Staff note: The EXISTING Pomegranate Farms Specific Plan may be accessed through this link:

http://webcms.pima.gov/UserFiles/Servers/Server_6/File/Government/Development%20Services/Land%20Planning%20and%20Regulation/Current%20Planning%20Tab/Pomegranate%20Farms[1].pdf

Drexel Heights Fire District

5030 S. Camino Verde, Tucson, Arizona 85735-8971 Phone: (520) 883-4341 Fax: (520) 883-3314

www.drexelfire.net

August 19, 2016

Board of Directors

James Bertrand, Chair Cheryl Cecil, Clerk Gary Bynum Laura Dailey Charles Mendonca

Fire Chief

Douglas Chappell

Development Services Department Planning Division Attn: Janet Emel 201 North Stone, Second Floor Tucson, AZ 85701

RE: Pomegranate Farms Co23-08-02

Dear Ms Emel,

Thank you for the time to review the modification request for this project. Drexel heights Fire District (DHFD) have no objections to these revisions. However, the change to have gated communities within the project must meet fire code requirements regarding electric gates.

DHFD may have additional comments to the street widths regarding parking on streets and will be addressed when the review of the street standards are done for each neighborhood. Also, DHFD is looking forward to reviewing the water plans for hydrant placement along with future commercial/Residential development in Pomegranate Farms.

Thank you and if you should have any questions regarding this letter, please feel free to contact me.

Sincerely,

Dennis Stiegleiter, Fire Marshal



August 23, 2016

Dear Ms. Emel,

Thank you for the opportunity to comment on the Pomegranante Farms Specific Plan Amendment, dated August 10, 2016. Pomegranante Farms is located south of Valencia Road, which is approximately 1000 feet southeast of the intersection of Ajo Highway (State Route 86) and Valencia Road. Pima County approved the original Pomegranate Farms Specific Plan on February 17, 2009.

The Tucson Airport Authority (TAA) has noted comments were included in the February 17, 2009 approved Specific Plan which mention the TAA Airport Disclosure Statement and the Avigation Easement as being a component of the Specific Plan. TAA recognizes the Avigation Easement for Ryan Airfield is included in Appendices 4 of the Specific Plan. TAA has an established Airport Disclosure Statement form for Ryan Airfield.

Please update the Appendix of the Specific Plan to show the attached Airport Disclosure Statement for Ryan Airfield.

TAA will provide the developer with additional details on how the Airport Disclosure Statement form and the Avigation Easement document are to be applied once the Specific Plan progresses to the Master Block Plat stage.

Please include the following comment in the Pomegranate Farms Specific Plan Amendment:

"The developer shall file Form 7460 with the FAA before beginning construction of each phase of the Pomegranante Farms Specific Plan. When filing Form 7460 please focus on the highest structure contained within the constructed phase. Any cranes used for the project must also be identified with Form 7460. Please file Form 7460 at https://oeaaa.faa.gov/oeaaa/external/portal.jsp."

Please do not hesitate to contact me if you have any questions or concerns regarding this comment letter. I can be reached by email at srobidoux@flytucson.com or by telephone at 520-573-4811.

Respectfully,

Scott Robidoux, Airport Planner MALL

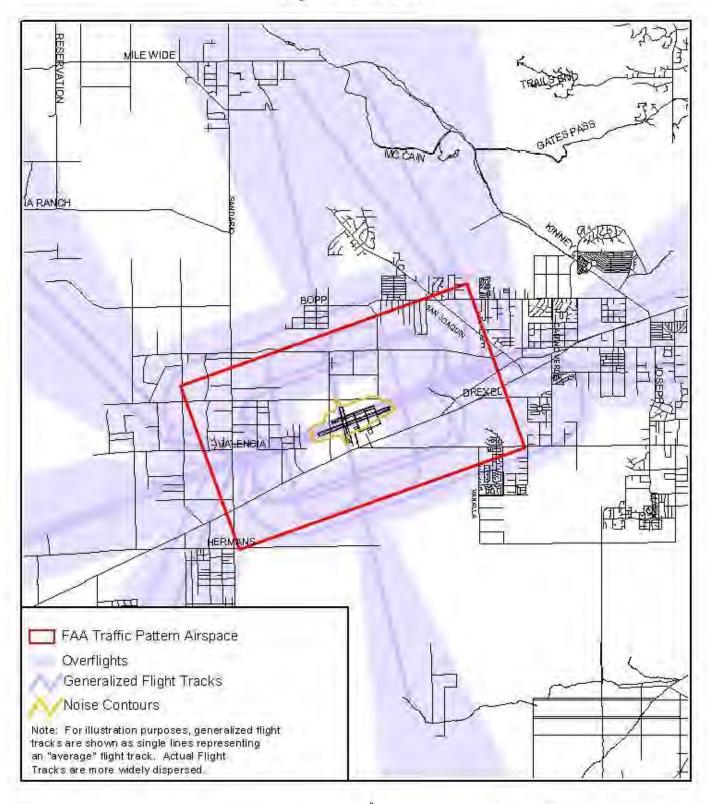
cc MS

file

AIRPORT DISCLOSURE STATEMENT

	The	undersigned	purchaser(s) , a Pima		lot subdiv		the recorded	subdivision I in Book	known at	as Page
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			Pl	nenaser_					Date	e

Ryan Airfield



3 Miles

DECLARATION OF AVIGATION EASEMENT

THIS DECLA	ARATI(ON OF AVI	GATIC	ON E	ASEMENT	("Declaration"),	is made	this
 da	y of	,	20	by			,	a(n)
		_ ("Declarant	t").					

- A. Declarant is the sole record owner in fee simple of certain real property (the "Property") located in Pima County, Arizona which is more particularly described in Exhibit "A" attached hereto; and
- B. The Property is located in the proximity of Ryan Airfield (as it now exists or may hereafter be enlarged and/or developed, the "Airport"); and
- C. The Property is now and in the future will be subject to noise and other effects emanating from aircraft operating at or departing from or arriving at the Airport, and changes in airport layout or operating procedures could result in increased noise influences.

NOW THEREFORE, for good and sufficient consideration, the receipt and adequacy of which Declarant hereby acknowledges, Declarant hereby covenants and declares that all of the Property shall be held, sold, used and conveyed subject to the following avigation easement, which shall run with the Property and be binding on all occupants thereof and on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns, grantees, invitees and tenants.

