

Swan Southlands

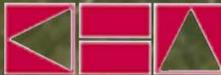
A Master Planned Community
by South Wilmot Land Investors, L.L.C.

Specific Plan and
Zoning Document

Final Document of Record


WestLand Resources, Inc.
Engineering and Environmental Consultants


Stantec


Kimley-Horn
and Associates, Inc.


Urban Design
Studio L.L.C.

SWAN SOUTHLANDS

Specific Plan

A Master Planned Community
By South Wilmot Land Investors, LLC

FINAL DOCUMENT OF RECORD
SEPTEMBER 2005

Identity District "D" Modification
BOS Modified 6/15/2010

Pima County, Arizona

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**SWAN SOUTHLANDS
SPECIFIC PLAN
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PART 1 – SITE INVENTORY

I-A EXISTING LAND USES

I-A.1. Site Location and Regional Context

The subject property is approximately 3,184 acre of land located in the southeast portion of metropolitan Tucson area. The subject property generally consists of the majority of Section 10 (minus the northern 325 feet) and 12, and all of Sections 13, 14 and 15, Township 16 South, Range 14 East, Pima County, Arizona. According to Pima County Assessor's records, the property is recorded as parcels: 303-09-002B (north ½ Section 10), 303-09-002C (south ½ Section 10), 303-09-002L (Sections 12, 13 and 14) and 303-09-0070 (Section 15). All parcels are owned by South Wilmot Land Investors, L.L.C., except Section 15, which is owned by Pima County.

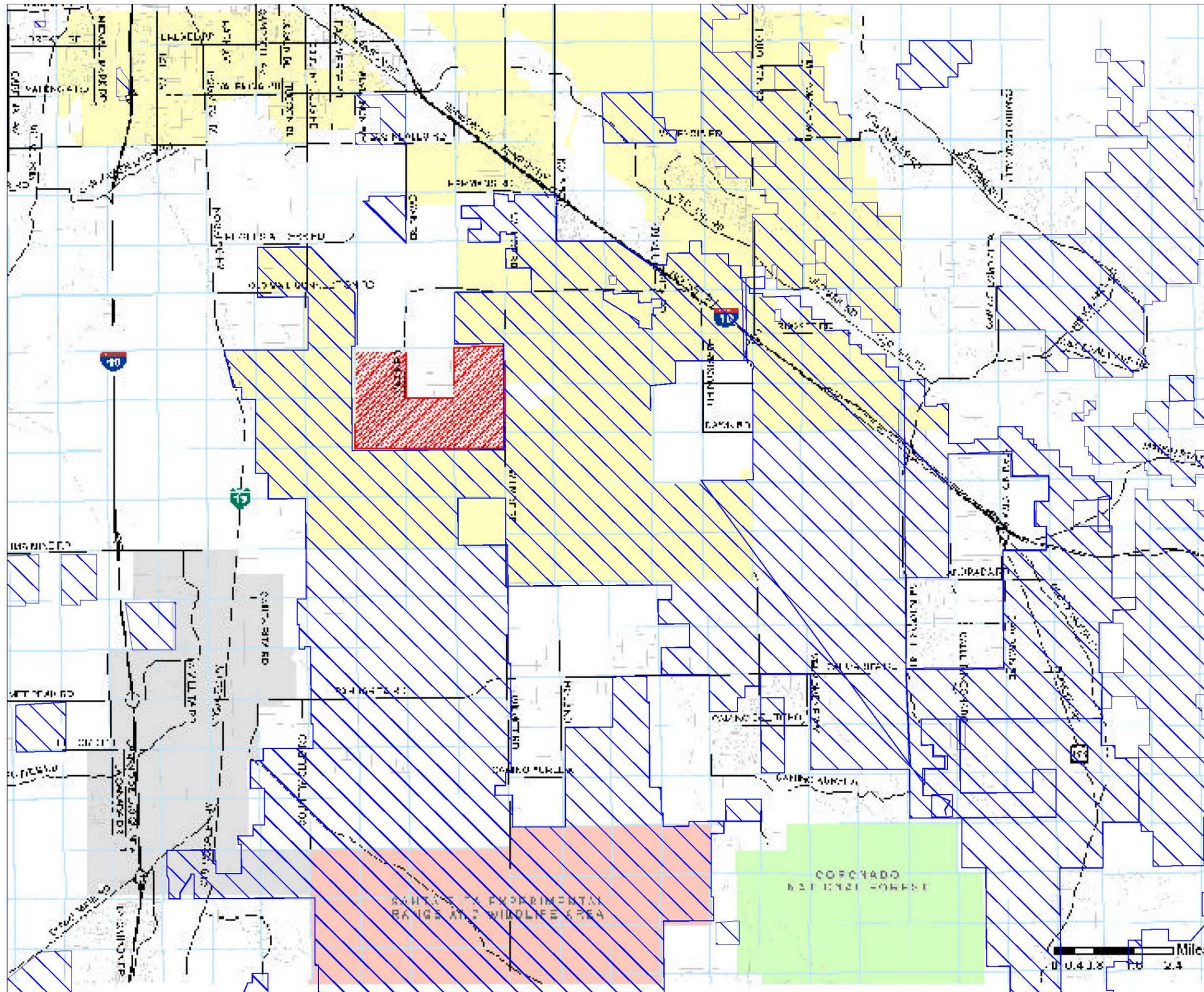
Section 10 is located at the northwest side of the site, immediately west of Swan Road and immediately south and west of private residential developments. Section 12 is located at the northeast side of the site, immediately west of Wilmot Road, south of institutional development, and east of private residential development. Section 13 is located immediately south of Section 12 and Section 14 is located immediately west of Section 13. Sections 12-14 were previously owned by the State Land Department until they were sold through auction to private landowners in 2001. Section 15 is immediately west of Section 14 and is owned by Pima County. This property includes a Pima Pineapple Cactus Mitigation Bank which incorporates a significant portion of the northeast quadrant on the Section. Pima County has authorized the applicant to include Section 15 in accordance with Special Area Policy #1 in the Specific Plan Application and as stated in a letter dated October 9, 2003 from the County Administrator to the Pima County Board of Supervisors (See Letter at the end of Section 1-A). A graphic representation of the property and surrounding area is provided on **Figure 1, Site Location and Regional Context Map**.

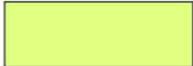
The property falls within the regulatory jurisdiction of Pima County, and is within the Rincon Southeast / Santa Rita Subregion of the Pima County Comprehensive Plan. The area surrounding the subject property within the City of Tucson is currently identified as a future growth area within the City of Tucson General Plan. Much of the planned land uses adjacent to the subject property are designated as Master Planning Areas according to the Tucson General Plan. Land uses within this designation are generally consistent with Master Planned Communities, which include residential, commercial, employment and open space uses. This regional area is conducive to development, as the topography is generally flat, there are relatively few environmental constraints and there is good access to the regional transportation network.

Swan Southlands

Pima County, Arizona

Figure 1
Site Location
and Regional Context



-  City of Tucson
-  Coronado National Forest
-  Town Of Sahuarita
-  Santa Rita Experimental Range and Wildlife Area
-  State Land
-  Swan Southlands



Date: 02-23-04
Drawn By: RPS



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Land Planning,
Site Planning & Design
Environmental Analysis &
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I-A.2. Existing Land Uses and Zoning on Site

The Swan Southlands property is located within the planning and development jurisdictional area of Pima County. The property is subject to the land use requirements within the Rincon Southeast / Santa Rita Subregion of the Pima County Comprehensive Plan, adopted in 1992. On December 16, 2003, the Pima County Board of Supervisors approved a Comprehensive Plan for the property through Case Numbers C07-03-07, C07-03-09, and C07-03-10. The Comprehensive Plan Amendment approval included a change in the land use designation from Low Intensity Rural (LIR), Resource Transition (RT), and Urban Industrial (UI) to Medium Intensity Urban (MIU) with Special Area Policies to allow a mixed use development that could include residential, commercial, and office uses. The Comprehensive Plan identifies a goal of residential densities between four (4) and eight (8) residences per acre (RAC) on the net developable residential acreage. In addition to the MIU land use designation, the special area policies would allow a maximum of 360 acres of uses comparable to the Community Activity Center (CAC) and Medium/High Intensity Urban (MHIU) land use designation.

The Swan Southlands property is currently zoned Rural Homestead (RH). The property consists primarily of vacant desert land with a power transmission line dissecting the northeast portion of the Section 12, as well as occasional wildcat dumping and dirt roadways throughout the property. The land is currently used for cattle grazing through various grazing leases which began in 1944. Multiple grazing leases were issued on the property between 1944 and 1986. Oil permits were issued in 1972 and 1977, although no oil wells were drilled on the site. A series of test water wells are located along the southern portion of Section 10, as well as additional well sites located sparsely throughout the site. See **Figure 2, Existing Land Uses of Site** for locations of on-site wells.

Section 15 is currently serving as a land conservation bank with the United States Fish and Wildlife Services for the endangered Pima pineapple cactus (PPC; *Coryphantha scheeri* var. *robustispina*). Included at the end of this section is a letter from the County Administrator to the Pima County Board of Supervisors dated October 9, 2003 and a letter from the County Administrator to the Planning Official Dated April 3, 2003 regarding the biological value of the PPC land conservation bank within Section 15. Habitat quality for PPC within Section 15 and throughout the entire Specific Plan Area is generally low. In general, the highest quality biological resources within Swan Southlands occur along riparian corridors.

I-A.3. Existing Conditions

I-A.3.a Existing Zoning Surrounding the Site

The surrounding property adjacent to the Swan Southlands site is zoned Rural Homestead (RH), although the prison complex directly north of Section 12 is an urban-intensive land use. A small portion of the surrounding land is within Pima County, but the majority of the surrounding land is within the City of Tucson jurisdiction. Both jurisdictions have the same RH zoning category within their

zoning codes. Although the property is zoned RH, the area is designated within the City of Tucson as a future growth area with a Master Planning land use designation to facilitate the development of large master planned communities to take advantage of the large expanses of existing vacant land in the area. Property as close as one mile to the northeast of Section 12 and one mile northwest of Section 10 has developed as urban residential development. **Figure 3, *Surrounding Zoning and Land Use*** shows the existing zoning within ¼ mile of the property.

I-A.3.b Existing land Use Surrounding the Site

The land uses surrounding the site are described by Section below.

Section 10

Surrounding land uses adjacent to Section 10 consist of vacant land and unregulated low density (less than 1 dwelling unit per acre) rural residential development to the north, unregulated low density (less than 1 dwelling unit per acre) residential development to the east, subject property to the south, and vacant land to the west. Most residential development in this area is single story.

Section 12

Surrounding land uses adjacent to Section 12 consist of Arizona State Prison complex to the north, vacant land, a power substation, utility corridor, and vacant land to the east, subject property to the south, and unregulated low density (less than 1 dwelling unit per acre) residential development and vacant land to the west. Most of the residential development in this area is single story.

Section 13

Surrounding land uses adjacent to Section 13 consist of the subject property to the north, vacant land to the east, vacant land and a power corridor to the south, and subject property to the west.

Section 14

Surrounding land uses adjacent to Section 14 consist of unregulated low density (less than 1 dwelling unit per acre) residential development to the north, subject property to the east, vacant land and a power corridor to the south, and subject property to the west. Most of the residential development in this area is single story.

Section 15

Surrounding land uses adjacent to Section 15 consist of the subject property to the north and east, vacant land and a power corridor to the south, and vacant land to the west.

See **Figure 3, *Surrounding Zoning and Land Use*** for graphic representation of surrounding land uses.

Additional land uses in the immediate vicinity consist of the City of Tucson Public Safety Academy and Fire Station #6, located on the east side of Wilmot Road across from the Arizona State Prison just north and east of Section 12.

Approximately two miles north of Section 12 along the east side of Wilmot Road is the Federal Corrections Institution. Further north, at the interchange of Wilmot Road and I-10 freeway are two residential developments, including *Wilmot Farms* and *Vista Montana Estates*.

As mentioned earlier, electric transmission lines are directly adjacent to the southern boundary of Sections 13-15. Additional transmission lines exist approximately one mile from the western property lines of Sections 10 and 15, as well as the line that transverses diagonally across the northern portion of Section 12. These electric transmission lines connect into the *Western Area Power Administration (WAPA) Nogales Substation*, which is located along the east side of Wilmot Road. According to WAPA, all WAPA electric transmission lines in Tucson run at 115 KV. A cell phone/microwave communication tower exists at approximately 300 feet south of the northeast corner of Section 12. There are a series of private wells within 100 feet of the property as shown in **Figure 3, Surrounding Land Use and Zoning**.

Airport and Other Land Uses in Area

The Tucson International Airport runway 29 is located three miles to the northwest of Section 12. Both Pima County and the City of Tucson have implemented the Airport Environs Plan, which limits any new noise-sensitive land uses within the high noise exposure areas of Ldn 65 to 75. Swan Southlands is not located within the Ldn 65 or greater noise contour area based on the current airport operations. In fact, the TIA has been proactive in protecting the adjacent noise-sensitive areas around the airport by purchasing all the land within the 65 Ldn areas.

The 1996 Master Plan Update for the Tucson International Airport proposes the construction of a new runway parallel and southwest of runway 29 and the reservation of a site for a third parallel runway southeast of the existing runways. These future runways will not affect the existing Ldn 65 noise contours.

Major Employers in the Area

Anchored by companies such as Raytheon, Honeywell, Bombardier, Texas Instruments, Sargent Controls and Evergreen Air Center, Tucson's growing Industry & Aerospace Cluster represents defense and space-related manufacturing, research and development, industrial high-tech fields, assembly, distribution and warehousing. The majority of these companies are located within five miles of Swan Southlands, and currently employ over 16,000 people. Raytheon Missile Systems, Tucson's largest private employer has over 10,000 full time employees. In addition, Davis Monthan Air Force Base, approximately six miles to the North, employs the equivalent of 9,000 full-time employees. The University of Arizona Science and Technology Park, located approximately 5 miles northwest, is home to 30 businesses and an estimated 6,000 employees. Over the next 5 – 8 years the park anticipates the development of approximately two million square feet of additional space with a projection at build-out of over 25,000 employees. Six miles to the northwest, the Tucson International Airport is home to approximately 13,000 employees. In addition to the above mentioned

employers that all lie within 5-7 miles of the Swans Southlands property, there are a multitude of service, retail, and smaller manufacturing companies that serve the SE Tucson industrial /manufacturing and airlines community and with the expansion of TIA and the growing high-tech cluster industries, significant growth is projected in the coming years.

Major Residential Developments in the Area

During the past five years, the volume of home building in the Tucson area has transitioned from the northwest to the southern portions of the Tucson metropolitan area. This area is experiencing significant interest in development and excellent volume of new construction home sales. The southeast Tucson area makes up 18% of the current Tucson market. It is an area that is projected to serve as a location for first-time homebuyers, as well as provide homes for employees of Tucson's major employers. Current home sales statistics for the southeast shown that the current homes offered are built on smaller lots, of smaller square footage and have lower prices than the average homes in the Tucson market. There is a critical need in the area for entry level homes, and the median home sales price in this submarket is approximately 17% less than the Tucson market as a whole.

There are significant residential developments that have occurred in this area within recent years. Rancho Sahuarita is a master planned residential community located a few miles to the southwest. Santa Rita Ranch and Sycamore Creek are two additional master planned communities located to the southeast by a few miles. To the north on Wilmot Road and just south of I-10 are Grayhawk Ranch and Wilmot Farms, two residential developments under construction. Rita Ranch and La Estancia are two additional major residential developments just north of I-10. Additionally, south of I-10 and east of Swan Road is the Valstate subdivision, currently under construction. To the northeast at Kolb and Voyager Roads are two residential developments recently approved by the Mayor & Council in 2003 for urban density residential development. Several new residential neighborhoods have been developed in the general vicinity of the Tucson International Airport, including the DR Horton Desert Vista subdivision on Valencia Rd east of Alvernon Way. This area has strong demand for new residential developments.

I-A.3.c Number of Stories of Existing Structures

Most of the surrounding low density residential properties include single story manufactured homes and some site built units. The adjacent State Prison Complex includes a multi-story building, however that building is several hundred feet from the subject property.

I-A.4 Existing Wells

There are large capacity wells in the vicinity of the subject property. These wells are part of the Santa Cruz Well Field for the City of Tucson (Malcolm Pirnie, 1996, Hydrologic Report for the Assured Water Supply Application for the City of Tucson submitted to ADWR). The well spacing for these wells range between a half-mile to one mile.

The Arizona Department of Water Resources (ADWR) Wells-55 database indicates that the production casing of these wells is 16 inches in diameter. These wells have registered capacities ranging generally between 300 and 600 gpm; however, one well had a listed capacity of 1,150 gpm. During the testing of these wells, the specific capacities ranged from 8 to 73 gpm/foot of drawdown; some of the wells tested had initial capacities in excess of 3,000 gpm. ADWR annual pump records indicate that actual average pumping rates by the City of Tucson (Santa Cruz) wells range between 0 and 517 gpm. The wells that are not currently pumping are located in the eastern portion of D (16-14) in Sections 17, 20, 21, and 28. More recently, The Pima Mine Road Recharge Facility infiltrates up to 30,000 af/yr of CAP water to the groundwater in Section 30, which lies between the San Xavier District and the Santa Cruz Well Field, approximately 5 miles from the site.

ADEQ has provided source water quality data on several wells surrounding the Swan Southlands project. Initial sampling data from the surrounding wells indicate that the arsenic concentration is well below the new standard, therefore no treatment or disposal is expected. The project will be designed to meet all required water quality and wastewater disposal standards.

