageId=183160>.

The site is within an area that is identified in the comprehensive plan update (Pima Prospers) as a Focused Development Investment Area (map and information attached) for which investment in infrastructure is planned to bring utilities and transportation to economically viable industrial lands to make shovel ready lands available to new industry. This investment includes southward sewer expansion and new rail connection and auxiliary highway connection plans (see attached Aerospace Parkway map). This is part of Pima Prospers' goal of strategically planning economic development corridors to build new opportunities for job growth, housing, commerce, and services. With the requested Non-residential/Employment Option and related amendments, the Specific Plan would be positioned to provide such opportunities.

A. Non-Residential/Employment Option and Other Related Amendments

The Non-Residential/Employment Option (**Item #'s 6 and 13**) would allow additional industrial zoning within the Specific Plan beyond that approved for Section 12 under the 2010 amendment and additional business zoning beyond that originally approved for the Specific Plan for all five sections and for Section 12 in 2010. The allowance would potentially exceed the combined maximum 360 acres of mixed residential and non-residential uses cited in Comprehensive Plan Rezoning Policy "F" for RP-58, 59, and 60 and referenced in **Item #2.a**. (All comprehensive plan policies are attached.) Acreage limits for non-residential uses will be waived to, "...promote the goal of providing large-scale employment uses within the project."

Instead of utilizing the Industrial (I-2) zoning category approved for the Specific Plan with some prohibited uses (Page 136), the applicant proposes using the CI-1 (Light Industrial/Warehousing) and CI-2 (General Industrial) equivalent of the Zoning Code. Instead of utilizing the Mixed Use (MU) zoning category for business uses, the applicant proposes using the CB-2 (General Business) equivalent of the Zoning Code.

The applicant does not propose any prohibited uses from those listed in the Zoning Code for these zones; and the zones could be established in most areas of the Specific Plan. This provides the applicant substantial flexibility to rapidly suit the needs of a business or industrial user which is an important aspect of promotion of economic development within Pima County. Formulation of Design Guidelines as referenced within the Specific Plan, but geared to include non-residential business and industrial use areas, will be important for the aesthetic quality of the Specific Plan Area. Similarly, judicious choice of industrial uses could also factor into the aesthetics of the project, as well as into the economic development value.

Beyond these private decisions, to address the potential for negative impacts to residential and other less-intensive uses that is presented with the Non-Residential/Employment Option, staff has worked with the applicant to incorporate location specific use-restrictive protections for existing residential uses on RH (Rural Homestead) zoned parcels in Section 11 adjacent to the Specific Plan. Staff has also worked with the applicant to increase applicability and strength of development and performance standards for the uses within the new zones. This will serve to mitigate potential impacts to both existing residential uses in Section 11 and to future residential zoning/uses and business zoning within the Specific Plan.

The additional development standards are shown in Table A1 in **Item #13**. The standards involve distance setbacks for uses including for outdoor storage, perimeter landscape widths, and outdoor storage screening that are generally greater, and in no instances less, than that required in the Zoning Code. In some instances the standards are applicable where not otherwise required in the Zoning Code, e.g. screening of outdoor storage in CI-2 if within 500 feet of a residential or business use or district and any public street. The 500-foot setback for CI-2 zone listed uses is generally consistent with the Zoning Code, but would also apply to other unlisted less intense uses that are permitted in CI-2.

Additionally, the performance standards in Section 18.43.020B for the CB-1 (Local Business) zone pertaining to noise or vibration, smoke, odors, fly, ash, dust, fumes, vapors, gases, and other forms of air pollution, and liquids and solid waste will apply to CB-2, CI-1, and CI-2- zoned uses if within 2,500 feet (nearly one-half mile) of a residential use or zone. This is not a current requirement in the Zoning Code. CI-2 has performance standards for these categories in addition to standards for glare and heat. Where there is a conflict, the most restrictive standards will apply. For example, the CB-1 performance standard for smoke prohibits smoke emission from any source; whereas, the CI-2 standard allows certain emissions. Therefore, if a residence or residential zone is within 2,500 feet of a proposed CI-2 use, then that use is prohibited from smoke emissions.

Concerning location specific use-restrictive protections for existing residential uses in Section 11, recommended condition #29 prohibits CI-1 and CI-2 industrial uses within the area of the Specific Plan south of the boundary with Section 11 and the north of the southern limits of the north tributary of the Flato Wash. This provides a non-industrial buffer roughly estimated by staff to be between 700 and 2,100 feet as the wash runs. This is in addition to the existing 300-foot Transitional Area adjacent to Section 11 which is restricted to low density, single-story residential uses with a 50-foot primary building setback from Section 11 as detailed for Table 4 on Page 126. Recommended condition #30 further clarifies that no MU and CB-2 business uses shall be permitted within the 300-foot transitional area. The 2010 modifications established use restrictive and performance standard oriented protections for the Industrial zones approved east of Section 11.