DECLARANT HEREBY DECLARES, ESTABLISHES, GRANTS AND CONVEYS to the Tucson Airport Authority, the City of Tucson and all persons lawfully using the Airport the right to operate aircraft in and the right to cause in the airspace above or near the Property such noise, vibrations, fumes, vapors, smoke, deposits of dust or other particulate matter, fuel particles and all other effects as may be inherent in the operation of aircraft, now known or hereafter used, while landing on, taking off from, or operating at the Airport, as long as such operations are in compliance with applicable federal, state and local regulations concerning operation of aircraft and use of the Airport.

As used herein, the term "aircraft" shall mean any and all types of aircraft, whether not in existence or hereafter manufactured and developed, to include without limitation, jet aircraft, propeller driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters and all types of aircraft or vehicles now in existence or hereafter developed, regardless of existing or future noise levels, for the purpose of transporting persons or property through the air.

Nothing contained herein shall be construed to restrict Declarant from building any structure on the Property which complies with all applicable laws of the governmental agencies having jurisdiction regarding said construction, so long as any such structure does not, because of its height or function, restrict or impede usage of the Airport by aircraft landing or taking off in the same manner as if the structure were not in existence.

This Declaration of Easement shall bind Declarant, its successors, assigns, invitees and tenants, and their respective successors and assigns, and all persons from time to time occupying or using the Property or any portion thereof. The acceptance by any person or entity of any right of use, deed, lease, mortgage or conveyance of any interest in or privilege pertaining to the Property whatsoever shall constitute acknowledgment of the terms of this Declaration and agreement to be bound by all terms hereof.

This Declaration of Easement shall be a covenant running with the land described in Exhibit A and shall run to the benefit of the above described Benefited Parties, their successors and assigns.

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STATE OF A) ss,							
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of Declarant.									
				Not	ary Public				
My commission	on exp	oires:							

EXHIBIT A

(Legal Description)



August 9, 2016

Ms. Janet Emel, Senior Planner Pima County Development Services Department 201 North Stone Avenue Tucson, AZ 85701

RE: Pomegranate Farms Specific Plan Amendment Request

Please find this letter and attached materials as a formal request to amend the Pomegranate Farms Specific Plan, originally adopted by the Pima County Board of Supervisors on February 17, 2009 (Reference Case #Co23-08-02). Included with this Request Letter are the following additional submittal materials:

- 1. Ownership Authorization Form
- 2. Disclosure of Ownership Resolution
- 3. Specific Plan Narrative and Graphic Exhibits (PART II, III, and IV)

PROPERTY OWNER AND DESCRIPTION

The Pomegranate Farms property is owned by Pomegranate Farms - Tucson, LLC. The property consists of approximately 648 acres of vacant land in unincorporated Pima County, and includes the following Assessor Parcel numbers.

- APN# 210-40-022A
- APN# 210-40-023F
- APN# 210-40-023E
- APN# 210-40-023G

PURPOSE OF REQUEST

The Pomegranate Farms Specific Plan was originally envisioned in 2007 during the peak of the residential real-estate market as a self-sufficient, sustainable master planned community within a future growth area of Pima County. The plan was prepared based on extremely ambitious goals and development requirements related to community density and intensity of use during a time when the real estate market was

booming. Since that time, the real estate market in the Tucson region has changed dramatically, and this change has resulted in the need to amend various elements of the Specific Plan to bring it in line with today's market conditions. While the basic vision of a residentially-based, mixed use master plan community with a mix of residential, commercial, and employment uses, parks, public facilities and open space will be maintained, various provisions within the Specific Plan are being modified to align it with current market conditions. Many of the proposed changes fall within the threshold of "administrative modifications" and will be processed administratively as defined within PART IV-4 the Pomegranate Farms Specific Plan. Other modifications are considered a "Substantial or Insubstantial Changes" and will be processed in accordance with Section 18.90.080.C of the Pima County Zoning Code. There are also several "cleanup" items that have been provided to make the Specific Plan more clear and easy to understand, as well as to remove conflicts and inconsistencies within the document. The following sections summarize the Zoning Conditions to be Modified, Substantial and Insubstantial Changes, and Administrative Modifications proposed with this amendment and the justification for the changes.

ZONING CONDITIONS TO BE MODIFIED

- I. Condition 19 Adherence to the approved Specific Plan: This condition can be maintained as written if the Board of Supervisors approves the proposed Amendments to the Specific Plan.
- II. Condition 23 to be deleted. This is related to the requirement that all residents be within ¼ to ½ mile of commercial services.
- III. Condition 24 to be modified to remove reference to the 2009 letter, and simply require owner/developer to reach agreement with the TUSD regarding the provision of a school site located within the development.

PROPOSED SUBSTANTIAL AND NON-SUBSTANTIAL CHANGES

- A. <u>50-Acres of "Floating CAC"</u>: The original Specific Plan calls for 50 acres of Floating CAC located throughout the project, with 30-acres located within the southwestern potion of the project. While the plan still incorporates 50-acres of commercial and employment uses consistent with the requirement for "50-acres of floating CAC", based on proposed modified densities and anticipated traffic patterns within the region, the Applicant proposed to cluster the commercial and employment uses along Valencia Road at the northern portion of the property. Trail connectivity will provide opportunities for pedestrian access to the commercial and employment areas from all neighborhoods within the property.
- B. <u>Compact Development</u>: The Specific Plan requires "compact development" with 3 to 7 story, vertically-integrated mixed land uses and urban densities. This type

of development is typically affiliated with highly urbanized areas (such as downtown) and is not viable in this location within a suburban development. There are various similar provisions within the Specific Plan affiliated with the concept of "compact development" that have been modified. This concept has been replaced with a provision for a mixed-use master plan with a mix of residential, commercial and employment uses within the development, but not compact or vertically-integrated.