Reliance on groundwater for the project will result in the use of Central Arizona Groundwater Replenishment District (CAGR) to achieve ADWR's consistency with the Management Goal requirements. The Pima Mine Road Recharge Facility could potentially serve as the site of CAGR replenishment.

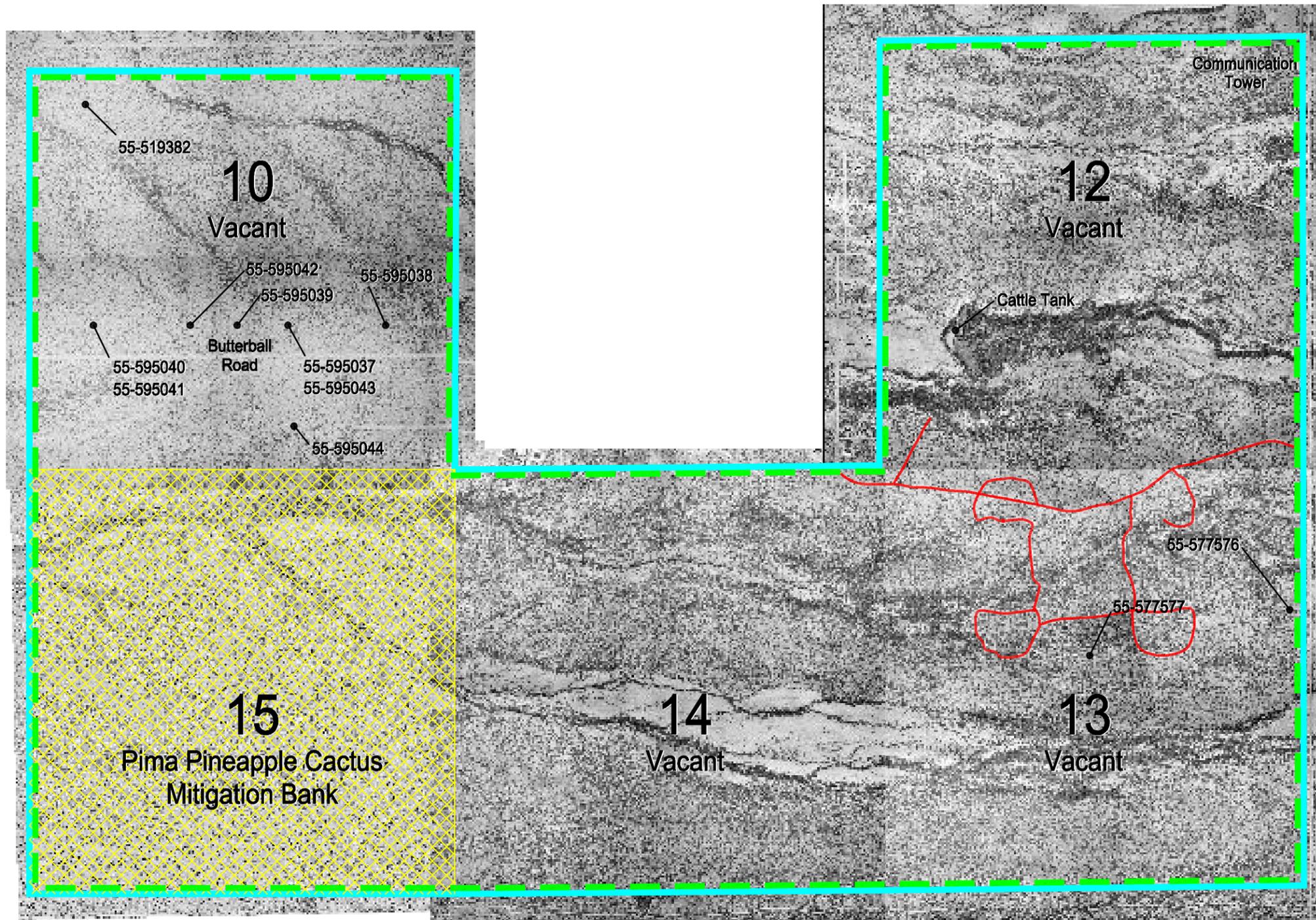
The location and identification of well ownership on well sites within 100 feet of the site is shown on **Figure 3, Surrounding Zoning and Land Use**.

Wells located on the subject property are shown on **Figure 2, Existing Land Uses on Site**. According to ADWR, several well permits were issued within Section 12, but the wells were never drilled and the permits were abandoned. The pumping capacity requested on these permits was not available.

Swan Southlands

Pima County, Arizona

Figure 2
Existing Land Uses on Site

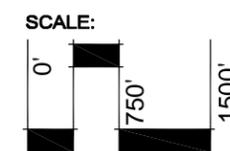


On-Site Wells

ADWR ID	OWNER
55-519382	SOUTHWEST GAS
55-595042	SOUTHLANDS INVESTORS, LLC
55-595044	SOUTHLANDS INVESTORS, LLC
55-595040	SOUTHLANDS INVESTORS, LLC
55-595041	SOUTHLANDS INVESTORS, LLC
55-595037	SOUTHLANDS INVESTORS, LLC
55-595043	SOUTHLANDS INVESTORS, LLC
55-595039	SOUTHLANDS INVESTORS, LLC
55-595038	SOUTHLANDS INVESTORS, LLC
55-577576	STATE OF ARIZONA
55-577577	STATE OF ARIZONA

Legend

-  Property Boundary
-  Open Grazing
-  Jeep Trails



Date: 05-05-04
Job# 0401
Drawn By: JMM

LVA
Urban Design Studio L.L.C.

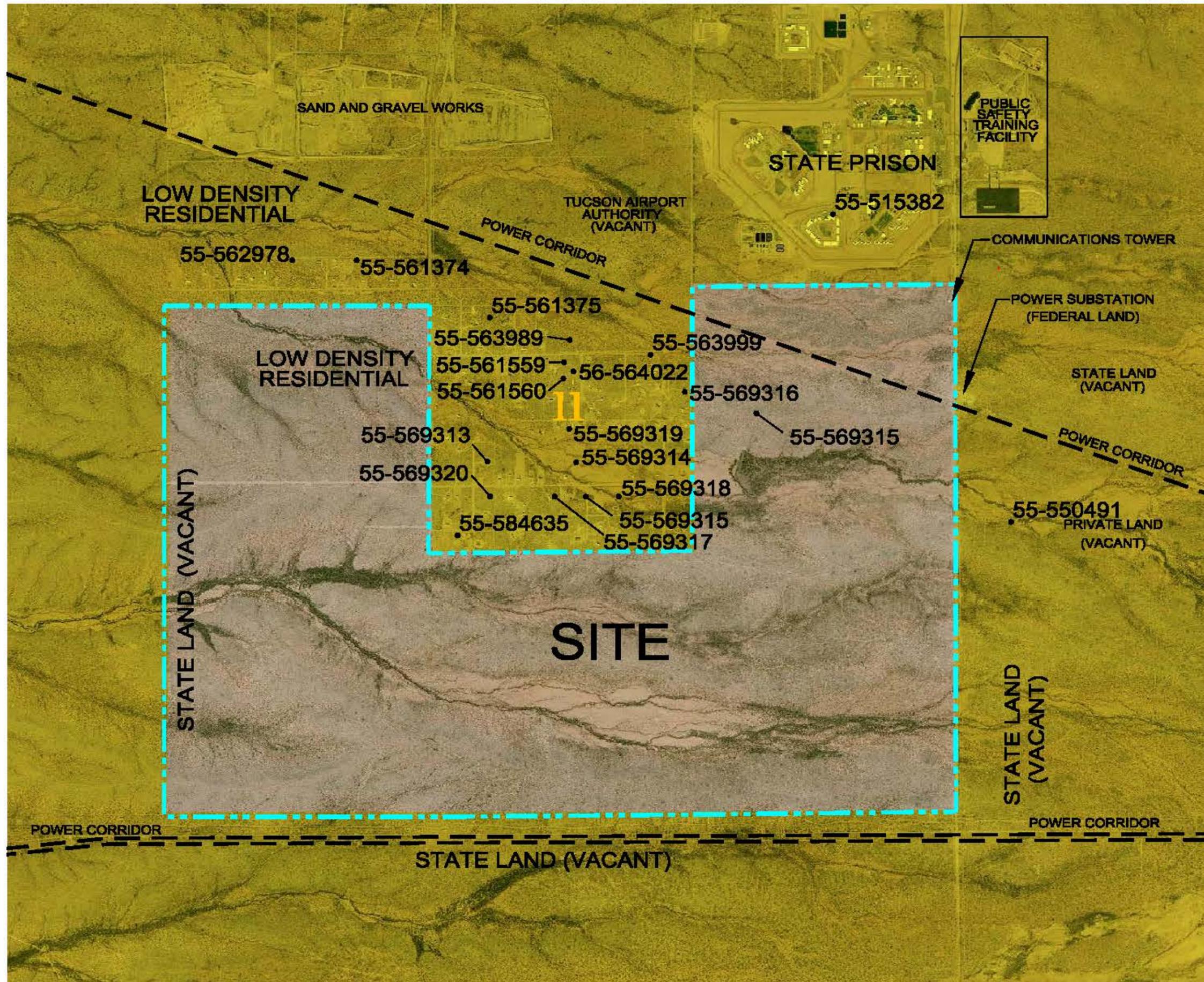
Master Planned Communities,
Land Planning,
Site Planning & Design
Environmental Analysis &
Landscape Design

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Swan Southlands

Pima County, Arizona

Figure 3
Surrounding Zoning and Land Use



Off-Site Wells

ADWR ID	OWNER
55-562978	SINGING CACTUS, LLC
55-561374	JOE HEATER
55-563989	E.H. LEWIS
55-563989	E.H. LEWIS
55-564022	JOE HEATER
55-561559	JOE HEATER
55-561375	JOE HEATER
55-569314	JOE HEATER
55-569319	JOE HEATER
55-569313	JOE HEATER
55-569318	JOE HEATER
55-569317	JOE HEATER
55-569320	JOE HEATER
55-584635	BRAULIO GOMEZ
55-569316	TIM CAMPBELL
55-515382	ARIZONA CORRECTIONAL FACILITY
55-550491	KOLB CORRIDOR LIMITED
55-564022	BONNIE O'CONNOR

 RH Zoning

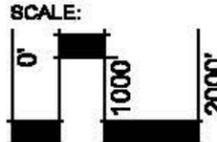
 Site (existing RH Zoning)

NORTH



Date: 06-28-04
Job# 0401
Drawn By: JMM
Revised: ES

SCALE:



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MEMORANDUM

Date: October 9, 2003

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator 

Re: **Comprehensive Plan Amendment and Potential Rezoning of County Section 15 Property,
South Swan Road**

The County purchased a section of property known as Section 15 on South Swan Road for landfill purposes over ten years ago. This property contains, in a particular location, a number of endangered Pima Pineapple Cacti. The County, lacking any other use for the property, tentatively placed the property in a land conservation bank with the United States Fish and Wildlife Service, however, the County has not allowed, allocated, or received any mitigation credits that would encumber portions of this property. In the 2001 update of the Comprehensive Plan there was a significant desire to conserve lands that contained biological and/or cultural resources, while at the same time designating growth areas on lands that contain few, if any, of said resources. Other than the location of Pima Pineapple Cacti on Section 15, the property is effectively devoid of biological resources except for riparian resources that coincide in large part with the location of Pima Pineapple Cacti.

At this time, four sections of land owned by Diamond Ventures around or near Section 15 have been placed in the Comprehensive Plan Amendment process. Due to these properties having few biological resources except riparian, and lying close to the present urban fringe and actually north of City of Tucson annexed State Trust land, these properties, along with Section 15, form a significant opportunity for urban conversion to accommodate increased population growth with the least amount of impact on natural resources. I have asked Planning staff to incorporate our property into the Comprehensive Plan Amendment process of the other four sections owned by Diamond Ventures. A planning effort for these properties will retain those areas that are biologically sensitive and the Comprehensive Plan Amendment process will delineate and ensure that these areas are conserved. The Pima Pineapple Cactus mitigation bank will be reduced to the areas of actual occupation within Section 15, and a significant surrounding buffer area in riparian zones will be retained. Hence, the original purpose of the mitigation bank for Pima Pineapple Cacti will be preserved. Further, lands outside of biological resources will be planned for urban development and become part of the urban reserve necessary to allow continued growth, development and expansion of the community. Once planned and zoned, I would recommend that the Board offer for auction or exchange, based on appraisal, our property for urban development and use the proceeds of the auction or exchange to acquire other, more biologically sensitive lands designed for permanent conservation.

The Honorable Chair and Members, Pima County Board of Supervisors
**Comprehensive Plan Amendment and Potential Rezoning of County Section 15 Property,
South Swan Road**

October 9, 2003

Page 2

This proposed plan for Section 15 provides for, in my view, a win-win-win situation. First, the biologically sensitive portions of Section 15 and the surrounding four sections, primarily riparian and occupied Pima Pineapple Cactus lands, will be permanently conserved. Second, lands with no biological resources will be released for urban conversion, becoming part of the land inventory for urban development, hence allowing continued urban expansion to accommodate population growth. Third, the value received from the auction and/or exchange of the balance of non-biologically significant Section 15 lands will be used to purchase and permanently conserve other lands that contain significantly more biological and cultural resources.

I am bringing this matter to the Board's attention since it is likely the Planning and Zoning Commission will hear and act on the Comprehensive Plan Amendments in October or November, and the Board will ultimately be asked to consider amendments after Commission action.

CHH/jj

Attachments

c: John Bernal, Deputy County Administrator - Public Works
Carmine DeBonis, Development Services Director
Jim Mazzocco, Planning Official, Development Services



script

MEMORANDUM

Date: April 3, 2003

To: Jim Mazzocco, Planning Official
Development Services DepartmentFrom: C.H. Huckelberry
County Administrator Ben Changkakoti, Principal Planner
Development ServicesRe: **Comprehensive Plan Major Amendments**

I am very interested in the Comprehensive Plan amendments that have been filed for South Wilmot, Buckmeister, and Auriga Properties. The County also has approximately 640 acres under our ownership in the same area known as Section 15 that is a proposed Pima Pineapple Cactus mitigation bank; however, there have been no obligations from the bank. For this reason, please have the Section 15 property included in a Comprehensive Plan Major Amendment. For lack of better terminology, this could be deemed the South Wilmot Growth Area. The draft special area policies on the private properties seem reasonable. They should also apply to Section 15.

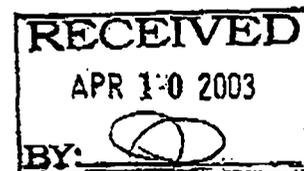
I would ask that Planning staff discuss with the property owners the feasibility of developing a joint, subregional growth area master plan for the properties in question, which would bring the total plan area to approximately 3,000 acres.

The validity of the growth area designation lies in the fact that the property is almost surrounded by the City of Tucson and their southern annexation of State Trust land. It would seem that joint land use and regional infrastructure planning between the County and the property owner would be reasonable to advance ultimate development of the property. Given its present location, it could be deemed to be infill property since it is closer to existing infrastructure and the urban center than the emerging Houghton Road growth corridor.

The only biological resources associated with the property are east/west washes and arroyos that need to be fully protected from urban development and encroachment, as well as locations of Pima Pineapple Cactus that could be accommodated in natural area set-asides. Please contact the owner and determine if they desire to integrate land use and infrastructure planning for all of the properties referenced in this memorandum.

CHH/jj

Attachments

c: John Bernal, Deputy County Administrator - Public Works
Carmine DeBonis, Development Services Director

I-B TOPOGRAPHY

I.B.1. Describe Topographic Characteristics of the Site

Field inspection of the property and evaluation of project topography confirmed that the site’s topography is composed of fairly level terrain that descends to the west and northwest at approximately 1% to 3%. Generally, elevations range from 2,845 at the southeastern corner of the site to 2,704 at the northwest corner of the property. **Figure 4, Existing Topography** shows the existing topography of the property.

Topography which exists for all five sections is available from the Pima County Geographic Information System (GIS) and includes two-foot contour interval, which is adequate for concept site planning. More accurate one-foot contour interval aerial topography has been flown for sections 10, 12, 13 and 14, which has been used to more accurately analyze riparian areas within these sections.

There are no significant topographic features such as rock outcrops or slopes exceeding 15% on this site. There are also no restricted peaks and ridges on or near this site as defined in Pima County’s Hillside Development Zone. The existing terrain in the five sections of land has been scarred due to significant dumping and trails being cut through by general motorized vehicles, four-wheel drive vehicles or ATV’s.