The proposed flexible zoning allowance of the Specific Plan has an endpoint upon final approval of subdivision plats (excluding block plats) and development plans at which point zoning would be locked, save for minor administrative adjustments which could be approved by the Planning Official. Substantial changes would require advertised hearings by the Planning and Zoning Commission and the Board of Supervisors. This shifts "certainty" to be granted to the Master Developer by the requested modifications back to the relative "certainty" the public enjoys that is normally associated with delineated zoning districts.

Requirements in **Item #6** further provide that a minimum of 1,000 residential units will be provided regardless of proportional reductions to residential units beyond the 271 acres originally approved for non-residential uses. The reductions would be based on the gross residential density of 2.5 residences per acre originally approved for the Specific Plan. This will ensure the efficiency of provision of work force housing near potential job centers.

The proposed Non-Residential/Employment Option necessitates other modifications to the Specific Plan pertaining to facets of the preliminary development plan (PDP). The applicant requests waiver of development under Identity Districts planning scheme and of the requirement for block platting on a district or sub-district basis (**Item #1**). Identity Districts are defined as sub-

areas of the Specific Plan containing multiple sub-district development parcels. There are four Identity Districts and many separately zoned sub-districts shown on the PDP. The applicant instead proposes a maximum of five block plats generally defined by each of the five sections of land. This again provides flexibility to suit the particular land area needs of an industrial user. The required timing of associated Master Studies and Technical Reports are proposed to be determined by County departments and agencies based on project scope and potential consequences for infrastructure **(Item #5)**.

Similar flexibility is provided with the applicant's request that the PDP, which includes the zoned development parcel layout, be deemed "Conceptual only and subject to change" **(Item #4)** and that the parcels, density, and unit figures of Table 3 (Page 71) and 3b (Page 113) also be conceptual and subject to change **(Item #3)**. The applicant maintains a commitment to provision of a minimum of 4,300 residential units and a maximum of 8,014 units and provides a method to track units to ensure the actual units developed over time are within the proportional range based on the amount of net residential land area developed at a given time **(Item #15)**. There are qualifications to the conceptual nature of the PDP including that natural open space featured on the PDP will be provided, subject to refinement, by meeting code requirements to protect riparian habitat and preserve native plants and that adequate school sites will be provided among a list of other qualifications. Also, roadway alignments in general, and changes to primary road alignments specifically shown on the PDP, are subject to Department of Transportation approval. The applicant further retains the plan's intent to locate higher residential density adjacent to primary transportation corridors in proximity to multi-modal and commercial services.

B. Code and Other Policy-Related Amendments

The applicant proposes several amendments that when reduced, are simply appeals to follow County codes or to take advantage of changed circumstances in the 12 years since the original Specific Plan approval. In large measure, the proposed amendments could be described as "the same differences". Pertaining to Riparian Protection and Open Space **(Item #7)** the applicant requests modifications that require compliance with Title 16.30, Watercourse and Riparian Habitat Mitigation Requirements and Title 18.72, Native Plant Preservation Ordinance (NPPO).

Compliance with Title 16.30 would be in lieu of provisions in Specific Plan Sections II-E (Hydrology) and II-F (Vegetation) that require compliance with Comprehensive Plan Special Area Policy #2 Riparian Area Protection Policy (now Rezoning Policy "B" for RP-58, 59, and 60 and Rezoning Policy "C" for RP-128 referenced in **Item #2.b**). As stated in **Item #2.b**, Title 16.30 was amended in 2005 to incorporate all Conservation Lands System Important Riparian Areas (IRA) as regulated riparian habitat, establish mitigation requirements for regulated riparian habitat compatible with CLS conservation objectives (95% retention), 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. Flood Control District comments below and recommendations on conditions under #14 and condition #25 further address regulated riparian area protection and mitigation.

Compliance with Title 18.72 would address Pima pineapple cactus mitigation and allocation of Project Natural Open Space (SP/NOS) with planned use of the Set-aside Method option wherein a minimum of 30% of the site with the highest resource value is set-aside as permanently protected natural open space. Additional provisions of **Item #7** would no longer require Conservation Area Overlay (SP/NOS/CAO) and recordation of a conservation easement and deed restriction to run with the land would be optional. Environmental Planning comments below further address Pima