- C. Measurable Sustainability Standards: The Specific Plan has several specific sustainability standards that are not practical or financially feasible within a suburban master planned community such as Pomegranate Farms. While the developer does intend to require and/or encourage numerous sustainability standards, such as water conservation, promoting alternative energy use, water harvesting, recycling, pedestrian connectivity, etc., there are various elements that are proposed to be removed as requirements, as defined below:
 - Remove the requirement to achieve a minimum LEED Silver Certification for all commercial and municipal buildings and neighborhood site plans, and the requirement that all residential plans will achieve a minimum LEED Silver Certification or a score of 101 points as outlined in Pima County's Regional Residential Green Building Rating System.
 - Modify the requirement to "use" municipal and commercial roof tops for solar panel installation, to "encourage the use of".
 - Modify the requirement to "provide" solar water heaters for residential buildings to "encourage the use of".
 - Remove the requirement to "Provide stub outs for grey water use for irrigation of residential homes".
 - Remove the requirement to "Establish a mechanism to collect funds from solar use, HOA dues, and voluntary transfer fees each time a residential unit is sold or resold, to be used for community programs, maintenance and to subsidize housing for educators, fire and police employees that live in the community".
 - Remove the requirement to "provide impervious surfaces for all parking areas, trails and paths to "encourage the use of" as it would be impractical to require all parking lots and paths to use impervious materials.
- D. Residential Densities: The Specific Plan requires a minimum of 3,116 residential units, and a maximum of 3,810 residential units. This is based on the compact development standards and urban-style densities within portions of the project as discussed in Item B above. The applicant is proposing a more realistic, market-driven development pattern with densities that can be supported within this market area for a 648-acre master planned community. The revised densities include a maximum unit count of 2,658 and a minimum unit count of 1,329. This supports densities up to 6 RAC for LDR, 10 RAC for MDR, and 20 RAC for HDR development parcels, which provide for a much more viable density range for the proposed development.

- E. Land Use and Development Parcel Designations: The Specific Plan references all developable parcels as Districts, and used existing Pima County Zoning Districts as based land use designations for the project (such as CR-3, CR-5, TR, CB-2, and MU). However, the performance standards within the Specific Plan have no correlation to the development standards from the applicable Pima County Zoning Districts, making the reference to existing zoning districts confusing. In order to simplify and clarify the development intent, the plan has been modified to refer to all parcels as Development Parcels, and all land uses as unique designations specific for this project, including Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), Commercial (COMM), and Business Park (BP). Each of these designations has its own unique set of development standards which are similar, but more descriptive than the standards defined in the original Specific Plan. The acreage for Development Parcels has also changed based on the revised configuration.
- F. <u>Character Sketches</u>: The character sketches have been removed from the Specific Plan as they reference 7-story buildings and other conceptual design elements which are no longer applicable.
- G. <u>Master Plan Exhibit and Data Table</u>: The master plan exhibit and associated data table have been modified, including the land use designations and configuration of development parcels to reflect the revised densities and development parcels.
- H. Open Space: The definition of Open Space has been modified to include two types of Open Space, Natural Open Space (NOS), which is within the primary wash corridors, and Enhanced Open Space (EOS), which is the area within the old borrow pit near the northwest portion of the property. The EOS can provide improvements and amenities, while the NOS must remain in its natural state and left undisturbed. The overall acreage of open space has also been modified as a result of the elimination of Section 404 designated washes on the property as defined in Item #1 below under Proposed Administrative Modifications.
- I. <u>Roadway Alignments</u>: Roadway alignments have been modified from the original version to reflect current conditions, including:
 - The internal loop road has been realigned to reflect the changes to the wash corridors and to reflect the revised development parcel configuration.
 - The north/south connection between Valencia Road and Los Reales Road near the western end of the property has been modified from its conceptual alignment to be a flexible alignment, with the precise location to be determined at the time of development of the affected parcels. This is shown on the Master Plan as a future connection road.
- J. <u>Regulatory Development Standards</u>: PART III, Regulatory Development Standards has been reformatted to remove discrepancies, inconsistencies, and to simplify the implementation of the development standards as the project is developed over time. The following adjustments have been made:

- <u>Land Use Designations</u>: The land use designations have been modified as discussed in Item #E above.
- <u>Permitted Uses</u>: Simplified fragmented and conflicting permitted uses with a single table that provides permitted uses for all Land Use Designations in one location. Permitted uses are generally the same, but have been reorganized to be more clear and understandable and to remove conflicts and inconsistencies.
- <u>Development Standards</u>: Simplified fragmented performance standards by District with comprehensive development standards by Land Use Designation in a simple table format. This will provide consistency, uniformity and certainty regarding required development standards throughout the development, and corrects several conflicts and inconsistencies among standards.
- K. Regulatory Design Standards: Removed the provision for Tier 1 and Tier II Design Standards into one comprehensive set of implementable Regulatory Design Standards for the Specific Plan. These incorporate a large majority of the Tier I Design Standards that were provide in the original Specific Plan, and added several new standards to reflect the intent of the Tier II standards that were to be developed in the future.

PROPOSED ADMINISTRATIVE MODIFICATIONS

- 1. <u>Section 404 Jurisdictional Washes</u>: Since adoption of the Specific Plan, the U.S. Army Corp of Engineers (USACE) has amended the designation of Section 404 washes within the site, and has made the determination that none of the washes within the property are under the jurisdiction of the Section 404 Clean Water Act. As such, the applicant has worked with the Pima County Regional Flood Control District (PCRFCD) to determine the major washes within the property that require preservation, and has consolidated the master plan and open space plan to reflect the requirements for wash corridors through the property. This resulted in a change to the overall open space and developable land area, and the associated development parcels within the property. This change has also resulted in a re-alignment of the internal loop road to minimize wash crossings within the property. This modification impacts several exhibits and narrative sections affiliated with the wash corridors, including total required open space and developable acreage. This potential change was contemplated within the original specific plan, and was identified as being permitted as an Administrative Modification. While this change is permitted as an Administrative Modification per the Specific Plan, several of the spin-off impacts of this change are considered Substantial Changes, and are reflected in the Substantial Change section above.
- Valencia Road Alignment: The Valencia Road alignment has been modified from the conceptual curved alignment through the northwest portion of the property to maintain the section line alignment until it connects to Ajo Highway. This is supported by PCDOT and the adjacent Sendero pass development.