I-B.2. Predevelopment Average Cross Slope

The site’s pre-development average cross slope calculation, as measured from available topographic mapping, and as defined in the Pima County Zoning Code, Section 18.61 Hillside Development Overlay Zone (HDZ) is 2.24%. The calculation was determined based on the following data:

Contour interval	Length (feet)	Contour interval	Length (feet)
2840	8,930	2770	15,860
2830	21,180	2760	20,396
2820	29,240	2750	32,343
2810	29,900	2740	38,611
2800	25,600	2730	30,128
2790	22,460	2720	12,407
2780	18,100	2710	6,892

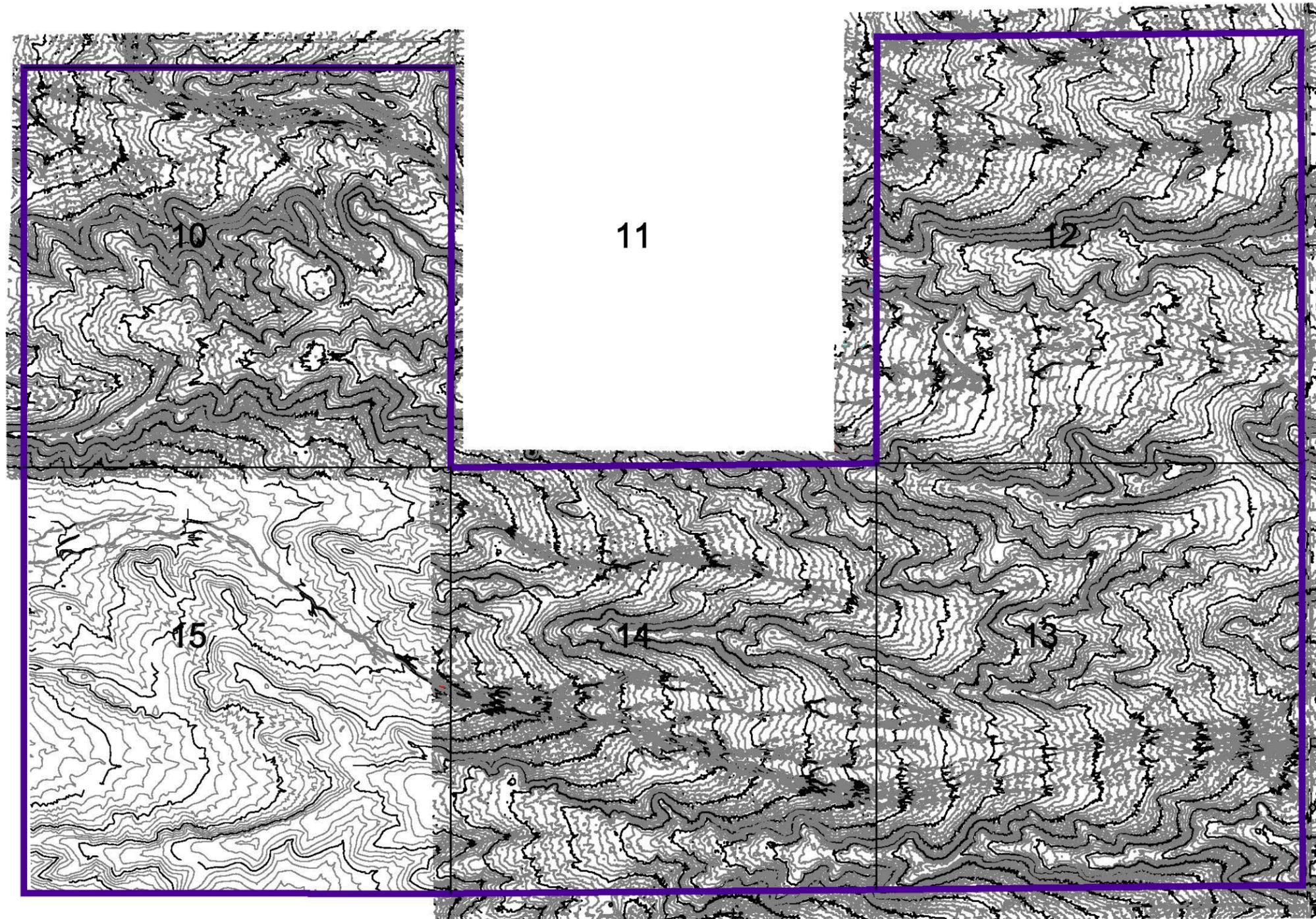
Contour Interval: 10 feet
 Length: 312,047 feet
 Area: 3189 acres

Average Cross Slope Calculation: $(10 \times 312,047 \times .0023) / 3189 = 2.24\%$

Swan Southlands

Pima County, Arizona

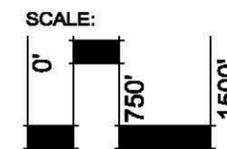
Figure 4
Existing Topography



Topography for Sections 10 -14
is on 1 foot contours while
Section 15 is on 2 foot contours



Date: 02-10-04
Job# 0401
Drawn By: TH



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I-C HYDROLOGY

The Flato and Franco washes, including several of their tributaries, traverse the property flowing east-to-west. Offsite watersheds that affect the site have been mapped on **Figure 5**, *Off-Site Watersheds*. For convenience and consistency in discussion, all onsite channels have been labeled on **Figure 6**, *On-Site Hydrology*. The Franco Wash and its two primary tributaries that impact this site flow from east to west through the northern portion of the site, through Section 12, the unsubdivided development in Section 11 and then Section 10. These tributaries converge with the main Franco channel about a quarter mile north of Section 10. The Flato Wash and its tributary flow through the southern half of the site through Sections 13 and 14 and then converge in Section 15. The site is also impacted by two small tributaries to the Summit and Petty Ranch Washes. None of the washes on the site are currently in FEMA-designated flood hazard areas or floodways as no mapping has been done in this previously rural area.

A conceptual level hydrologic/hydraulic analysis, assuming stable watershed conditions has been performed as part of the Specific Plan submittal which identifies watershed areas and potential peak flow rates. The watershed areas contributing flow to this development are depicted on **Figure 5**. The 100-year discharges and floodplain limits for all watersheds that have a 100-year discharge greater than 100 cfs have been calculated and are shown on **Figure 6**.

There are no offsite man-made features in the upstream watersheds. However, there are some areas two to three miles upstream where the washes are poorly defined and may create a braided condition with a potential for breakout flow. This area is depicted in the enlarged inset on **Figure 5**. Because the concept level analysis prepared at this time does not include an analysis of this breakout, the peak discharges and floodplain widths could be understated or overstated. This will be addressed in the Master Drainage Study.

A Concept Drainage Report, which addresses both onsite and offsite watershed boundaries, 100-year discharge and floodprone areas, and connectivity to the overall wash systems is included in Section II-C. This report presents a preliminary estimate of the potential impacts without a detailed analysis of the potential for upstream breakouts or enhanced level computer modeling of the systems. Analysis of 100-year flow volumes were calculated using the Pima County Peak Discharge Methodology for existing upstream development conditions which is consistent with a Balanced Basin. Floodplain widths and depths were calculated using Manning's ratings. The topographic conditions on this site, and immediately up and downstream are generally constant, making Manning's ratings adequate for this level of study.

The natural flood prone areas are relatively broad and shallow onsite and as they leave the site to the west, typical of flood prone areas in southeastern Tucson. The only two anomalies are:

- The Franco wash in the north half of section 10, which is fairly well incised and up to ten feet deep.

- The existing man-made stock pond on the Franco Wash in the southwest quarter of section 12.

There are no unusual conditions downstream of the site. The floodprone areas are relatively broad and shallow, as they are onsite, and flow through undeveloped land for several miles to the west and northwest.

Prior to platting, this initial study will be refined with the development of a Master Drainage Study and Watershed Master Plan. The Master Drainage Study and Watershed Master Plan will provide more detailed technical analysis and is addressed in Section II-E.

CONCEPT
DRAINAGE
STUDY FOR
SWAN
SOUTHLANDS

March 19, 2004
Stantec File No. 185621270/168

Report Prepared Under Supervision of:
John S. Wise, PE

STANTEC CONSULTING INC.
201 North Bonita Avenue
Tucson, Arizona 85745-2999

Report Preparation
Assisted By:
Sandy Steichen

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This study is an overall concept drainage analysis addressing the magnitude of existing flows conditions and impacts of future development on the Southlands property. This study is preliminary in nature and is subject to change with more detailed analysis.

Existing Conditions

Six offsite watersheds impact the Swan Southlands property with 100-year peak discharges in excess of 100 cfs. These watersheds have headwaters east of the subject property and drain westerly across the subject property in natural ephemeral washes. Although these watersheds have never been designated as balanced basins, it is our understanding that detention will be required in accordance with the balanced basin requirements. An aerial photograph of offsite watersheds is included as Figure 9. Also refer to Figure 10 for watershed boundaries, concentration points and associated floodplains. These watersheds primarily consist of natural and rural land uses. Analysis of 100-year peak flow rates were calculated using the Pima County Peak Discharge Methodology (attached) for existing upstream development conditions which is consistent with Balanced Basin criteria.

Runoff from the first watershed (Franco Wash Tributary 3) enters the north property line of the subject property (Concentration Point (CP) 1) approximately 2200 ft. west of the eastern property boundary. This watershed is 720 acres in area and generates a 100-year peak discharge of 704 cfs. This flow drains west and north for approximately 3000 ft., exiting at the northwest corner of Section 12 at CP1A with a 100-year peak discharge of 718 cfs. The remaining five watersheds enter the eastern property boundary at Wilmot Rd. Runoff from the 1,406-acre watershed for the Franco Wash Tributary 1 & 2 concentrates approximately 1000 ft. south of the northern property line at CP 2 with a 100-year peak discharge of 1079 cfs. This wash drains westerly and exits at the western boundary of Section 12. The Franco Wash Main Channel has headwaters east of Sonoita Highway (83). The associated 14,000-acre watershed generates a 100-year peak discharge of 4702 cfs at CP 3. The Franco Wash drains to the west, exits Section 12 and re-enters the site at the northeast corner of Section 10. The Franco Wash extends approximately 4500 ft. to the northwest, across Section 10, and exits the northern property boundary with a 100-year peak discharge of approximately 3659 cfs (Drainage Area (DA) = 14,846 acres). An existing earthen embankment utilized to impound runoff for livestock is located within the Franco Wash approximately 700 ft. upstream of the western boundary of Section 12. This embankment is approximately 5 ft high, on average, and an approximately 10 ft. wide opening exists in the embankment at the southern end of the structure.

The North Fork Flato Wash generates a 100-year peak discharge of 435 cfs from a 132-acre watershed at CP 4. The North Fork Flato Wash drains to the west and

discharges into the South Fork Flato Wash, approximately 300 ft. upstream of the western property boundary in Section 15. A 54-acre watershed, a tributary to the South Fork Flato Wash, generates a 100-year peak discharge of 164 cfs at CP 5. This runoff enters the South Fork Flato Wash immediately downstream of Wilmot Rd. The South Fork Flato Wash watershed is 12,340 acres in area, with headwaters on Mount Fagan east and south of the subject property. The associated 100-year peak discharge for the South Fork Flato Wash at Wilmot Rd. (CP 6) is 4270 cfs. The South Fork Flato Wash drains to the west and exits at the western boundary of Section 15 (CP 10) with a 100-year peak discharge of 3682 cfs (DA = 14,112 acres).

Four onsite watersheds generate 100-year peak discharges in excess of 100 cfs. In the northwest corner of Section 10, the 190-acre watershed for Franco Wash Tributary 5 generates 413 cfs at the western property line (CP 8). In the southwest corner of Section 10, the approximately 55 acre watershed for Summit Tributary generates a 100-year peak discharge of 138 cfs at the western property corner (CP 9). The remaining two onsite watersheds are located in the southern portion of Section 15, south of South Fork Flato Wash. The 173-acre watershed for Flato Wash Tributary 2 generates a 100-year peak discharge of 376 cfs at CP 11 at the western property boundary. The 81-acre watershed for Petty Ranch Wash Tributary concentrates at the southern property boundary (CP 12) with a 100-year peak discharge of 218 cfs.

The 100-year floodplains for onsite washes with 100-year peak discharge in excess of 100 cfs are delineated on Figure 10. Existing drainage conditions along the downstream property boundary consist of natural channels, similar to onsite conditions. Floodplain widths and depths were calculated using Manning's Equation for normal depth computation (attached). Due to the natural condition of the onsite washes and the potential for minimal backwater effects, this method is deemed appropriate at this level of study. The site does not lie within any current Federal Emergency Management Agency Special Flood Hazard areas.

Article X of the Pima County Floodplain and Erosion Hazard Management Ordinance specifies portions of the Franco and Flato Washes as Xeroriparian Habitat. The Franco and South Fork Flato washes will be preserved as natural open space and some of which will be in a conservation easement. Minor encroachment into the North Fork Flato Wash floodplain is proposed in conjunction with site development. The proposed encroachment area includes Low Value Xeroriparian and Low to Moderate Value Xeroriparian areas. The Low to Moderate Xeroriparian areas will be mitigated per Article X.

Drainage Concept and Plan

The majority of washes within the property will be retained as natural open space. Portions of the South Fork Flato Wash will be retained as a conservation easement. Only a portion of the North Fork Flato Wash will be disturbed. Existing drainage patterns will be maintained and applicable erosion hazard setbacks will be applied.

Minor encroachment into the North Fork Flato Wash floodplain is proposed (see Figure 21); however the existing natural channel bottom will be maintained. The desired land use and infrastructure require the minimal encroachments into North Fork Flato Wash, with low to moderate, riparian area designations. The balance of floodplains on the project site will remain natural. Encroachment will be predicated on Pima County criteria for changes in velocity and water-surface elevations and appropriate bank protection measures will be implemented. The 100-year floodplains for all washes with 100-year flow rates exceeding 100 cfs total 681.38 acres. Even with the minor encroachment proposed into the North Fork Flato Wash, this project will dedicate a total of 912.88 acres of natural open space to protect floodplains and riparian areas.

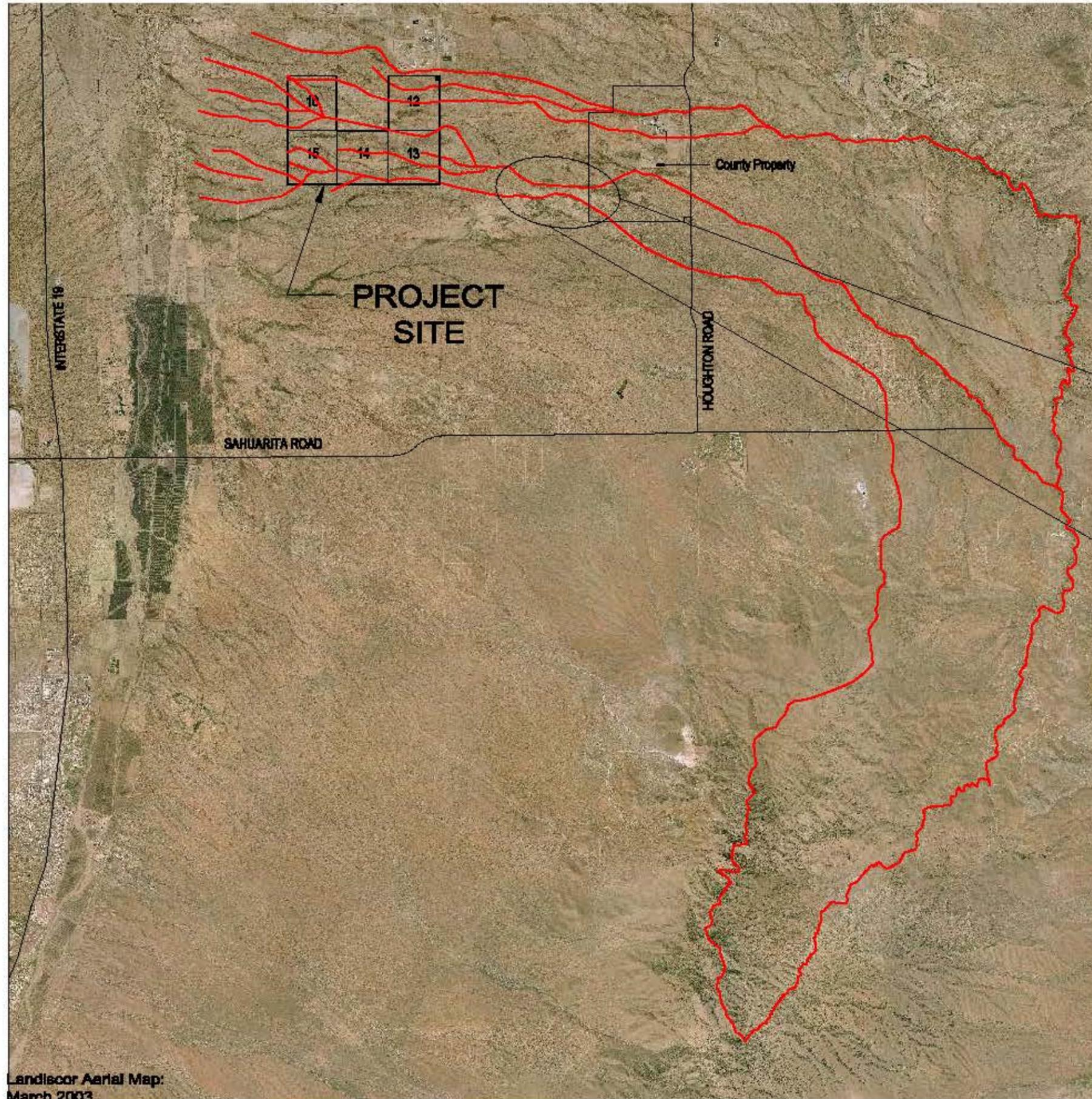
Predicted post-development 100-year peak discharges for concentration points along the downstream property boundary and based upon proposed land use, are depicted on Figure 21. However, detention will be implemented onsite to mitigate potential increases in 2-, 10- and 100-year peak discharges. In addition, threshold retention is a requirement of site development. Based on the large watersheds for the Franco, and Flato Washes, post-development increases in 100-year peak discharges exiting the site are expected to be minimal in comparison to existing values. Due to the amount of natural open space and conservation easement, and that onsite detention and retention will be implemented per current Pima County Balanced Basin criteria, drainage impacts to off-site land uses are not anticipated.

A more detailed hydrologic and hydraulic analysis will be submitted with the initial platting documents, which will address potential for upstream flow splits (distributed flow) and peak flows will be recalculated utilizing a program such as HEC1 or HMS. In the next submittal, 100-year flood prone areas will be recalculated utilizing programs such as HEC2 or HECRAS, and roadway crossings will be analyzed for concerns related to sediment and scour. Retention and detention may be dealt with on a project-wide basis or may be dealt with on a block by block basis. Concepts for how they will be handled will be addressed in the Master Drainage Report, which will be submitted along with the Tentative Block Plat for the development, after the zoning is approved. No development on individual blocks will be permitted until this report is approved.

Swan Southlands

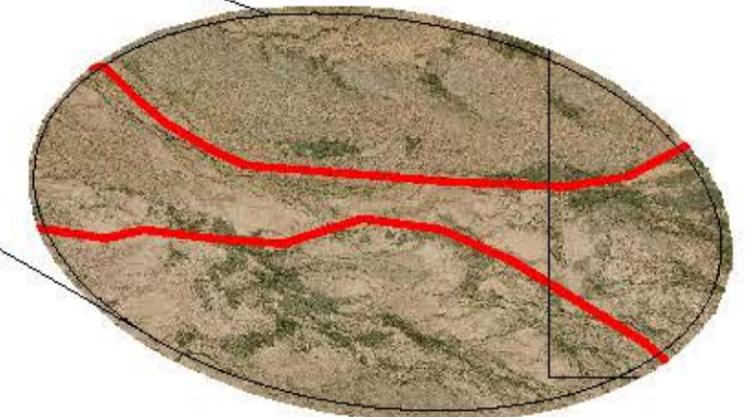
Pima County, Arizona

Figure 5
Off-Site Watersheds



LEGEND

-  WATERSHED BOUNDARY
-  SITE AREA

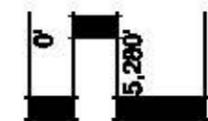


**AREA OF POTENTIAL
BRAIDED FLOWS**

Landseer Aerial Map:
March 2003



SCALE: 1/2" = 1 MILE



Stantec

Date: 03-18-04
Rev. Date: 05-04-04
Job# 0401
Drawn By: KM

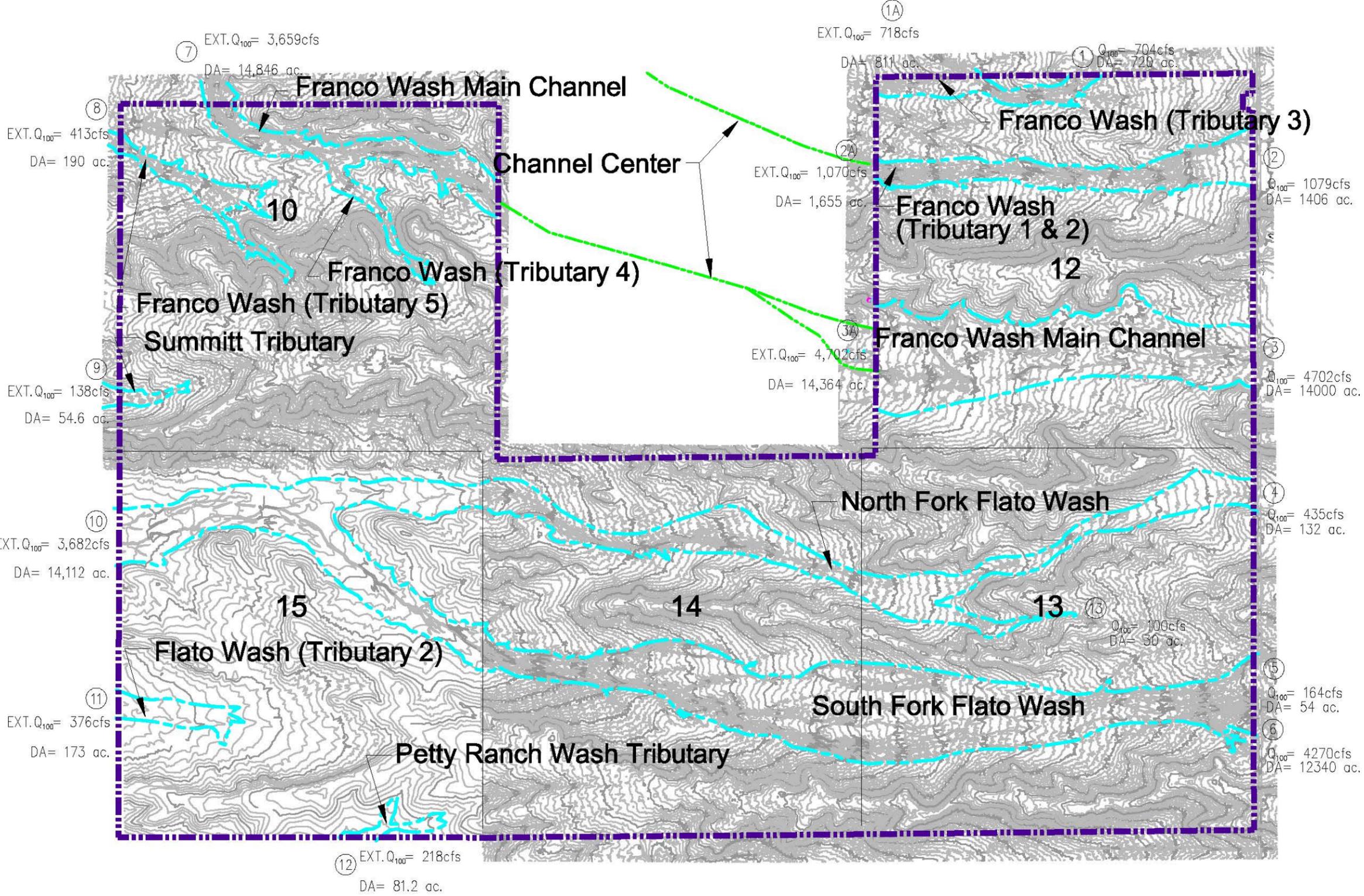
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Pima County, Arizona

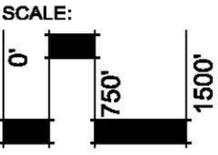
Figure 6
On Site Hydrology



LEGEND

- SITE BOUNDARY
- LIMITS OF 100-YR FLOODPLAIN
- CHANNEL CENTER
- CONCENTRATION POINT

D.A. = Drainage Area
 Q₁₀₀ = 100-Year Flow Rate
 cfs = Cubic Feet per Second



Date: 03-18-04
 Rev. Date: 04-30-04
 Rev. Date: 05-18-04
 Job# 0401
 Drawn By: km



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I-D VEGETATION

I-D.1. Vegetative Communities and Associations

Figure 7, *Vegetation and Wildlife* depicts the distribution of vegetation communities within Swan Southlands. The Specific Plan Area is in areas mapped as part of the Arizona Upland biotic community of the Sonoran Desert biome by Brown, Lowe, and Pase (1982). The Upland habitats on the site are dominated by creosotebush (*Larrea tridentata*), with a generally sparse understory variously dominated by desert zinnia (*Zinnia acerosa*), paper flower (*Psilostrophe canescens*), and burroweed (*Isocoma tenuisecta*). Other trees and shrubs in uplands include velvet mesquite (*Prosopis velutina*) and whitethorn acacia (*Acacia constricta*), both of which are found at low density. Other common perennial species occurring within the upland habitats at Swan Southlands include ocotillo (*Fouquieria splendens*), prickly pear cactus (*Opuntia engelmannii*), chain-fruit cholla (*O. fulgida*), and barrel cactus (*Ferocactus wislizenii*). Grasses are an uncommon component of the uplands at Swan Southlands. Vegetation cover averaged 28.2percent (n = 14, range = 55%, sd = 15.4%), and total vegetation volume averaged 0.084 m³/m² (n = 14, range = 0.335, sd = 0.082).

Riparian habitats within Swan Southlands vary in composition and structure and, with few exceptions, are of generally low to moderate value. Dominant species include velvet mesquite, whitethorn acacia, catclaw acacia, blue palo verde (*Cercidium floridum*), and desert hackberry (*Celtis pallida*). Some upland species, notably creosotebush, become less common along the washes, while other species, including desert broom (*Baccharis sarothroides*), graythorn (*Ziziphus obtusifolia*), wolfberry (*Lycium* sp.), and four-wing saltbush (*Atriplex canescens*) generally are restricted to riparian areas in the project. Grasses, particularly tobosa grass (*Hilaria mutica*), bush muhly (*Muhlenbergia porteri*), vine mesquite (*Panicum obtusum*), spike dropseed (*Sporobolus contractus*), and the invasive species, such as Lehmann's lovegrass (*Eragrostis lehmanniana*) and buffelgrass (*Pennisetum ciliaris*), occur in patches in some of the washes. Large portions of the mapped riparian areas are degraded and no longer function as riparian habitat, particularly within South Flato Wash in Sections 13 and 14 and portions of the Franco main channel within Section 12 (**Figure 7**). Mean vegetation cover within the mapped riparian habitats at Swan Southlands ranged from 0 to 95 percent. A more detailed breakdown by riparian habitat type is presented on **Figure 7**. Likewise, total vegetation volume was equally variable within riparian habitats at Swan Southlands, varying from 0 to 0.83 m³/m².

Various regional efforts to map riparian habitats in Pima County have included the sections within the Swan Southlands Specific Plan Area. Harris Environmental has mapped this area for the Sonoran Desert Conservation Plan (SDCP), the Flato drainage system occurring within Sections 13, 14 and 15 have been identified as Important Riparian Areas within the SDCP Conservation Land System. The Conservation Element of the Pima County Comprehensive Plan protects all washes carrying 250 cfs or greater, which includes the Franco drainage system in Sections 10 and 12. Additionally, FCD Regulated Riparian Areas currently adopted

by Pima County Flood Control District as regulated under Chapter 16.54 of the Pima County Flood Control occur within the Specific Plan Area. A specific mapping and analysis was prepared by WestLand Resources, Inc. (WestLand) and documented in the Swan Southlands Riparian Habitat Analysis (2003). In this analysis the various mapping efforts are presented. **Figure 7** depicts riparian habitat types and percent canopy cover that have been mapped within Swan Southlands in the project planning coordinate system using current aerial photographs (Cooper Aerial 2003) and field verification.

I-D.2. Federally Listed Threatened and Endangered Plant Species and Other Charismatic Plant Species

I-D-2.a Federally Listed Threatened and Endangered Plant Species

The United States Fish and Wildlife Service (USFWS) currently identifies six plant species as endangered, threatened, candidate, or under conservation agreement in their list of species for Pima County. In a screening analysis to identify those federally listed plant species that have the potential to occur within the site, species with known ranges located outside of the site and/or species that occupy habitats not found within or adjacent to the site were eliminated from further evaluation. Only one federally listed plant species, the Pima pineapple cactus (PPC; *Coryphantha scheeri* var. *robustispina*), has the potential to occur in the Specific Plan Area and was considered in great detail.

PPC is known to occur on the property, and the entire Specific Plan Area has been surveyed. The density of PPC is low throughout the Specific Plan Area. A more detailed analysis of the patterns of PPC distribution within the Specific Plan Area is included in the Biological Impact Report (WestLand 2004), provided as **Appendix 6**.

The Pima County-owned parcel (Section 15) within the Swan Southlands Specific Plan Area was placed in a land conservation bank for PPC in June 2002, and Pima County manages the parcel per the terms of the agreement. Since this conservation bank has been in place, Pima County has issued 14.7 acres of mitigation credit from the bank. There are provisions in the Conservation Banking Agreement that would allow Pima County to remove the conservation restrictions on Section 15 if they were to establish a mitigation bank for PPC of equal or greater value elsewhere.

I-D-2.b Other Charismatic Plant Species

Saguaros (*Carnegiea gigantea*) occur at low density throughout the Specific Plan Area, averaging less than 1 per 100 acres over most of the Specific Plan Area. They are most common, though still occurring at relatively low density (approximately 1 per 5 acres), in Section 10. In Section 10, they occur at their highest density in the northwest corner where densities are approximately 1 per 2 acres. Figure 7 shows the approximate saguaro locations within the Specific Plan

Area. Night blooming cereus (*Peniocereus greggii*) were noted throughout the site, primarily within the riparian habitat corridors. Systematic survey has not been completed for either species; saguaro locations were found through glassing the property and identifying the individual plants on a 2003 aerial photograph. Areas where saguaro densities were greater in Section 10 were visited to ensure the identification of smaller saguaro. Most saguaro on site are older saguaro and little to no recruitment was noted during field visits. Saguaro locations within Section 15 and vegetation cover and type mapping have been inferred from aerial photography interpretation.

I-D.3. Vegetation Scenic Value, Screening or Buffering, and Soil Stabilization

I-D.3.a Vegetation Scenic Value

The site contains Upland habitats dominated by creosotebush, with a generally sparse understory and are considered to have generally low scenic value when compared to other common upland habitats such as the Palo Verde/Saguaro habitats in the foothills or Ironwood dominated upland habitats northwest of Tucson. While the site has a generally low density of saguaros, the northwest portion of the Specific Plan Area (Section 10) supports the highest densities, enhancing the scenic values of this portion of the property (**Figure 7**). Greater scenic values can be associated with the moderate/high value xeroriparian habitat with greater percent cover ranging from 80 to 95 percent that occur along the Franco Drainage, eastern portions of the South Flato, and western portions of the North Flato drainages (**Figure 7**). However, these values have been degraded in areas because of wildcat dumping and other uses of the site.

I-D.3.b Vegetation of Importance for Screening or Buffering

Due the low density and stature of upland habitats at Swan Southlands, vegetation on the site does not provide for screening or buffering of views between onsite areas and offsite areas. Within the Swan Southlands Specific Plan Area some onsite (within project) screening and buffering may be provided by the moderate and moderate/high value xeroriparian habitats that occur on the site.

I-D.3.c Soil Stabilization

Upland habitats are dominated by creosotebush and soil surfaces are gravelly, with rock surfaces forming a pavement like cover in places. Due to the absence of dense ground cover, vegetation appears to play only a minor role in the stability of these soils. Degraded/non-functional xeroriparian habitats (totaling approximately 112 acres) that were formally riparian in nature occur mainly along the main channel of the Franco Wash and South Flato drainage. Within these areas, the ongoing desertification process has resulted in the loss of substantial plant cover, and large areas of these drainages are actively eroding. In Section 10, the Franco Wash is deeply incised. Lateral bank erosion poses a significant threat to the integrity of the remaining xeroriparian habitat that occurs along this segment of the Franco Wash. With the steeply cut banks that are present, the xeroriparian vegetation is unable to provide any substantial protection against lateral erosion, and the weight of the vegetation on saturated

banks during flow events may contribute to the slump failures along this reach of the Flato Wash.

I-D.4. Vegetation Densities

A quantitative assessment of vegetation within Sections 10, 12, 13, and 14 of Swan Southlands was conducted in Summer 2003. These data have been extrapolated through aerial photo interpretation to Section 15. Using these data, vegetation has been characterized by percent cover and vegetation volume (a form of density presented as amount of vegetation per square meter). The results of this assessment, along with a more thorough discussion of vegetation composition and structure, is provided in the Swan Southlands Riparian Habitat Analysis (2003) submitted to Pima County on September 25, 2003 and is included here by reference. **Figure 7** depicts the distribution of vegetation and habitat types within Swan Southlands and provides the average percent canopy coverage for each habitat type.

I-E WILDLIFE

I-E.1. General Wildlife

Wildlife species expected to occur within the Swan Southlands Specific Plan Area typically are common and widespread and are expected to be typical of the habitats found on site. **Figure 7** depicts vegetation and habitat types within the Specific Plan Area. There are no perennial sources of water that would be expected to support aquatic wildlife species dependant on such resources (the large man-made cattle tank on the Franco Wash dries out during the driest times of the year). There are also no mine adits, caves, or cliffs that would offer roosting habitat for bats that may occur on the site. The denser vegetation associated with xeroriparian habitats found along the ephemeral washes that traverse the site are expected to be more productive, support greater densities of some wildlife species, and provide cover to facilitate the dispersal of some species of wildlife within and through the parcel.

The common wildlife species observed within the Specific Plan Area include larger mammals such as javelina (*Dicotyles tajacu*) and coyote (*Canis latrans*), and smaller mammals including desert cottontail (*Sylvilagus auduboni*), black-tailed jackrabbit (*Lepus californicus*), pack rat (*Neotoma* sp.), and ground squirrel (*Citellus* sp.). Common bird species include mourning dove (*Zenaida macroura*), Abert's towhee (*Pipilo aberti*), gila woodpecker (*Melanerpes uropygialis*), greater roadrunner (*Geococcyx californianus*), pyrrhuloxia (*Cardinalis sinuatus*), cardinal (*Cardinalis cardinalis*), turkey vulture (*Cathartes aura*), house finch (*Carpodacus mexicanus*), purple martin (*Progne subis*), and Gambel's quail (*Callipepla gambelii*). Reptiles that were noted include Sonoran whipsnake (*Masticophis bilineatus*), coachwhip (*Masticophis flagellum*), horned lizard (*Phrynosoma platyrhinos*), and whip tail lizard (*Cnemidophorus* sp.).

I-E.2. Federally Listed Threatened and Endangered Wildlife Species

The USFWS currently identifies twenty wildlife species as endangered, threatened, proposed, candidate, or under conservation agreement in their list of species for Pima County. In a screening analysis to identify those species that have the potential to occur within the site, species with known ranges located outside of the site and/or species that occupy habitats not found within or adjacent to the site were eliminated from further evaluation. The Specific Plan Area is within the geographic range of two federally listed endangered wildlife species, lesser long-nosed bat (LLB; *Leptonycteris curasoae yerbabuena*) and cactus ferruginous pygmy-owl (CFPO; *Glaucidium brasilianum cactorum*). Each of these species is considered in greater detail below. Neither is known to occur within or proximate to the Specific Plan Area.