- 3. <u>Riparian Habitat Restoration</u>: The narrative within PART II-E, Biological Resources has been modified to refer to a Conservation Plan in lieu of a Riparian Habitat Restoration Plan. The Conservation Plan will satisfy Title 16, Native Plant Preservation code.
- 4. <u>Bufferyards</u>: The original Specific Plan utilized the bufferyard table within the Pima County Zoning Code. Since the revised Specific Plan establishes unique land use designations for each development parcels, and for simplicity purposes, the plan provides a bufferyard table that defines bufferyard material densities and widths per land use designation. These standards are generally consistent with the standards required within the Pima County Code, they are simply provided in table format in the Specific Plan for ease of use.
- 5. <u>Parks and Trails</u>: Park locations and trail alignments have been modified to reflect the revised master plan and wash corridors, but are in general conformance with the original plan.
- 6. <u>Recreation Area Plan</u>: The RAP projections have simply been modified to reflect the revised projected population based on density changes proposed.
- 7. Working Families/Affordable Housing: This section has been removed from the Specific Plan as it is an outdated standard that is no longer applicable.
- 8. <u>Streetscape and Landscape</u>: The streetscape and landscape provision per District has been replaced with a consistent theme for the entire development. The overall landscape theme and intent is in conformance with the original plan, it is simply consolidated into a single theme for the entire community.
- 9. Parking Standards: Removed the unique parking requirements within the original Specific Plan and conform to Section 18.75 Off-Street Parking and Loading Standards of the Pima County Zoning Code, with the exception of providing for modified parking stall sizes to slightly reduce the stall size in order to minimum impervious surface areas within the development, thereby enhancing sustainability provisions.
- 10. <u>Roadway Frontage Standards</u>: Remove special provisions for Roadway Frontage Standards and conform to Section 18.77, Roadway Frontage Standards of the Pima County Zoning Code.
- 11. <u>Gated Communities</u>: The original Specific Plan prohibited gated communities within the development. The new standard does not prohibit gated communities, but includes a requirement to maintain pedestrian connectivity throughout, which meets the intent of a pedestrian-oriented, connected community.
- 12. <u>Shade for Pedestrians</u>: The original Specific Plan required shade of at least 35% for all pedestrian areas. This is difficult to quantify, so the modified standard

requires a minimum of one shade tree every 50 feet along trails corridors and primary pedestrian areas, and a pedestrian seating area and shade element every $\frac{1}{4}$ mile to provide a comfortable refuge for pedestrians along the trail corridors.

LVA Urban Design Studio, L.L.C

Mh al.

Mark Reddie

Director of Planning and Entitlements



333 East Wetmore Road, Suite 250

Tucson, AZ 85705

520-888-3962

502-888-3198 fax

www.crownwest.com

July 12, 2016

Mr. Chris Poirer
Planning Official
Pima County Development Services
201 N. Stone Avenue, 2nd Floor
Tucson, Arizona 85701

Re:

Pomegranate Farms Specific Plan Modification and Amendment

Request- Letter of Authorization

Dear Chris:

Please accept this letter of authorization from Pomegranate Farms-Tucson, LLC to designate the consulting team of Psomas, Inc. and LVA Urban Design Studio, LLC as the "Applicant" for the Pomegranate Farms Specific Plan Modification/amendment submittal, to include the Board of Supervisors Hearing Request for modifications and/or waiver of pertinent zoning conditions adopted as part of Ordinance 2009-41.

Should you have any questions, feel free to contact us.

Sincerely,

Dean Wingert

Pomegranate Farms – Tucson LLC

c/o Crown West Land Group

Cc: Bob Iannarino, Psomas

Mark Reddie, LVA Design

RESOLUTIONS OF THE SOLE MEMBER OF POMEGRANATE FARMS – TUCSON, LLC

The undersigned (the "Member"), being the sole member of Pomegranate Farms – Tucson, LLC, a Delaware limited liability company (the "Company"), hereby consents to the adoption of the following resolutions, which may be relied upon by any party dealing with the Company:

RESOLVED, that Dean Wingert ("Wingert") is hereby designated as Vice President of the Company:

FURTHER RESOLVED, that the authority of Wingert, in his capacity as Vice President, to act for and bind the Company shall be limited to matters authorized in these resolutions, or in such additional resolutions as may be adopted from time to time by Company;

FURTHER RESOLVED, that Wingert, in his capacity as Vice President of the Company, be, and hereby is, authorized to negotiate, execute and deliver on behalf of the Company contracts for maintenance and repair of the Company's property and entitlement and development of the Company's property as part of a master-planned community (including, but not limited to, signing any final plats for recordation). provided that the written approval of Frank J. Walter III ("Walter"), as the Company's President, shall be required for any commitment by the Company to incur costs or liabilities in excess of \$1,000;

FURTHER RESOLVED, that any approval by Walter required under these resolutions may be given by mail, via facsimile transmission or e-mail;

FURTHER RESOLVED, that the Company shall indemnify Wingert for any liabilities incurred by him by reason of any act or omission performed or omitted by him in good faith on behalf of the Company and in a manner that he reasonably believed to be within the scope of the authority conferred on him by these or other resolutions adopted by the Company; provided that Wingert shall not be entitled to indemnity for liabilities incurred by reason of his gross negligence or willful misconduct;

FURTHER RESOLVED, that Wingert shall be entitled to rely on the Company's indemnity obligation set forth herein in the same manner and with the same effect as if such indemnity obligation were set forth in a separate written agreement duly executed by the Company; and

FURTHER RESOLVED, that no repeal, amendment or modification of the Company's indemnity obligation set forth herein shall be effective unless written notice thereof is delivered to Wingert, nor shall any such repeal, amendment or modification eliminate or reduce the Company's indemnity obligation with respect to any matter that occurred prior to written notice of such repeal, amendment or modification.

DATED	as	of	Murch 19		2014.
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MEMBER:

Petrus Land Investors II, L.P., a Delaware limited partnership

By: Petrus-Crown GP Land II, L.L.C., a Delaware limited liability company, General Partner

By: Crown West Realty, L.L.C.,

a New York limited liability company,

Managing Metaber

Title:

APPROVED AND ACCEPTED:

Dean Wingert

JKRAMER/8985183.1/027436.0046



Parcel 210-40-022A

Read the Disclaimer. Information on this page is unofficial.