Lesser Long-nosed Bat (LLB): The site occurs within the known range of LLB; however, no maternity or seasonal roosting sites are present on or near the site, and the site provides only poor foraging habitat for this species because of the low densities of saguaro cactus and agave. While this species may occasionally fly over or even forage on the site, development of the site would not appreciably affect the availability and distribution of suitable forage in the region. The development contemplated in the Specific Plan is not expected to adversely impact this species.

Cactus Ferruginous Pygmy-owl (CFPO): The CFPO is listed as endangered by the USFWS. The parcel does not contain habitats that are typically expected to support CFPO, and the low density of saguaro on site do not provide extensive nesting substrate for this species. There are no known occurrences of this species on or in the vicinity of the Specific Plan Area. The site is not within any area proposed by USFWS for designation as critical habitat for CFPO nor is it in any areas identified as Recovery Areas. Surveys for CFPO have been completed within Section 12, 13, and 14 of the Specific Plan Area by Westland annually from 2000 through 2003 and within Section 10 in 2003 and 2004. We are aware of no surveys for CFPO on the Pima County-owned parcel (Section 15) (S. Ruther Pers. Com, 02/10/04).

I-E.3. Arizona Game and Fish Department Heritage Data Management System Search

A letter was sent to Arizona Game and Fish Department (AGFD) on February 3, 2004 requesting a search of the Heritage Data Management System (HDMS) for any records of occurrence of species of concern or significant habitat that may occur in the area (Appendix 9).

A search of the HDMS found two species of concern that have been recorded from within three miles of the site: PFC (discussed previously) and cave myotis (*Myotis velifer*). The cave myotis is a species of insectivorous bat that generally roosts in

caves, mines, and tunnels and under bridges. The cave myotis may potentially fly over and forage on the site; however, because the site does not support roosting habitat for this species and the development of the site would not appreciably affect its foraging opportunities, the development as proposed in the Specific Plan is not expected to adversely impact the cave myotis.



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

2221 WEST GREENWAY ROAD, PHOENIX, AZ 85023-4399
(602) 942-3000 • AZGFD.COM

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STEVE K. FERRELL



February 18, 2004

RECEIVED

FEB 23 2004

Ms. Amanda Best
WestLand Resources, Inc.
2343 E. Broadway Blvd.
Suite 202
Tucson, AZ 85719

Re: **Special Status Species Information for Township 16 South, Range 14 East, Sections 10, 12-15; Proposed Residential Development: Swan Southlands.**

Dear Ms. Best:

The Arizona Game and Fish Department (Department) has reviewed your request, dated February 3, 2004, regarding special status species information associated with the above-referenced project area. The Department's Heritage Data Management System (HDMS) has been accessed and current records show that the special status species listed on the attachment have been documented as occurring in the project vicinity (3-mile buffer). In addition this project does not occur in the vicinity of any Proposed or Designated Critical Habitats. This project occurs within the immediate vicinity of the Pima pineapple cactus. Please contact the U.S. Fish and Wildlife Service regarding consultation and possible mitigation.

The Department's HDMS data are not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity.

Making available this information does not substitute for the Department's review of project proposals, and should not decrease our opportunities to review and evaluate new project proposals and sites. The Department is also concerned about other resource values, such as other wildlife, including game species, and wildlife-related recreation. The Department would appreciate the opportunity to provide an evaluation of impacts to wildlife or wildlife habitats associated with project activities occurring in the subject area, when specific details become available.

Ms. Amanda Best
February 18, 2004
2

If you have any questions regarding this letter, please contact me at (602) 789-3618. General status information, county and watershed distribution lists and abstracts for some special status species are also available on our web site at <http://www.azgfd.com/hdms>.

Sincerely,



Sabra S. Schwartz
Heritage Data Management System, Coordinator

SSS:ss

Attachment

cc: Bob Broscheid, Project Evaluation Program Supervisor
Joan Scott, Habitat Program Manager, Region V
Mima Falk, Plant Ecologist, USFWS, Tucson

AGFD #02-08-04 (19)

Special Status Species within 3 Miles of T16S,R14E Sec 10, 12-15

Arizona Game and Fish Department, Heritage Data Management System
February 18, 2004

<u>Scientific Name</u>	<u>Common Name</u>	<u>ESA</u>	<u>USFS</u>	<u>BLM</u>	<u>WCSA</u>	<u>NPL</u>
<i>Coryphantha scheeri var. robustispina</i>	Pima Pineapple Cactus	LE				HS
<i>Myotis velifer</i>	Cave Myotis	SC		S		

No Critical Habitats in project area. AGFD #02-08-04(19), Westland Job # 498.14, Proposed Development: Swan Southlands.

STATUS DEFINITIONS
ARIZONA GAME AND FISH DEPARTMENT (AGFD)
HERITAGE DATA MANAGEMENT SYSTEM (HDMS)

FEDERAL US STATUS

ESA Endangered Species Act (1973 as amended)
US Department of Interior, Fish and Wildlife Service (<http://arizonaes.fws.gov>)

Listed

- LE** Listed Endangered: imminent jeopardy of extinction.
- LT** Listed Threatened: imminent jeopardy of becoming Endangered.
- XN** Experimental Nonessential population.

Proposed for Listing

- PE** ~~Proposed Endangered.~~
- PT** Proposed Threatened.

Candidate (Notice of Review: 1999)

- C** Candidate. Species for which USFWS has sufficient information on biological vulnerability and threats to support proposals to list as Endangered or Threatened under ESA. However, proposed rules have not yet been issued because such actions are precluded at present by other listing activity.
- SC** Species of Concern. The terms "Species of Concern" or "Species at Risk" should be considered as terms-of-art that describe the entire realm of taxa whose conservation status may be of concern to the US Fish and Wildlife Service, but neither term has official status (currently all former C2 species).

Critical Habitat (check with state or regional USFWS office for location details)

- Y** Yes: Critical Habitat has been designated.
- P** Proposed: Critical Habitat has been proposed.

[**IN** No Status: certain populations of this taxon do not have designated status (check with state or regional USFWS office for details about which populations have designated status)].

USFS US Forest Service (1999 Animals, 1999 Plants: corrected 2000)
US Department of Agriculture, Forest Service, Region 3 (<http://www.fs.fed.us/r3/>)

- S** Sensitive: those taxa occurring on National Forests in Arizona which are considered sensitive by the Regional Forester.

BLM US Bureau of Land Management (2000 Animals, 2000 Plants)
US Department of Interior, Bureau of Land Management, Arizona State Office
(<http://azwww.az.blm.gov>)

- S** Sensitive: those taxa occurring on BLM Field Office Lands in Arizona which are considered sensitive by the Arizona State Office.
- P** Population: only those populations of Banded Gila monster (*Heloderma suspectum cinctum*) that occur north and west of the Colorado River, are considered sensitive by the Arizona State Office.

TRIBAL STATUS

NESL Navajo Endangered Species List (2000)

Navajo Nation, Navajo Fish and Wildlife Department
<http://www.heritage.tnc.org/nhp/us/navajo/esl.html>

The Navajo Endangered Species List contains taxa with status from the entire Navajo Nation which includes parts of Arizona, Utah, and New Mexico. In this notebook we provide NESL status for only those taxa whose distribution includes part or all of the Arizona portion of the Navajo Nation.

Groups

- 1 Those species or subspecies that no longer occur on the Navajo Nation.
- 2 Any species or subspecies which is in danger of being eliminated from all or a significant portion of its range on the Navajo Nation.
- 3 Any species or subspecies which is likely to become an endangered species, within the foreseeable future, throughout all or a significant portion of its range on the Navajo Nation.
- 4 Any species or subspecies for which the Navajo Fish and Wildlife Department (NF&WD) does not currently have sufficient information to support their being listed in Group 2 or Group 3 but has reason to consider them. The NF&WD will actively seek information on these species to determine if they warrant inclusion in a different group or removal from the list.

MEXICAN STATUS

MEX Mexican Federal Endangered Species List (October 16, 2000)

Proyecto de Norma Oficial Mexicana PROY-NOM-059-ECOL-2000

The Mexican Federal Endangered Species List contains taxa with status from the entire Mexican Republic and waters under its jurisdiction. In this notebook we provide MEX designations for only those taxa occurring in Arizona and also in Mexico.

- P** En Peligro de Extinción (Determined Endangered in Mexico): in danger of extinction.
- A** Amenazada (Determined Threatened in Mexico): could become endangered if factors causing habitat deterioration or population decline continue.
- Pr** Sujeta a Protección Especial (Determined Subject to Special Protection in Mexico): utilization limited due to reduced populations, restricted distribution, or to favor recovery and conservation of the taxon or associated taxa.
- E** Probablemente extinta en el medio silvestre (Probably extinct in the wild of Mexico): A native species whose individuals in the wild have disappeared, based on pertinent documentation and studies that prove it. The only existing individuals of the species are in captivity or outside the Mexican territory.

[| = One or more subspecies of this species has status in Mexico, but the HDMS does not track it at the subspecies level (most of these subspecies are endemic to Mexico). Please consult the NORMA Oficial Mexicana PROY-NOM-059-ECOL-2000 for details.]

STATE STATUS**NPL Arizona Native Plant Law (1999)**Arizona Department of Agriculture (<http://agriculture.state.az.us/PSD/nativeplants.htm>)

- HS** Highly Safeguarded: no collection allowed.
- SR** Salvage Restricted: collection only with permit.
- ER** Export Restricted: transport out of State prohibited.
- SA** Salvage Assessed: permits required to remove live trees.
- HR** Harvest Restricted: permits required to remove plant by-products.

WSCA Wildlife of Special Concern in Arizona (in prep)Arizona Game and Fish Department (<http://www.azgfd.com>)

WSC Wildlife of Special Concern in Arizona. Species whose occurrence in Arizona is or may be in jeopardy, or with known or perceived threats or population declines, as described by the Arizona Game and Fish Department's listing of Wildlife of Special Concern in Arizona (WSCA, in prep). Species indicated on printouts as WSC are currently the same as those in **Threatened Native Wildlife in Arizona (1988)**.

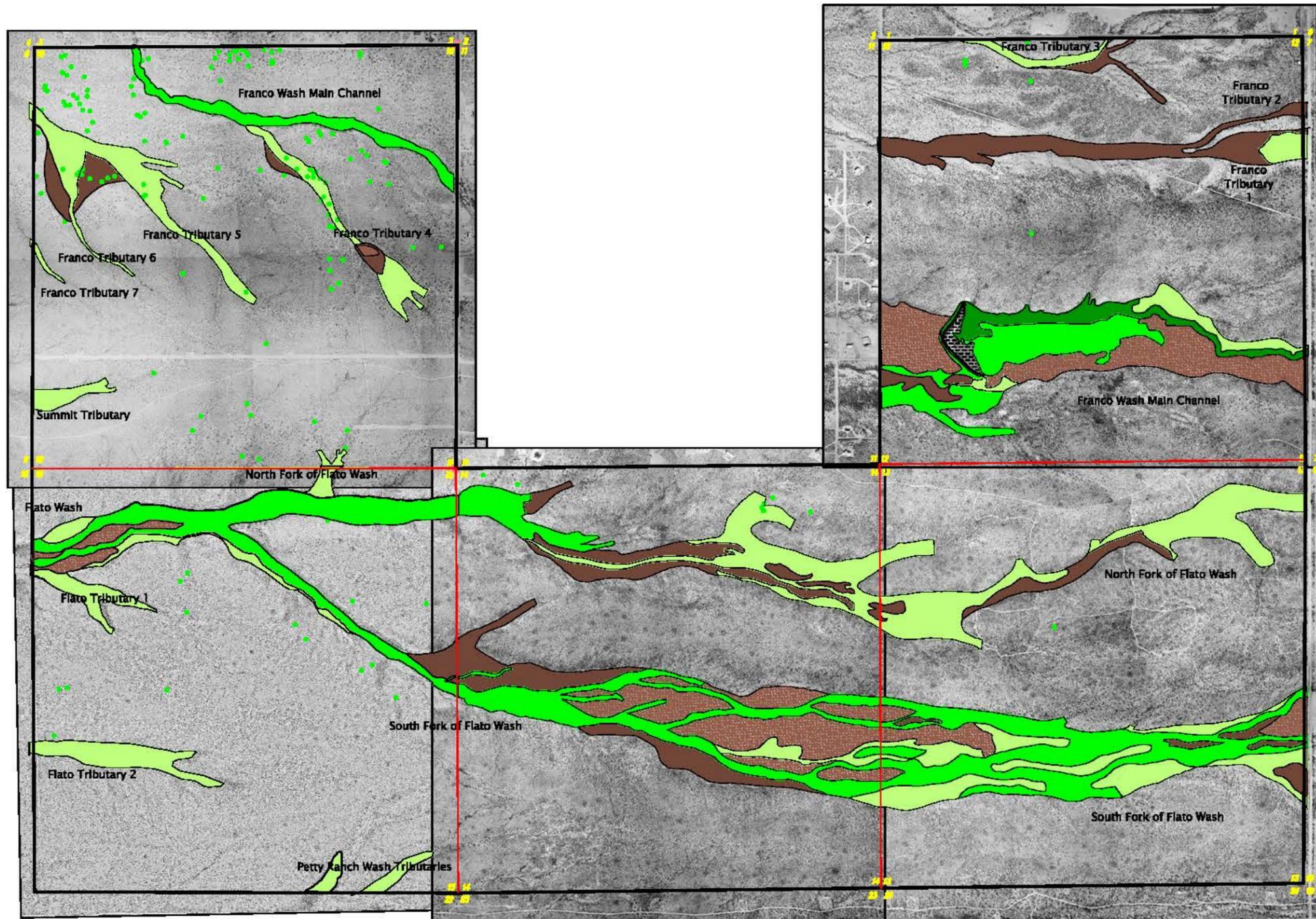
Revised 8/14/02, AGFD HDMS

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Swan Southlands

Pima County, Arizona

Figure 7
Vegetative Cover & Habitat Types



LEGEND

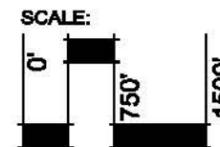
- Saguaro
- Project Boundary
- Section Line

Vegetative Cover and Habitat Types

- Degraded/Desertified
(\bar{X} =1.3%±2.5%; range=5%; n=4)
- LATR/PRVE/ACCO Association
(\bar{X} =35.7%±15.7%; range=50%; n=14)
- PRVE/ACCO/LATR Association
(\bar{X} =56.3%±11.1%; range=40%; n=15)
- PRVE/ACCO Association
(\bar{X} =67.8%±12.5%; range=35%; n=16)
- PRVE/ACCO/ACGR Association
(\bar{X} =86.7%±7.6%; range=15%; n=3)
- Creosote Dominated Uplands
(\bar{X} =28.2%±15.4%; range=55%; n=14)
- Surface Water Impoundment (charco)

Key:
 LATR = Creosotebush (*larrea tridentata*)
 PRVE = Velvet mesquite (*prosopis velutina*)
 ACCO = White-thorn acacia (*Acacia constricta*)
 ACGR = Catclaw acacia (*Acacia greggii*)

(note: statistical data provides measured percent cover as the mean ± standard deviation; range; and sample size)



Date:05-17-04
 Job# 498.14
 Drawn By: kd

Base mapping within Sections 10, 12, 13, and 14 consists of 2003 aerial photography provided by Cooper Aerial and 1-foot topographic contour intervals; base mapping within Section 15 consists of 2001 PAG aerial photography and 2-foot topographic contour intervals.



I-F SOILS

Soils within upland areas in the Swan Southlands Specific Plan Area typically consist of rocks overlying sand and finer granules. These soils are highly eroded gravelly alluvium, latest Pliocene to early Pleistocene in age, with the geomorphic surface no longer preserved (Jackson, 1989). Soils in the drainages and swales between the ridges are for the most part very fine. These clay-rich soils create a thin layer of alluvial soil younger than those on the uplands that overlay stony but relatively fine-grained soils (Jackson, 1989). These soils are typical of active and recently active alluvial fans and broad, un-incised channels low in the basin (Jackson, 1989). There is a small, recently abandoned alluvial fan in the southeast portion of the site, with weakly to moderately developed (Typic Torrifluvents and Typic Haplagids) soils (Jackson, 1989). Site-specific soil testing to determine the suitability of soils for construction purposes or to identify specific treatments that may be required for construction has not been conducted. Site-specific soils testing would be conducted as a standard course of engineering design at later stages in the development process.

I-G VIEWSHEDS

The subject site is relatively flat, and several off-site panoramic vistas are present from the perimeter of the property. The most prominent off-site views include the Santa Rita Mountains to the southeast and the Rincon Mountains to the east. Secondary distant views include the Santa Catalina Mountains to the north and the Tucson Mountains to the northwest of the site. Intermediate view sheds from the property include the Arizona State Prison complex immediately north of Section 12 and electrical transmission lines which transect Section 12 and run immediately south of sections 13-15.

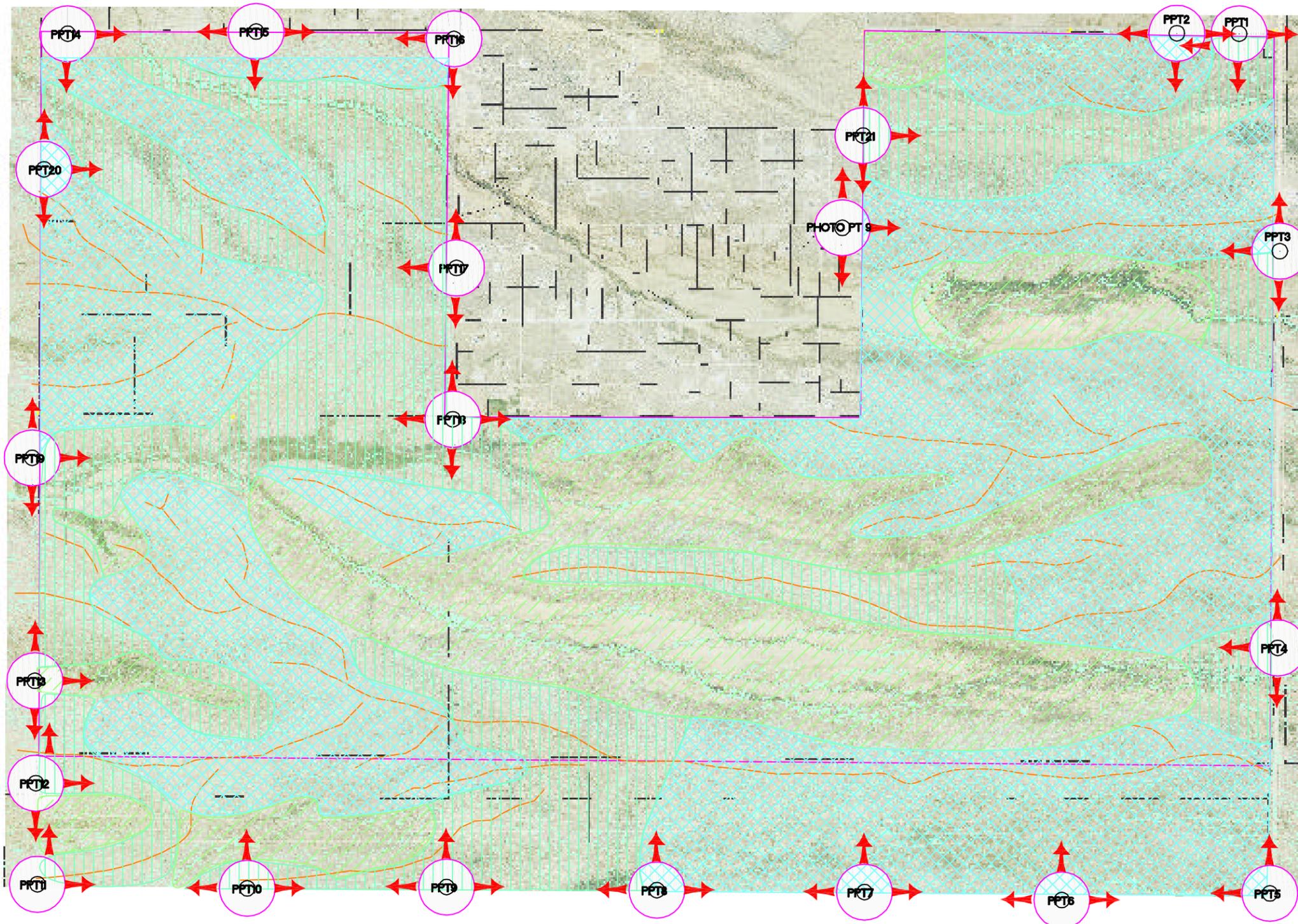
Views onto and across the subject property from adjacent properties are mapped on **Figure 8, Viewshed Visibility Map**, Photographs taken to prepare the Viewshed Visibility Map are also provided at the end of this Section. Aside from occasional vegetation distributed throughout the site, there are no on-site views of any significance from off-site vantage points, and no viewshed mitigation efforts are anticipated. In accordance with **Figure 8**, below is a brief description of the methodology used to determine ‘low’, ‘medium’ and ‘high’ visibility from adjacent locations.

An area with low visibility is one that is obstructed by terrain or vegetation or structure. An area with medium visibility is one that is moderately obstructed by terrain or vegetation or structure. An area with high visibility is one that is minimally obstructed by terrain or vegetation or structure.

Swan Southlands

Pima County, Arizona

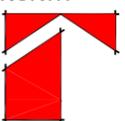
Figure 8
Viewshed Visibility Map



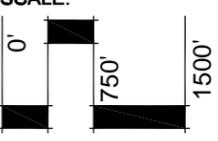
Legend

-  Photo Point
-  High Visual Impact
-  Moderate Visual Impact
-  Low Visual Impact
-  Ridgeline
-  Panorama Photo Direction

NORTH



SCALE:
0 750' 1500'



 **WestLand Resources Inc.**
Engineering and Environmental Consultants
2343 E. Broadway Blvd. Suite 202
Tucson, AZ 85719 (520) 206-9585

Stantec

Date: 03-10-04
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PPT01.JPG



PPT02.JPG



PPT03.JPG



PPT04.JPG



PPT05.JPG



PPT06.JPG



PPT07.jpg



PPT08.jpg



PPT09.jpg



PPT10.jpg



PPT11.jpg



PPT12.jpg



PPT13.jpg



PPT14.jpg



PPT15.jpg



PPT16.jpg



PPT17.jpg



PPT18.JPG



PPT19.jpg



PPT20.jpg



PPT21.jpg

I-H TRAFFIC

Existing Roadways

North-south roadway access to Swan-Southlands is provided by Wilmot Road and Swan Road. Both of these roads provide access between Swan-Southlands and Interstate 10 to the north. Swan Road, a two-lane paved roadway north of Section 10, provides access to Interstate 10 interchanges at Alvernon Way and Craycroft Road via Los Reales Road. Swan Road currently provides access to about 100 homes in Swan Road Ranches. Wilmot Road provides direct access to Interstate 10. Both Swan and Wilmot are classified on the Pima County Major Streets & Routes Plan (MSR) as major routes north of Old Vail Connection. Old Vail Connection located one mile to the north provides east-west access to Swan-Southlands. Old Vail Connection is designated as a major route between Nogales Highway and Wilmot Road and partially extends from Nogales Highway on the west to Interstate 10 on the east. Other roadways classified as major routes or classified as part of the Pima County major road network include Pima Mine Road, Sahuarita Road, Kolb Road, and Houghton Road. **Figure 9, *Off-Site Streets, Schools and Recreation***, shows existing roadways within the region and their specific relationship to the Swan Southlands property.

Future Roadways

Several planning efforts are underway to upgrade existing roadways and to define a regional system of streets and highways within the region for 2030 and beyond. Two ADOT corridor studies are underway to recommend improvements for the I-10 Corridor between I-19 and the Pima/Cochise County line and for the Houghton Road Corridor between Tanque Verde Road and Sahuarita Road. Both corridor studies will recommend improvements for 2030 travel demands including those generated by the area containing Swan-Southlands. Arterials which cross I-10 and provide more optimal north south connections will likely be emphasized.

Two Pima Association of Governments (PAG) planning studies are underway by PAG to define long-range improvements in the regional transportation system. PAG is updating the 2001-2025 Regional Transportation Plan (RTP) to meet 2030 regional travel demands. Kolb Rd. is identified as a major north-south arterial in the 2025 PAG RTP. Kolb Rd. could provide access to the development from the east in the later phases of the project.

Anticipated changes to the improvements include a study to evaluate alternatives and recommend a preferred alignment for the Sahuarita Corridor connecting I-19 with I-10. The 2030 RTP may also include recommendations resulting from the *ADOT I-19 Corridor Study and General Plan, I-10 to the Pima/Santa Cruz County line* which was completed in October 2003 and from the *PAG Houghton Road Corridor Study, Tanque Verde Road to Sahuarita Road* which is scheduled for completion in mid-2004. In particular the construction of the Los Reales interchange, as recommended in the *ADOT I-19 Corridor Study and General Plan, I-10 to the Pima/Santa Cruz County line*, and the construction of improvements along Houghton Road and at the Houghton Road interchange will provide mobility and access benefits for this development. Another ongoing planning

study by PAG is the *Southeast Area Arterial Study* which will recommend a major streets and routes plan for an area roughly bounded by I-19, Valencia Road, I-10, SR-83, and the Santa Rita Experimental Range/Coronado National Forest. This study is scheduled for completion in late 2004. This study will likely recommend transportation improvements both in the vicinity of this development and within the study's planning area which will result in additional mobility and access benefits for this development and the region as a whole. An east – west connection between I-19 and I-10 either north or south of the development is anticipated, as well as the potential southern extensions or capacity improvements of roads, such as Swan Rd., Kolb Rd., Houghton Rd.

Another recent initiative intended to enhance the regional transportation system is a proposal by local governments to reclassify Swan/Alvernon, Houghton Road, Sahuarita Corridor, and other roadways as State Highways. This proposal is under review by the State Transportation Board. The designation of these roadways as State Highways could result in additional improvements being made to these regional corridors, which in turn will result in additional mobility and access opportunities for this development and the region as a whole.

Below is **Table 1** that provides the existing roadways, existing right-of-way, and planned right-of-way per Pima County and Tucson standards for all roads within 3-miles of the property.

Table 1
Existing Roadways Data

Street Name	ADT (Year)	Existing Right-of-Way Width (A)	Pima County Planned Right-of-Way Width(B)	Tucson Planned Right-of-Way Width(C)
-------------	------------	---------------------------------	---	--------------------------------------

Nogales Hwy

Hughes Access Rd. to Old Vail Connection	6,600 (2003)	100' - 215'	n/a	n/a
Old Vail Connection to Pima Mine Rd.	6,600 (2003)	100' - 170'	n/a	n/a
Pima Mine Rd. to Sahuarita Rd.	6,600 (2003)	150' - 270'	n/a	n/a

Old Vail Connection

Nogales Hwy to Country Club Rd.	n/a	90'	150'	n/a
Country Club Rd. to Swan Rd.	n/a	75'	150'	n/a
Swan Rd. to PC / COT city limits	n/a	60'	150'	n/a
PC / COT city limits to Wilmot Rd.	n/a	80'	n/a	150'
Wilmot Rd. to Kolb Rd.	n/a	150'	n/a	150'
Kolb Rd. to Rita Rd.	n/a	150'	n/a	150'

Swan Rd.

Hermans Rd. to Old Vail Connection	n/a	100'	150'	n/a
Old Vail Connection to southern terminus	n/a	150'	n/a	n/a

Swan Southlands

Street Name	ADT (Year)	Existing Right-of-Way Width (A)	Pima County Planned Right-of-Way Width(B)	Tucson Planned Right-of-Way Width(C)
Wilmot Rd.				
PC / COT city limits to PC / COT city limits	n/a	150' - 160'	150'	n/a
PC / COT city limits to Old Vail Connection	n/a	140' - 160'	n/a	150'
Old Vail Connection to Andrada Rd.	400 (2003)	150'	n/a	n/a
Andrada Rd. to Sahuarita Rd.	400 (2003)	60'	n/a	n/a

Pima Mine Rd.				
Interstate 19 to Rancho Sahuarita Blvd.	1,900 (2001)	100'	n/a	n/a
Rancho Sahuarita Blvd. to Nogales Hwy	2,200 (2003)	100'	n/a	n/a

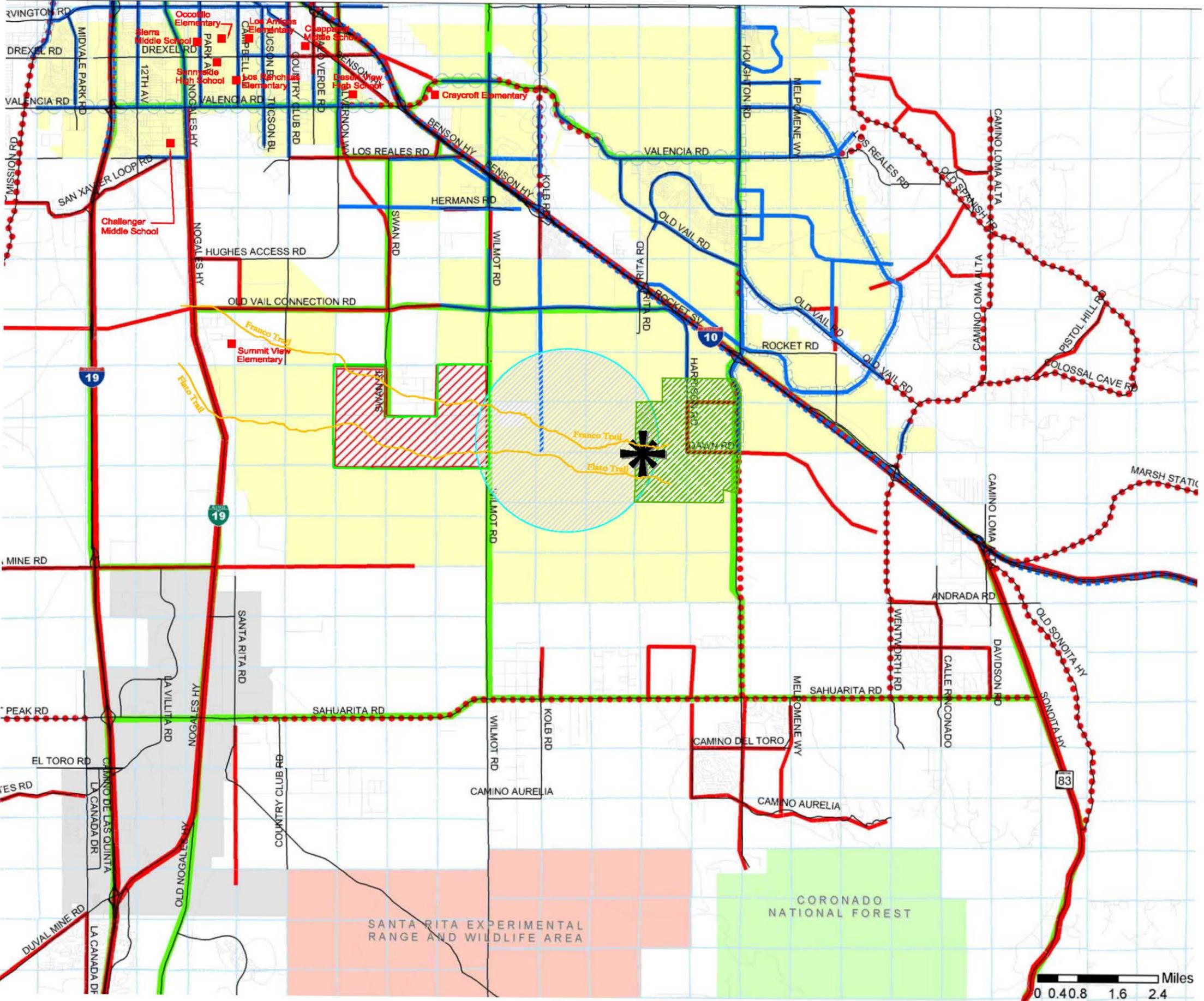
Kolb Rd.				
PC / COT city limits to Old Vail Connection	n/a	140' - 160'	n/a	150'
Old Vail Connection to southern terminus	n/a	140' - 160'	n/a	150'

(A) Right-of-Way widths are approximate. Subject roadway Right-of-Way widths can vary significantly along roadway segments.
 (B) Pima County Major Streets and Scenic Routes Plan (8/6/02)
 (C) City of Tucson Major Streets and Routes Plan (8/14/02)
Abbreviations:
 COT - City of Tucson
 PC - Pima County
 n/a - not available

Swan Southlands

Pima County, Arizona

Figure 9
Off-site Streets, Schools,
and Recreation



- Regional Roadway
- City of Tucson Major Streets and Routes Plan 8/14/2002**
- Scenic Route
- Gateway Route
- Gateway Route
- Gateway Route
- Pima County Major Streets and Scenic Routes Plan - 8/6/02**
- Scenic, Major Route
- Major Route
- State and Interstate Route
- School Location
- City of Tucson Future Regional Park Planning Area
- Southeast Regional Park
- ✱ Future site of Pima County proposed Regional Flood Control Facility.



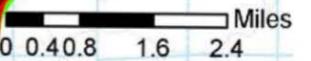
Kimley-Horn
 and Associates, Inc.

Date: 03-15-04
 Revised: 06-15-04
 Drawn By: RPS

LVA
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 Environmental Analysis &
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I-I SEWERS

The Swan Southlands project does not currently have any existing sewer facilities within or adjacent to the project. Pima County Wastewater currently serves sewer systems to the north and to the west of the project, and the Town of Sahuarita provides sewer service to the southwest of the existing project. The Swan Southlands project is generally within the sewer basin of existing Pima County Wastewater facilities.

Existing Wastewater Facilities in the Project Vicinity

There are no Pima County Wastewater Management Department (PCWMD) facilities adjacent to the project. The nearest downstream existing PCWMD facilities are several miles from the western property boundary.

The nearest PCWMD facilities are the lift station and force main located in Old Vail Road, north of the existing State Prison. These facilities are shown in **Figure 10, Existing Off-Site Sewer**. The force main delivers into a gravity sewer in Wilmot Road. The wastewater system running north along Wilmot Road will eventually connect to the Southeast Interceptor. The new Federal Bureau of Prisons site will be served by an on-site sewer lift station delivering into the existing Wilmot Road sewer system.

The other existing PCWMD facilities in the area are along Old Nogales Highway, northwest of the project. These facilities are shown in **Figure 10**. There is currently an 18-inch gravity sewer running north along Old Nogales from Hughes Access Road. PCWMD has plans to construct additional gravity and lift station upgrades to the area.