Mail name and address

Legal description

210-40-022A POMEGRANATE FARMS TUCSON LLC 3808 N SULLIVAN RD BLDG N15 STE 202 NE4 EXC N75' THEREOF & S2 482.14 AC

SEC 18-15-12

SPOKANE VALLEY WA 99216-1608

Situs (property) address

(About situs addresses)

Street Address

Jurisdiction Postal City Zip Code

There is no situs address information.

- For Assessor parcel details, copy and paste Parcel ID 21040022A into the <u>Pima County Assessor's "Quick Search"</u>. We cannot link directly. Also see Assessor Record Maps.
- Real Estate Property Tax Inquiry and Property Tax Statement from the Pima County Treasurers's Office.
- Recorded Information from the Pina County Recorder's Office
 - o Recorded Document for Sequence Number 20051760988.
 - o Voter Precinct and Districts are not available because there is no parcel situs address information.
- A Subdivision Plat Map is not available here because the GIS parcel record does not have subdivision Book/Page or Sequence numbers. The parcel may have an associated subdivision Book/Page or Sequence number that isn't documented here. See "Subdivision" in the "Development" GIS overlay details group results. As another option, the parcel legal description above may have a subdivision name you can search for in Subdivision Final Plats.
- Pima County Sanitary Sewer Connection Search and Connection Records Overview.
- Permits from Pima County Development Services.
 - o Permit Database Search
 - o Historical Permit Cards Prior to about 1998
- City of Tucson Development Activity Records are not available because there is no parcel situs address information.
- Section Information and Maps for Township 15S, Range 12E, Section 18.

 This parcel's GIS overlay details Grids group is a more complete analysis of sections when parcel boundaries extend outside of the listed section.



Parcel 210-40-023E

Read the <u>Disclaimer</u>. Information on this page is unofficial.

Mail name and address

Legal description

210-40-023E POMEGRANATE FARMS TUCSON LLC 3808 N SULLIVAN RD BLDG N15 STE 202 PTN NW4 100.93 AC SEC 18-15-12E

SPOKANE VALLEY WA 99216-1608

Situs (property) address

(About situs addresses)

Street Address

Jurisdiction Postal City Zip Code

There is no situs address information.

- For Assessor parcel details, copy and paste Parcel ID 21040023E into the <u>Pima County Assessor's "Quick Search"</u>. We cannot link directly. Also see <u>Assessor Record Maps</u>.
- Real Estate Property Tax Inquiry and Property Tax Statement from the Pima County Treasurers's Office.
- Recorded Information from the Pima County Recorder's Office
 - o Recorded Document for Sequence Number 20051760991.
 - o Voter Precinct and Districts are not available because there is no parcel situs address information.
- A Subdivision Plat Map is not available here because the GIS parcel record does not have subdivision Book/Page or Sequence numbers. The parcel may have an associated subdivision Book/Page or Sequence number that isn't documented here. See "Subdivision" in the "Development" GIS overlay details group results. As another option, the parcel legal description above may have a subdivision name you can search for in Subdivision Final Plats.
- Pima County Sanitary Sewer Connection Search and Connection Records Overview.
- Permits from Pima County Development Services.
 - o Permit Database Search
 - o Historical Permit Cards Prior to about 1998
- City of Tucson Development Activity Records are not available because there is no parcel situs address information.
- <u>Section Information and Maps</u> for Township 15S, Range 12E, Section 18.

 This parcel's GIS <u>overlay details Grids group</u> is a **more complete analysis** of sections when parcel boundaries extend outside of the listed section.



Parcel 210-40-023F

Read the <u>Disclaimer</u>. Information on this page is unofficial.

Mail name and address

Legal description

210-40-023F

POMEGRANAT FARMS COMMERCIAL TUCSON LLC

PTN S1401' N1476' W1765.61' NW4 36.59 AC

SEC 18-15-12

3808 N SULLIVAN RD STE 202 BLDG N15 SPOKANE VALLEY WA 99216-1608

Situs (property) address

(About situs addresses)

Street Address

Jurisdiction

Postal City Zip Code

9393 W VALENCIA RD PIMA COUNTY TUCSON 85757

ZIP+4 Lookup

- For Assessor parcel details, copy and paste Parcel ID 21040023F into the Pima County Assessor's "Quick Search". We cannot link directly. Also see Assessor Record Maps.
- Real Estate Property Tax Inquiry and Property Tax Statement from the Pima County Treasurers's Office.
- Recorded Information from the Pima County Recorder's Office
 - o Recorded Document for Sequence Number 20051791174.
 - o Voter Precinct and Districts
- A Subdivision Plat Map is not available here because the GIS parcel record does not have subdivision Book/Page or Sequence numbers. The parcel may have an associated subdivision Book/Page or Sequence number that isn't documented here. See "Subdivision" in the "Development" GIS overlay details group results. As another option, the parcel legal description above may have a subdivision name you can search for in Subdivision Final Plats.
- Pima County Sanitary Sewer Connection Search and Connection Records Overview.
- Permits from Pima County Development Services.
 - o Permit Database Search
 - o Historical Permit Cards Prior to about 1998
- City of Tucson Development Activity Records are not available because the parcel is not in the City of Tucson.
- Section Information and Maps for Township 15S, Range 12E, Section 18. This parcel's GIS overlay details Grids group is a more complete analysis of sections when parcel boundaries extend outside of the listed section.



Parcel 210-40-023G

Read the <u>Disclaimer</u>. Information on this page is **unofficial**.

Mail name and address

Legal description

210-40-023G POMEGRANAT FARMS COMMERCIAL TUCSON LLC IRR PCL CTRL PTN NW4 25.27 AC SEC 18-15-12

3808 N SULLIVAN RD STE 202 BLDG N15 SPOKANE VALLEY WA 99216-1608

Situs (property) address

(About situs addresses)

Street Address

Jurisdiction Postal City Zip Code

There is no situs address information.