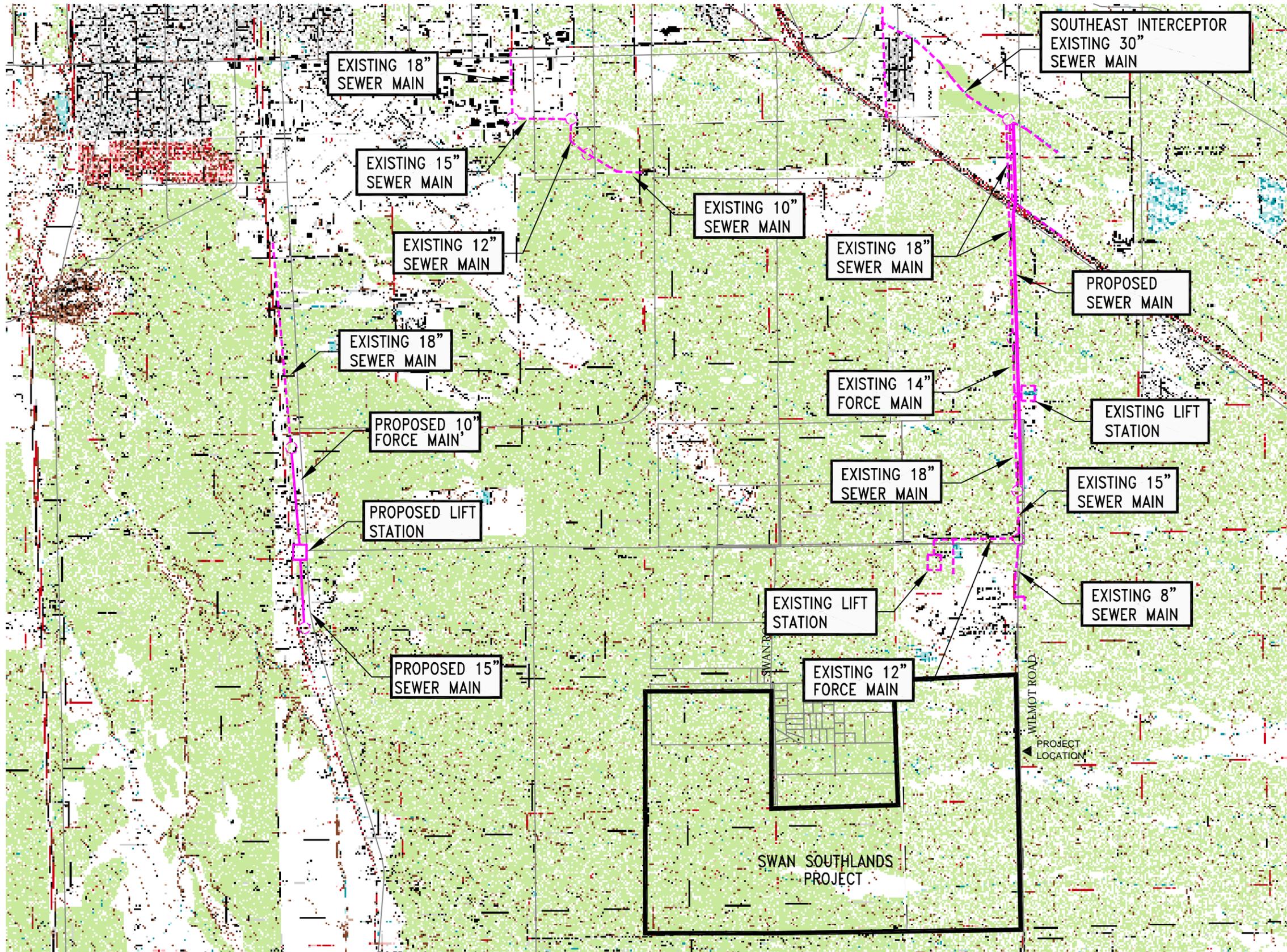
In addition to these existing sewer mains, Pima County currently maintains wastewater lagoons serving the existing Corona de Tucson area. Corona de Tucson is considered an outlying area; where PCWMD provides sewer service for the project, Tucson Water provides water, and PCWMD maintains 100% ownership of the effluent. Pima County Fairgrounds, approximately two miles east of the project, currently maintains wastewater ponds to provide sewer service to Pima County's existing facilities.

The Town of Sahuarita's Wastewater Treatment Plant is located to the southwest of the Swan Southlands project. This treatment plant provides service to the Town of Sahuarita and Rancho Sahuarita.

Swan Southlands

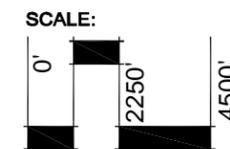
Pima County, Arizona

Figure 10
Existing Off-Site
Sewer



LEGEND

- PROPOSED SEWER MAIN
- - - EXISTING SEWER/
FORCE MAIN
- EXISTING LIFT STATION
- PROJECT BOUNDARY



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Date: 02-18-04
Job# 498.17
Drawn By: ms

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I-J SCHOOLS

The property is located entirely within the Sunnyside Unified School District. One of the boundaries of the Sunnyside Unified School District is immediately adjacent to the eastern and southern property lines of the site. The nearest elementary school is Summit View Elementary located at 1900 E. Summit Street, approximately two miles northwest of Section 10. The nearest middle school is Chaparral Middle School located approximately 7 miles north of the site near Alvernon Way and Alvord Road. The nearest high school is Desert View High School located approximately 6 miles north of the site near Alvernon Way and Valencia. The Vail Unified School District has jurisdiction for the properties directly east of the property, and the Sahuarita Unified School District has jurisdiction directly south of the property. Existing Schools are shown in **Figure 9, Off-Site Streets, Schools and Recreation.**

Schools that may serve the site prior to the development of the proposed schools on site include Summit View Elementary, Craycroft Elementary, Challenger Middle School, Chapparral Middle School, and Desert View High School. The current enrollment and capacity of these schools is provided in **Table 2** below:

**Table 2
Nearby Schools Enrollment and Capacity**

Site	Address	Grade Level	Enrollment	Capacity
Challenger	100 E. Elvira Rd	6-8	964	950
Chaparral	3700 E. Alvord Rd	6-8	864	1000
Craycroft	5455 E. Littleton Rd	K-5	572	650
Desert View High School	4101 E. Valencia Rd	9-12	1410	1750
Summit View	1900 E. Summit	K-5	592	600
New Elementary School	School Facilities Board Approved TBD	K-5		600
New Middle School	School Facilities Board Approved TBD	6-8		700

I-K RECREATION AND TRAILS

There are no existing parks and/or recreation facilities located within three miles of the subject property. However, the Southeast Regional Park, which contains the Pima County Fairgrounds and Tucson Raceway Park, is located four miles due east of the subject property, as shown on **Figure 9, Off-Site Streets, Schools and Recreation.** The Eastern Pima County Trails System Master Plan (1989) designates that two regional trails traverse the site in order to connect the Southeast Regional Park to the east and the San Xavier Indian Reservation to the west. One of these

trails is proposed to be located within the Flato Wash system which crosses the subject property through Sections 13, 14, and 15. The second trail is proposed to be located within the Franco Wash system which crosses the subject property through Sections 12 and 10, as well as through the residential subdivision in Section 11.

The City of Tucson Parks and Recreation Department has published a 2012 Strategic Service Plan to identify the need for additional parks within the Tucson city limits. This plan identifies a future planning area in the newly annexed southern section of the City as shown on **Figure 9, *Off-Site Streets, Schools and Recreation***. This future planning area identifies the potential to develop one new Metro/Regional Park in this region to support the continued growing population in the southeastern section of the city.

I-L CULTURAL RESOURCES: ARCHAEOLOGICAL AND HISTORIC SITES

The entire Specific Plan Area has been systematically surveyed for cultural resources. There are fifty-seven (57) known archaeological sites (Historic and Pre-historic) that occur within the Swan Southlands Specific Plan Area. The majority of the prehistoric archaeological sites within Swan Southlands are associated with either wild food collection and processing or agricultural endeavors, and none represent long-term habitation sites. Fifty-two (52) of the archaeological sites were originally considered eligible or potentially eligible for listing to the National Register of Historic Places (NRHP) (the standard measure of archaeological significance). Twenty (20) sites within Sections 12, 13, and 14 were tested by the State and are no longer considered eligible to the NRHP. Thirty-two (32) of the 57 sites identified remain eligible or potentially eligible to the NRHP. Many of the sites identified occur within areas identified as Project Natural Open Space (SP/NOS) within the Specific Plan. A separate compilation of information with respect to archaeological findings within the site, including archaeological survey reports, was submitted to the Pima County Cultural Resources Manager on April 30, 2004.

I-M AIR QUALITY

The site is currently vacant and there are no existing air quality emissions on site. See Section II-Q for a discussion on Air Quality issues related to the proposed land use plan.

I-N COMPOSITE MAP

The composite map provides for various overlays in order to show the cumulative number of characteristics that apply to specific locations on the site. The composite map includes topography, hydrology, Project Riparian Areas and wildlife habitat, preliminary and approved jurisdictional waters delineation, residential transition areas, proposed regional trails, the man-made cattle tank, and the WAPA line. The site is relatively flat with a terrain that descends to the west and northwest at approximately 1% to 3%, and there are no significant topographic features such as restricted peaks or ridges.

The hydrology overlay includes all of the 100-year floodplains within the site, including floodplains within the Flato wash and its tributaries and the Franco wash and its tributaries. Project Riparian Areas and wildlife habitat are also shown on the graphic. Project Riparian Areas are those areas that were compiled using floodplain data provided by Stantec, Inc.; Important Riparian Areas and SDCP riparian maps; and site-specific vegetation mapping efforts pursuant to Special Area Policy #2. Project Riparian Areas are any area mapped by the SDCP Conservation Land System and/or wash with 100-year flows greater than or equal to 250 cfs, whose boundaries were determined by the limits of a combination of the 100-year floodplain or riparian vegetation, whichever is greatest at any given point along the wash. Project Riparian Areas consist of approximately 624 acres within Swan Southlands; FCD Regulated Riparian Areas adopted by Pima County Flood Control District as regulated under Chapter 16.54 of the Pima County Floodplain and Erosion Hazard Management Ordinance, consisting of approximately 136 acres, mainly occur within Project Riparian Areas. FCD Regulated Riparian Areas and Project Riparian Areas within the Specific Plan Area are shown in **Figure 11**, *FCD Regulated Riparian Areas*, for comparison purposes.

The composite map (**Figure 12**) clearly shows a direct relationship between the location of the 100-year floodplain limits and the areas of Project Riparian Habitat. Upland areas onsite are primarily classified as Creosote dominated uplands.

Jurisdictional waters within the project occur along the south fork of the Flato Wash and the Franco main channel. The jurisdictional waters within Sections 10, 12, 13, and 14 have been approved by the Army Corps of Engineers (ACOE File No. 1999-15143-SDM). Potentially jurisdictional waters were delineated within Section 15 based on the approved delineation upstream within Section 14 and have not been reviewed by the ACOE. Waters of the U.S. that occur within the project occur within the Project Natural Open Space (SF/NOS) designation (discussed further in Sections II-A and II-F.1), which consists of nine-hundred and ninety-one (991) acres. The master developer plans to avoid impacts to waters of the U.S. with the development of this community.

The Composite Map also shows the 300' residential transition areas, although there are no other significant characteristics (other than where the Franco Wash

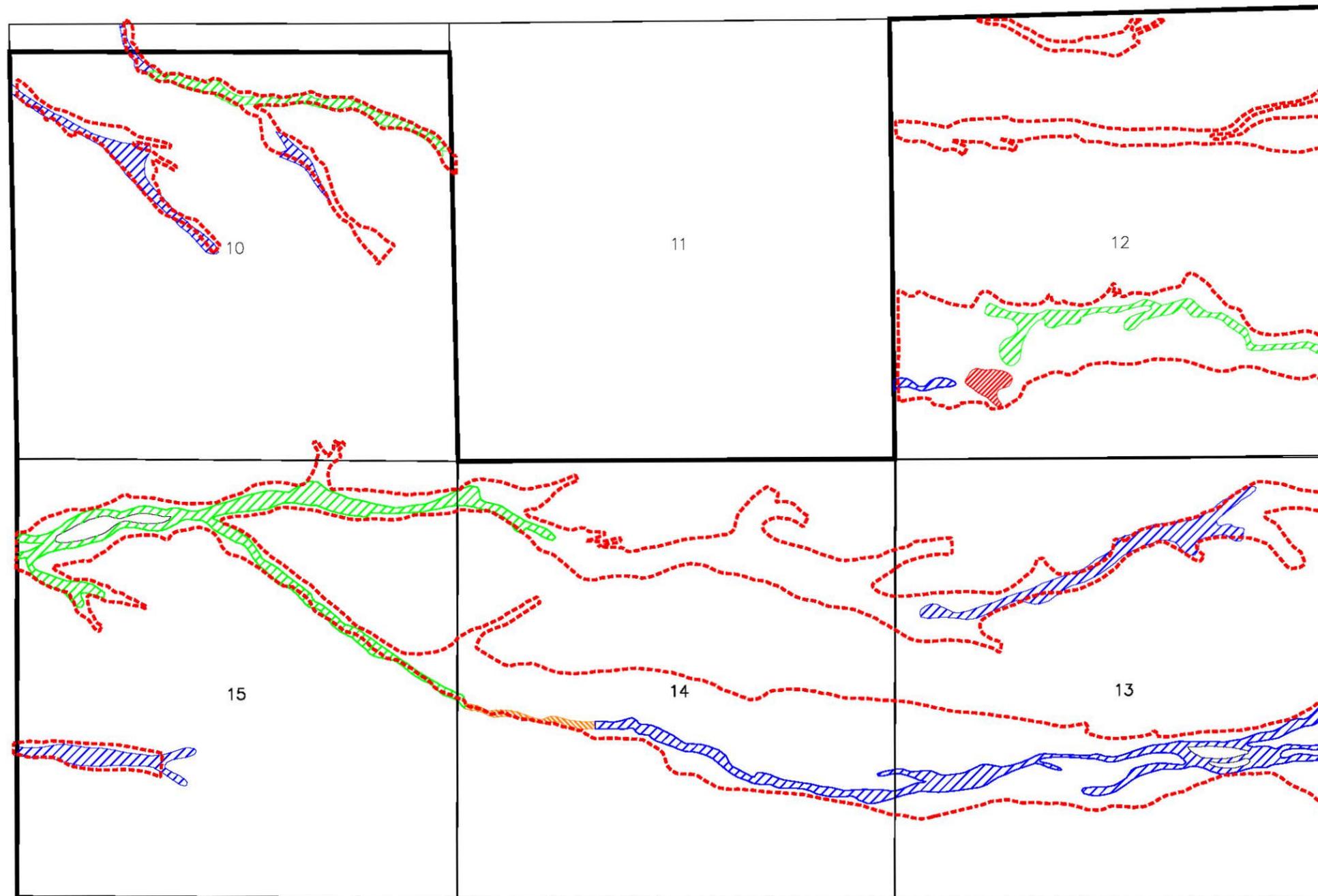
crosses the transition area at the west end of Section 12) within this area. Important regional trails are shown, which follow the primary channels of the Flato and Franco wash corridors. The man-made cattle tank is located within Section 12 in the Franco Wash corridor. Also in Section 12, the graphic shows the WAPA line dissecting the property from southeast to northwest.

A Viewshed Visibility Map was prepared based on a site visit and photographs taken from various vantage points around the perimeter of the property (see **Figure 8, *Viewshed Visibility Map***). As the site is relatively flat with no significant on-site natural or man-made features that would impact views through the property, there are no significant impacts that would warrant any type of mitigation efforts. In order to maintain clarity on this map, the Viewshed Visibility Map overlay was not provided on the Composite Map. This was discussed with County staff on April 28, 2004 and it was concurred that this information would not be required on the Composite Map.

Swan Southlands

Pima County, Arizona

Figure 11
FCD Regulated Riparian Areas

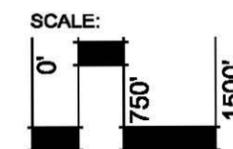
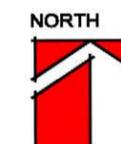


- Project Boundary
- Section Line
- Project Riparian Areas

PIMA COUNTY FLOOD CONTROL DISTRICT REGULATED RIPARIAN AREAS

- Class A - 3.3 ac
- Class B - 58.19 ac
- Class C - 72.16 Ac
- Class D - 2.44 ac

Note:
This graphic was prepared for illustrative purposes only. FCD Regulated Riparian Areas were provided by Pima County Flood Control District in State Plane 83 projection. Project Riparian Areas were delineated based on site-specific mapping completed in the project planning coordinate system.