- For Assessor parcel details, copy and paste Parcel ID 21040023G into the <u>Pima County Assessor's "Quick Search"</u>. We cannot link directly. Also see <u>Assessor Record Maps</u>.
- Real Estate Property Tax Inquiry and Property Tax Statement from the Pima County Treasurers's Office.
- Recorded Information from the <u>Pima County Recorder's Office</u>
 - o Recorded Document for Sequence Number 20071770220.
 - o Voter Precinct and Districts are not available because there is no parcel situs address information.
- A Subdivision Plat Map is not available here because the GIS parcel record does not have subdivision Book/Page or Sequence numbers. The parcel may have an associated subdivision Book/Page or Sequence number that isn't documented here. See "Subdivision" in the "Development" GIS overlay details group results. As another option, the parcel legal description above may have a subdivision name you can search for in Subdivision Final Plats.
- Pima County Sanitary Sewer Connection Search and Connection Records Overview.
- Permits from Pima County Development Services.
 - o Permit Database Search
 - Historical Permit Cards Prior to about 1998
- City of Tucson Development Activity Records are not available because there is no parcel situs address information.
- <u>Section Information and Maps</u> for Township 15S, Range 12E, Section 18.
 This parcel's GIS <u>overlay details Grids group</u> is a **more complete analysis** of sections when parcel boundaries extend outside of the listed section.

F. ANN RODRIGUEZ, RECORDER RECORDED BY: LLW

DEPUTY RECORDER

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P0230

PIMA CO CLERK OF THE BOARD PICKUP



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ORDINANCE 2009-41_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA: RELATING TO ZONING: REZONING PROPERTY (PARCEL CODES 210-40-022A, 210-40-023G, 210-40-023E, 210-40-023F) OF APPROXIMATELY 645 ACRES FROM RH (RURAL HOMESTEAD) TO SP (SPECIFIC PLANS) IN CASE CO23-08-02 POMEGRANATE FARMS SPECIFIC PLAN; LOCATED SOUTH OF AJO HIGHWAY, APPROXIMATELY 2,000 FEET EAST OF THE INTERSECTION OF W. VALENCIA ROAD AND AJO HIGHWAY IN SECTION 18, T15S, R12E; AMENDING PIMA COUNTY ZONING MAP NOS, 65 AND 102.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The 645 acres, located southeast of the intersection of Ajo Highway and Valencia Road, illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map Nos. 65 and 102 is hereby rezoned from RH (RURAL HOMESTEAD) to SP (SPECIFIC PLANS).

Section 2. Rezoning Conditions.

- 1. Not more than 60 days after the Board of Supervisors approves the Specific Plan, the owner(s) / developer(s) shall submit to the Planning Director the specific plan document, including any necessary revisions of the specific plan document reflecting the final actions of the Board of Supervisors, and the specific plan text and exhibits in an electronic and written format acceptable to the Planning Division.
- 2. Submittal of a development plan, or acceptable site development plan, if determined necessary by the appropriate County agencies.
- Recording of a covenant holding Pima County harmless in the event of flooding. 3.

Co23-08-02

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- 4. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- 5. Provision of development related assurances as required by the appropriate agencies.
- 6. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department, Document Services.
- 7. There shall be no subdividing or lot splitting without the written approval of the Board of Supervisors.
- 8. In the event of a conflict between two or more requirements in this specific plan, or conflicts between the requirements of this specific plan and another Pima County regulation not listed in Section 18.90.050B3, the more restrictive requirement shall apply.
- 9. This specific plan shall adhere to all applicable Pima County regulations that are not explicitly addressed within this specific plan. The specific plan's design standards shall be interpreted to implement the specific plan or relevant Pima County regulations.
- 10. Prior to the issuance of any permits, this specific plan is subject to the approval of a Master Subdivision Block Plat for the entire site. The subdivision block plat shall make all dedications (including roads, sewer, drainage, trails and open space), unless otherwise specified in the development agreement, and the plat shall identify all necessary improvements and provide a design and construction phasing plan. Upon submittal of the block plat, the studies, reports, information required by these specific plan conditions and the specific plan document itself, shall be provided for review and approval of the applicable Pima County department or departments. Subsequent site development requires submittal of subdivision plats or development plans prepared in accordance with the subdivision block plat.
- 11. No building permits shall be issued until all applicable specific plan requirements for or affecting the site are satisfied and the Planning Director issues a Certificate of Rezoning Compliance.
- 12. Transportation Department requirements:
 - A. The property owner/developer(s) shall dedicate 200 feet full right-of-way, or 100 feet half right-of-way as applicable, for Valencia Road as designated by

the Major Streets and Scenic Routes Plan. The alignment of Valencia Road shall require approval by the Department of Transportation and shall be coordinated with adjacent development.

- B. The property owner/developer(s) shall dedicate 150 feet right-of-way, or 75 feet half right-of-way as applicable, for Los Reales Road and 120 feet right-of-way, or 60 feet half right-of-way as applicable, for Desert Sunrise Trail per recommended findings of the Southwest Infrastructure Plan.
- C. A building setback of 130 feet shall be provided on Valencia Road, 105 feet shall be provided on Los Reales Road and 90 feet on Desert Sunrise Trail shall be provided (half right-of-way plus 30 feet that is measured from the centerline of the right-of-way/roadway). For development along the portion of Valencia Road, Los Reales Road and Desert Sunrise Trail, within high density and commercial developed areas, reduction of setbacks to 10 feet plus half of the required right-of-way may be allowed as previously discussed by the Design Review Committee.
- D. The property owner/developer(s) shall provide on-site and off-site improvements to Valencia Road, Los Reales Road and Desert Sunrise Trail as determined necessary by the Department of Transportation. Construction of Los Reales Road and Desert Sunrise Trail are the responsibility of the property owner/developer(s) and the property owner/developer(s) may be eligible to receive impact fee credits after construction is completed. Los Reales Road construction includes the north half ultimate cross section of a four-lane divided or five-lane desert parkway/urban major collector. Desert Sunrise Trail construction includes the full cross section of a four-lane divided or five-lane desert parkway/urban major collector. Improvements to Valencia Road could include, but may not be limited to, additional pavement for travel, turn or multiuse lanes, outside curb and sidewalks. This condition may be clarified or amended pursuant to a Board of Supervisors approved Development Agreement between Pima County and the owner/developer(s).
- E. The property owner/developer(s) shall dedicate right-of-way and construct a major collector road (within E.I and D.4 districts), to be located opposite Collector 2 that is located within the Town Center. The road shall provide a connection between Valencia Road and the north property line. It is located within the commercial and multiple use areas designated E.1 and D.4 to provide future access to property located north of the specific plan. The width of said road shall be subject to approval during platting process, depending upon what type of commercial development is planned. In the event that Valencia Road is not aligned as indicated in the Specific Plan, then this condition is not applicable.

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- F. Minimum separation between driveways and streets shall be 600 feet along Valencia Road, Los Reales Road and Desert Sunrise Trails. All access shall require Department of Transportation approval.
- G. Provision of access from the internal loop road to the southeast boundary of the specific plan to provide future access to undeveloped property to the east.
- H. Provision of a detailed and up to date Traffic Impact Study shall be submitted with the Master Block Plat and shall be updated as determined necessary by Department of Transportation throughout the development of the specific plan.
- I. Two Park & Ride facilities shall be provided for within the specific plan, one within the town center or commercial uses along Valencia Road and one along Los Reales Road. The property owner/developer(s) shall provide a study/report that addresses transit issues for the specific plan and how it interrelates within the southwest area.
- J. Each district shall be designed to establish coordinated pedestrian and transit oriented connections within the specific plan and plan for future connections beyond the limits of the specific plan.
- 13. Regional Flood Control District requirements:
 - A. Drainage improvements required to remove the developable portions of the site from the FEMA floodplain will be identified in a drainage report to be finalized with the Master Block Plat. Approval of the Drainage Report and CLOMR shall be required prior to recordation of the block plat and approval of the Certificate of Compliance. Approval of the LOMR is required prior to issuance of any building permits.
 - B. Drainage corridors identified in the Specific Plan are to be enhanced to provide riparian habitat connectivity across the site as well as recreational and aesthetic amenity to the residents. If a riparian mitigation plan is required, it shall be submitted for approval with the Block Plat and prior to the Certificate of Compliance in order to ensure sustainability principles identified by the County and Specific Plan are implemented.
 - C. Drainage improvements shall be designed in coordination with Ajo Highway and neighboring developments.
 - D. Due to the proposed land use intensities and severe flood and erosion hazards, flood control improvements shall be constructed with concrete, gunite, soil cement, or other structural methods. Earthen channels shall not be allowed.

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Wastewater Reclamation Department requirements:

- A. The owner / developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner / developer to that effect.
- B. The owner / developer shall obtain written documentation from the PCRWRD that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner / developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
- 15. Natural Resources, Parks and Recreation Department requirements:
 - A. Prior to the release of assurances for the 1,038th lot (30% of the lots), the approximate seven-acre park and all associated and required recreation elements shall be constructed.
 - B. Prior to the release of assurances for the lots greater than 75% of the total lots within each district as shown on the Phasing Plan (Exhibit IV-A.6), recreation elements and trail locations shall be built as conceptually shown on Exhibit II-M within that district.
 - C. The 10-foot shared-use path and eight-foot stabilized trail within the residential collector road shall be constructed by the developer and maintained by a Homeowners Association.
 - D. A Homeowners Association shall maintain all shared-use paths and stabilized trails throughout the development.
 - E. Final determination of recreation areas and elements required shall be determined with a Recreation Area Plan (RAP), which shall be submitted and approved prior to the approval of the tentative plat. A RAP shall be submitted for each district. Each district shall meet the recreation requirements as stated in Section 18.69.090 and the Recreation Area Design Manual.

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F. A Recreation Area Plan (RAP) shall be submitted with the Tentative Master Block Plat. The RAP shall show the alignment of the trails within the open space as shown on Exhibit II-M. The RAP shall include the park and show the required recreation elements.

16. Cultural Resources requirements:

- Α. Two archaeological sites, AZ AA:16:481(ASM) and AZ AA:16:482(ASM), both eligible for listing in the National Register of Historic Places, are located on the property. Cultural resources mitigation of the archaeological sites is required. The preferred mitigation strategy is avoidance and preservation of sites AZ AA:16:481(ASM) and AZ AA:16:482(ASM). A mitigation plan shall include a preservation strategy that runs with the land; such as a Conservation Easement, a Restrictive Covenant, or recordation on the original Plat submitted to the County. In recording the sites, the Plat map must clearly delineate the spatial extents of the sites with buffer zones and must include a descriptive Plat Note. If avoidance and preservation are not possible, data recovery will be required. If data recovery should become necessary, all archaeological work shall be conducted by an archaeologist permitted by the Arizona State Museum. Any development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County zoning Code.
- B. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
- 17. In the event the subject property is annexed, the owner(s) / developer(s) shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
- 18. The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona

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Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

- 19. Adherence to the specific plan document as approved at the Board of Supervisor's public hearing.
- 20. If required by the Drexel Heights Fire District (District), the developer shall provide a fire station site within the project that is compatible with adjacent land use and acceptable to the developer and the District and to be shown on the applicable subdivision plat or development plan. The developer shall provide for the transfer of that property to the District.
- 21. The developers shall include disclosure statements regarding Ryan Airfield in all sales contracts, public reports, and the recorded covenants. The developers shall also establish avigation easements relative to Ryan Airfield. The specific language for inclusion in the disclosure statements and the enactment of the avigation easements shall be coordinated with the Tucson Airport Authority. Land use restrictions shall be coordinated with Ryan Airfield operations to ensure compatibility of proposed land uses with current and projected future airport operations.
- 22. At a minimum, the majority of infrastructure and transportation costs shall be self-funded by the developer, including but not limited to impact fees. A development agreement to address, at minimum, infrastructure commitments, phasing, and funding shall be developed and approved by the Board of Supervisors prior to submittal of a Master Block Plat. No permits shall be issued until the revisions to the Pima County development impact fee program are adopted by the Board of Supervisors.
- 23. Any proposal or action which would result in a significant deviation from the objective of providing or reserving the necessary acreage for commercial services within ¼ ½ mile of all residential development (as stated in the specific plan) or the general dispersal of commercial services to serve the residential development of the specific plan, would be considered a "Substantial Modification" of the specific plan requiring public hearings before the Planning and Zoning Commission and the Board of Supervisors per Section 18.90.080.
- 24. Owner/Developer shall reach an agreement with Tucson Unified School District (TUSD) or another public school provider regarding the provision of a school location within the development as shown and described in the specific Plan. TUSD and Owner/Developer have begun negotiations. If the agreement is with

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TUSD, the agreement will be in substantial conformance with the Letter of Intent dated February 13, 2009 between Owner/Developer and TUSD or otherwise mutually acceptable to TUSD and Owner/Developer.

Section 3. That the Pomegranate Farms Specific Plan, attached as Exhibit B (which has not been recorded but may be viewed at the office of the Pima County Development Services Department - Planning Division), is hereby adopted, subject to amendment by the specific plan applicant of Exhibit B, as necessitated by the Board of Supervisors' action.

Section 4. That the Legal Description of the Pomegranate Farms Specific Plan is hereby shown in Exhibit C to this ordinance and incorporated herein by this reference.

Section 5. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 24 are satisfied and the Planning Official issues a Certificate of Rezoning Compliance.

Section 6. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 7. The effective date of this Ordinance shall be 30 days after adoption.

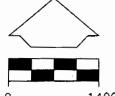
Passed and adopted by the B	loard of Supervisors of Pima County, Arizona, this 5th
day of <u>May</u>	, 2009.
ATTEST: POR SUNCE.	Chairman of the Board of Supervisors
hor Godshian	MAY 0 5 2009
Clerk, Board of Supervisors	
APPROVED AS TO FORM:	on the ACC
Deputy County Attorney ANDRE	W FLAGO

Co23-08-02

Executive Secretary,

Planning and Zoning Commission

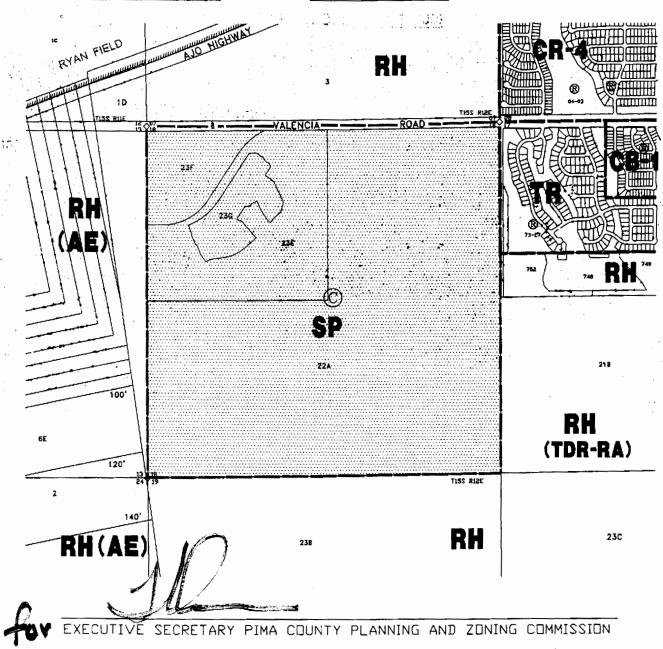
Page 8 of 11



ADDPTED MAY 5, 2009

_ EFFECTIVE JUNE 5, 2009





(C) NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE FROM RH 644.93 ac± ds-APRIL 6, 2009

Co23-08-02 Co7-06-12 Co7-07-31 210-40-022A, 210-40-023E, 210-40-023F 21040023G

Page 9 DF 11

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Exhibit B is the Pomegranate Farms Specific Plan document approved by the Pima County Board of Supervisors on February 17, 2009.

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

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

Exhibit C

Legal Description

Parcel 210-40-022A – NE4 EXC N75' THEREOF & S2 482.14 AC SEC 18-15-12

Parcel 210-40-023F – PTN S1401' N1476' W1765.61' NW4 36.59 AC SEC 18-15-12

Parcel 210-40-023E – PTN NW4 100.93 AC SEC 18-15-12

Parcel 210-40-023G – CTRL PTN NW4 25.27 AC SEC 18-15-12

POMEGRANATE FARMS **EXISTING SPECIFIC PLAN** VALENCIA ROAD LEGEND DISTRICT ACREAGE MIN. TARGET TARGET DENSITY MAX TARGET CB-2 DENSITY (DU) DENSITY DENSITY (DU) DENSITY DENSITY MU MU TR SP CR-3 Single Residence 10 RAC D.2 D.2 73 91 26.0 104 187 208 229 260 Totals 35.1 253 281 309 140 SP CR-5 Multiple Residence 10 RAC 277 MU 29.6 36 213 237 296 274 27.4 110 197 219 241 479 532 585 665 B.4 66.5 266 School 151.2 525 1089 1210 1331 1512 SP TR Transitional 20 RAC CR-5 12 RAC 14 RAC PARK MU 385 449 32.1 642 404 494 ROW 200' TR C.2 D.1 558 651 930 C.2 46.5 586 716 NOTE: FUTURE VALENCIA ROAD 427 27.7 332 349 388 554 ALIGNMENT IS SUBJECT TO Totals 106.3 1276 1339 1488 1637 2126 D.4 APPROVAL BY PIMA COUNTY **DEPT. OF TRANSPORTATION** SP MU Multiple Use 154 171 205 D.1 COMMERCIAL 13.6 CR-3 38 115 MU D.1 216 72 162 180 198 37 15 33 34 44 **ROW VARIES** 47' TO 60' Totals 98.4 179 436 484 526 SP CB-2 General Business ROW 120' CR-5 TOTAL 407.0 3116 3463 3810 FUTURE ROAD CONNECTION TOTALS DISTRICTS CR-5 TR CR-5 OPEN SPACE 201 NOTE 2 RIGHT-OF-WAY 37 NOTE 2 CR-3 TAGTE it Rivelling unit light with del to impermination fractionalists during jo. NOTE 2: Final acreage of Specific Plan elements to be determined by Final Plat of record. NOTE 3: To achieve maximum DU (4,525) requires Board of Supervisors approval. CR-5 CR-5 Jurisdictional Washes TR CR-5 Town Certer Town Center - 30' MS&R Set-back CR-5 EXHIBIT II B CR-5 CR-5 TR **MASTER PLAN** Park & POMEGRAPATE MU Ride TR SCALE: 1"=600'-0" GROWING COMMUNITIES TOGETHE STATE LAND