Date:08-03-04
Job# 498.14
Drawn By: kd

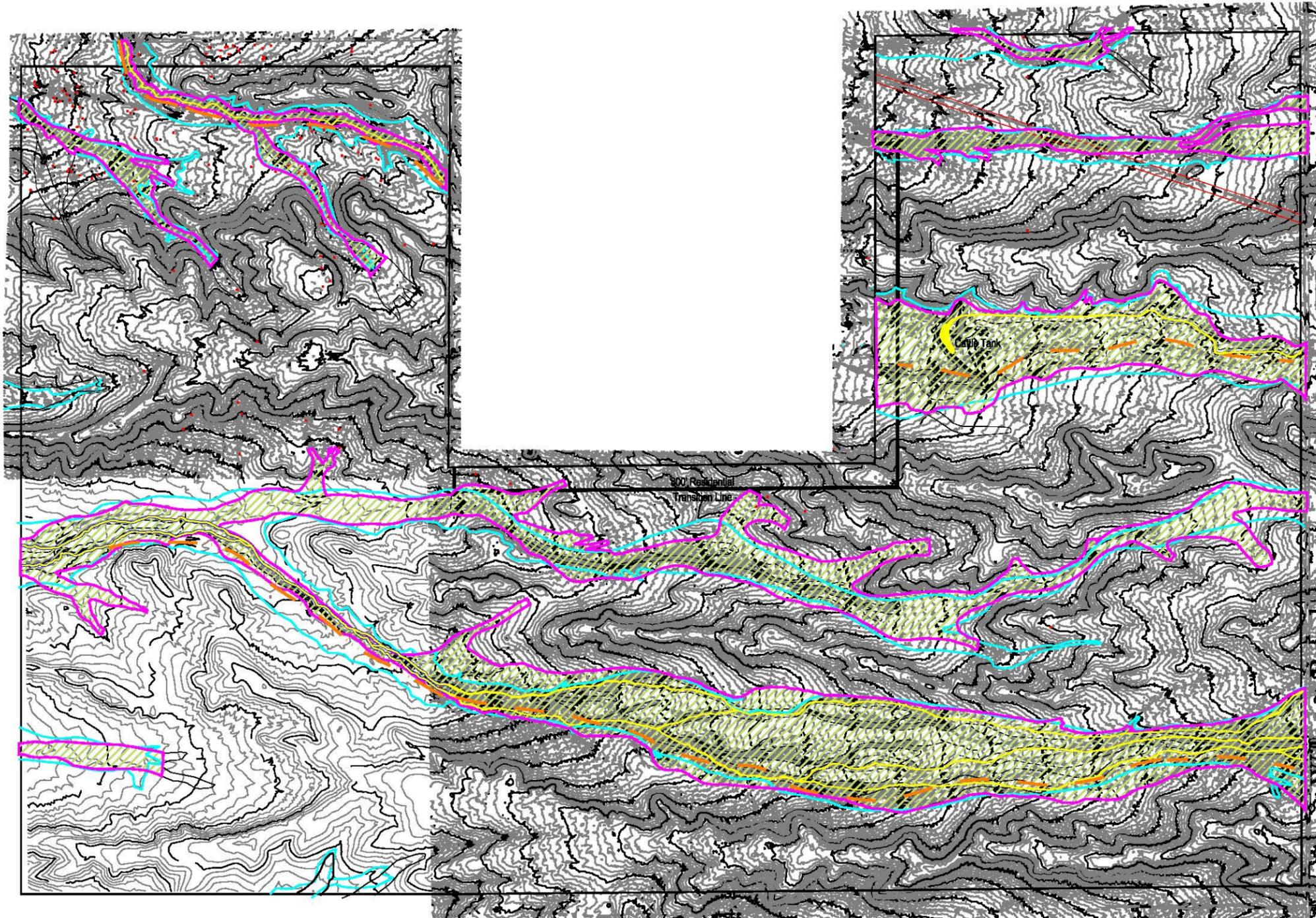
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Swan Southlands

Pima County, Arizona

Figure 12
Composite Map



LEGEND

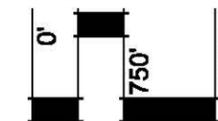
-  WAPA LINE
-  REGIONAL PROPOSED PUBLIC TRAIL
-  PROJECT RIPARIAN AREAS AND WILDLIFE HABITAT
-  SAGUARO
-  300' BUFFER LINE
-  100 YEAR FLOODPLAIN
-  404 JURISDICTIONAL DELINIATION

NOTE: Jurisdictional delineation for Sections 10, 12, 13, and 14 have been approved by the Army Corp of Engineers. Delineation of Section 15 is preliminary and based upon prior delineation in Section 14 by the Army Corp of Engineers.

NORTH



SCALE:



Date: 03-10-04

Job# 0401

Drawn By: TH



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PART II - LAND USE PROPOSAL

II-A PROJECT OVERVIEW

Swan Southlands is an approximately 3,184 acre master planned community located in eastern Pima County in the southeast portion of the metropolitan Tucson area. The Swan Southlands project is designed to offer a broad range of housing types, retail/commercial services, employment opportunities, and an open space network utilizing the natural drainage channels that dissect the site. The projected population is anticipated to be served by an appropriate number of elementary schools, a middle school, and a high school in locations agreed upon by the Sunnyside School District, a series of private neighborhood parks, three public community parks and a network of paths, trails, and bikeways. The plan recognizes the natural wash features throughout the property, retains connectivity, and strives to preserve the majority of these areas in their natural state. A conservation easements, and County approved enhancement are planned for portions of the Flato Wash corridor to further protect the riparian habitat and native vegetation in the area.

Swan Southlands will be designed as a master planned community with an ecologically responsible plan. The plan calls for the preservation and/or enhancement of major biological corridors dissecting the property from east to west. Roadway alignments and residential developments will be oriented to abut the Project Natural Open Space corridors (identified within Specific Plan figures as SP/NOS) to provide added amenities and a natural desert ambiance to the development. The designation of SP/NOS (approximately 991 acres) is focused on those areas that contain the highest value biological resources on the property, provide buffer to adjacent landowners, provide habitat for Pima pineapple cactus (PPC), and that include known cultural and archaeological resource sites. These areas make up the 30-percent set-aside requirement (955 acres) for the Native Plant Preservation Ordinance (NPPO). These areas also include thirty-six (36) acres in excess of the NPPO set-aside requirement.

A variety of housing types and residential densities will be provided to create a diverse housing community with a strong family orientation. Active and passive parks will be provided throughout the community in addition to the extensive network of open spaces, creating a system on interconnected trails throughout the community **with the exception of Parcel D-3 and D-5**. A comprehensive set of design guidelines will be prepared at the time of first plat within each Identity District, and Covenants, Conditions and Restrictions (CCR’s) will be prepared, executed and enforced by the homeowners association to ensure consistent levels of quality throughout the community. The emphasis of the design guidelines is on the establishment of a community theme to create community identity, the promotion of housing diversity and creation of neighborhoods.

The project recognizes and will take advantage of the tremendous employment opportunities within proximity of the development. Three of the largest employment hubs in the Tucson area; the Tucson International Airport (TIA), the

University of Arizona Science and Technology Park, and the Davis Monthan Air Force Base are within a few short miles of the development.

Access to and from the Swan Southlands property will primarily utilize roadway corridors to the north and east of the site. During the early phases of the project, access will be provided primarily from Swan Road from the north. As the community develops, additional connections from the north, east and possibly south are expected to become available.

Figure 13R, *Zoning Boundaries*, provides a graphic illustration of the various zoning boundaries proposed for the Swan Southlands Specific Plan.

Special Area Policy #1 Compliance

The Swan Southlands Specific Plan demonstrates compliance with Special Area Policy #1 regarding a single specific plan by virtue of the boundaries of the Specific Plan encompassing all of the area of all three Plan Amendments (i.e. the entire approximately 3,184 acres). The overall approximate 3,184 acres will be planned as a single unit to ensure provisions of major infrastructure and the protection of riparian and floodplain systems. This will ensure that basic improvements and protection of natural resources will be coordinated in a comprehensive manner, as opposed to a piecemeal approach, thereby preventing any uncoordinated, inefficient, and ineffective development of the area.

Assurances

The Specific Plan will, at a minimum, provide a master block plat for each Identity Sub-district **except for Parcel D-5** as defined within **Figure 23R**: *Identity Sub-District Development Plan*, in conjunction with the formation, and recordation of a comprehensive development agreement. Inclusive within the block plat and/or development agreement will be detailed “assurance” directives, with exhibits, established by “district or region” to coordinate the overall implementation of critical infrastructure inherent to this community, including active recreation areas and enhanced and protection of riparian areas. The assurance package will allow for sufficient flexibility within the framework or implementation of the infrastructure to adjust for market condition changes, as determined by the master developer or subsequent assignable entities. Master Developer or other said parties are responsible for coordinating and completing the master block plat and/or development agreement and identified infrastructure improvements through community build-out. A single rezoning or specific plan reflects a commitment towards the construction and installation of necessary infrastructure without placing undo burden on the government agencies during the life cycle of the development. A Swan Southlands Development Agreement and specific plat notes and assurance exhibits on the tentative block plat will provide assurances for the construction of critical infrastructure prior to or concurrent with development.

II-B PRELIMINARY DEVELOPMENT PLAN

The preliminary development plan was developed based on a detailed review of the site analysis process and a number of key planning factors. Those factors are summarized below:

-
-
- Maximize compatibility with the suitability of the land;
 - Responsiveness to drainage constraints created by the Flato and Franco wash corridors;
 - Diversity of housing densities along arterial roads;
 - Variety of housing types adjacent to Project Natural Open Spaces areas;
 - Close proximity of all neighborhoods to community open spaces;
 - Non-vehicular internal circulation design focus;
 - Higher density housing in proximity to future community employment centers;
 - Higher density housing in proximity to mass transit or multi-modal transportation centers;
 - Interconnectivity and linkages to neighborhoods;
 - Placement of major street alignments as determined by topography and drainage constraints and regional access opportunities;
 - Retaining connectivity of wildlife corridors;
 - Balanced ratios and allocation of land uses;
 - Sensitivity to adjacent land uses;
 - Balanced distribution of active and passive recreational amenities;
 - Creation of residential neighborhoods in close relationship to school facilities;
 - Transitional uses between residential and non-residential land uses; and
 - Balanced distribution / concentration of employment and retail services.

As identified above, one of the overriding factors that guided the preliminary development plan was the natural features of the land, including the topography and major drainage and riparian corridors crossing the property from east to west. Within this framework, a street network was prepared to recognize the opportunities and constraints of the natural features of the property in order to preserve wash and riparian corridors, minimize wash crossings and maximize the visual and recreational benefits that the Project Natural Open Space (SP/NOS) will provide for the community. The individual development parcels were designed based on the type of development and appropriately sized for the proposed use. Parcel sizes and configuration were based on reasonably sized development units, market absorption rates and development and construction phasing, and maximization of adjacency to SP/NOS areas.

Residential densities have been planned to respond to the Comprehensive Plan Amendment approved by the Pima County Board of Supervisors in December 2003. The Swan Southlands Specific Plan proposes an overall target unit count of **6,092** with a net target density of 5.7 RAC. **Table 3R** *Density/Intensity Table*, provides proposed zoning districts, parcel gross acres, parcel net acres, and projected target residential units for each development parcel and provides a summary for each development unit. **Figure 14R**, *Preliminary Development Plan*, graphically depicts the proposed zoning and development blocks identified within **Table 3R**.

Residential

A variety of housing types are proposed for the Swan Southlands Planned Community. Homes will vary in character and size to meet the diverse needs of the projected

community population. Higher residential densities have been proposed within central locations immediately adjacent to primary transportation corridors to take advantage of commercial and multi-modal transportation services. Residential building heights will consist primarily of single story and two-story units, although some of the multi-family residential parcels within the SP/TR zoning districts may be 3-stories/36 feet while multi-family developments within the SP/MU zoning districts may be 4-stories/48 feet.

Gross densities for single-family residential parcels range from 1.5 dwelling unit per acre to ten units per acre. These densities are represented by SP/CR3, SP/CR5, and SP/TR zoning districts and the accompanied residential transition areas and the Noise Sensitive Overlay Zone. These land use categories are accommodated by the County’s CR-3, CR-5 and TR zoning districts, as modified within the regulatory section of the Specific Plan. Cluster housing, attached housing, zero lot-line, condominiums and town-housing may also be provided within the residential zoning districts to obtain higher single-family residential densities within either detached or attached housing configurations. Single-family and multi-family residential housing is also represented within the Mixed Use land use category. Within the Mixed Use zoning district, the single-family residential uses will be accommodated by the SS/TR zoning district development standards as defined within **Table 4, Residential Development Standards**. The multi-family residential use will be accommodated by the SS/MU zoning district standards as defined within **Table 4, Residential Development Standards**.

Residential District Standards are provided in **Table 4** to supplement and/or supersede adopted county zoning regulations. These standards are intended to introduce the element of design flexibility in meeting the established density range of 4-8 RAC per the Comprehensive Plan Land Use Amendments. Within the single family zoning districts, the standards will serve to permit design flexibility for lot sizes within each development parcel. Within the multi-family zoning districts, the standards will serve to permit density of up to 20 units per acre. As a whole, the standards will allow flexibility for the design of the community by promoting diversity of housing types and lifestyles. As indicated on **Table 3R**, the total target number of residential units within the Swan Southlands community is **6,092**.

Table 3R, Density/Intensity Table provides a Unit Range for each Development Parcel. The Unit Range calculations are provided to show the potential range of units that may be possible based upon the zoning district of the development parcel. The actual unit count for the individual parcel may not exceed the maximum projected unit calculation indicated on the table, however, it may go below the minimum projected unit calculation indicated on the table, particularly within the Residential Transition Areas and the Noise Sensitive Overlay Zone. In the event that the actual acreage of any development parcel differs from the Specific Plan document at the time of platting by less than 20%, then all land uses within the development parcel(s) will be administratively adjusted proportionally to the adjusted acreage of the development parcel upon the survey or plat. A zoning line adjustment shall not be considered a lot split. In no case shall the maximum number of units within each Identity District go below net 4.0 RAC or above net 8.0 RAC,

with the exception of Identity District D within Section 12 due to the Residential Transition Areas and the Noise Sensitive Overlay Zone.

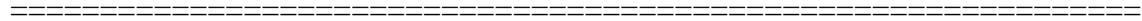
Due to the amount of open space, adjacent existing residential, and in consideration of compatible land use discussions with the airport, school district, and state prison, the densities in Section 12 are the lowest for the Planned Community. Coordination and compliance with the request of the TAA to minimize residential densities in Section 12 influenced the proposed land use plan. Proximity of the Tucson International Airport runway and the flight patterns in the area, the Tucson Airport Authority has requested that lower density residential and non-residential land uses be proposed within this Section. In coordination with the Tucson Airport Authority, a Noise Sensitive Overlay Zone has been applied to portions of Section 12 within identity District D to further reduce residential densities within specific areas of Section 12 (See Figure 14: Preliminary Development Plan for location of the Noise Sensitive Overlay Zone). Within the Noise Sensitive Overlay Zone, residential densities will not exceed 2.0 RAC.

Commercial / Mixed Use

Approximately 323 gross acres has been designated as mixed-use zoning in accordance with the Comprehensive Plan Land Use Amendment. The mixed-use land use category promotes a wide array of permitted principal uses, such as major retail, office, employment, entertainment and higher density residential.

The Swan Southland mixed-use centers have been dispersed throughout the community, as well as distributed between the various development phases. In order to promote pedestrian and non-motorized circulation, the goal of the Swan Southlands Specific Plan is for no residential property to be more than one and a half (1.5) miles from a mixed use center. Additionally, the Mixed Use centers have been located to take full advantage of proximity with major streets within the community to heighten retail exposure to the public and minimize traffic impacts on neighborhoods. The mixed-use centers will also be interconnected by a series of trails and open spaces distributed throughout the community to promote non-motorized access from within the individual neighborhoods.

The total amount of proposed square footage for the commercial/employment areas within the Swan Southlands Planned Community have been planned based on balanced land use ratios within the project and the adjacent Wildcat Subdivision in Section 11 immediately adjacent to the development. A total of



762,312 square feet of commercial and office/employment are proposed within the community. **The square footage of the correctional facility or other industrial uses will not count toward the specific plan’s commitment to provide convenient commercial services to specific plan residents and specifically to the specific plan’s commercial/employment square footage target number of 762, 312 square feet.**

Below is a summary of the overall target residential units and non-residential gross square footage proposed for the Swan Southlands Planned Community:

<u>Target Residential Units</u>	<u>Target Commercial/Employment Square Footage</u>
6,092 units	762,312 square feet

Schools and Open Space

The development of potential school sites and natural and active open spaces within the development are discussed in Sections II-N and II-O respectively.

Property Legal Description

The subject property consists of the following:

The north half of Section 10, Township 16 South, Range 14 East, Gila and Salt River Base and Meridian, Pima County, Arizona, EXCEPT the East 75 feet and north 325 feet thereof.

Lots 1 thru 8 inclusive of survey entitled SUNSET FARMS, according to Book 27 of Surveys, page 61, records of Pima County, Arizona, situated within the South half of Section 10, Township 16 South, Range 14 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

All of Section 12, EXCEPT the South 189.39 feet of the North 489.39 feet of the East 115 feet of the Northeast Quarter of the Northeast Quarter.

All of Sections 13 and 14 in Township 16 South, Range 14 East, Gila and Salt River Base and Meridian, Pima County, Arizona, EXCEPT any portion thereof within Wilmot Road as shown in Book 8 of Road Maps at page 42.

List of Ownership

Provided to Pima County with the initial Submittal packet.

Letter of Authorization

Provided to Pima County with the initial Submittal Packet.

Biological Impact Report

Provided as Appendix #6.

Compliance with Special Area Policy #5: Density

One of the overall goals and vision of the Swan Southlands Planned Community is to create a mix of housing types to ensure a diverse community. This goal is discussed

throughout **Part II: Land Use Proposal** of the Specific Plan. Additionally, as demonstrated on **Figure 14R and Figure 14 R, Option 1**, *Preliminary Development Plan*, higher residential development and Mixed Use parcels are planned adjacent to the major roadway alignments to support and encourage multi-modal transportation opportunities.

In addition to commercial and employment activities, the mixed use parcels provide for multi-family housing to promote high density residential development in these areas. The Specific Plan also identifies opportunities for the construction of various transportation facility improvements, including transit centers within the major mixed use parcels as well as additional bus bays at appropriate locations along the major roadways within the development to provide for future transit service. Overall net density for residential parcels with the Swan Southland Planned Community is 5.7 RAC.

Compliance with Special Area Policy #6: Commercial

Compliance with Special Area Policy #6 is inherent within the Preliminary Development Plan. The Plan, as defined with **Table 3R**, *Density/Intensity Table* contains 323 acres of MU zoning, under the allowable 360 acres. None of these acres intrude into the 300 foot transition area nor into the defined riparian or floodplain areas. The Mixed use parcels include commercial and office/employment uses as well as residential land uses. The approximate breakdown of residential and non-residential uses is defined within **Table 3R**, *Density/Intensity Table*.

"Identity District D Modification"

BOS Modified 6/15/2010

Swan Southlands
 Pima County, Arizona

MODIFICATION ONLY - AUGUST, 2010

MODIFICATION AREA

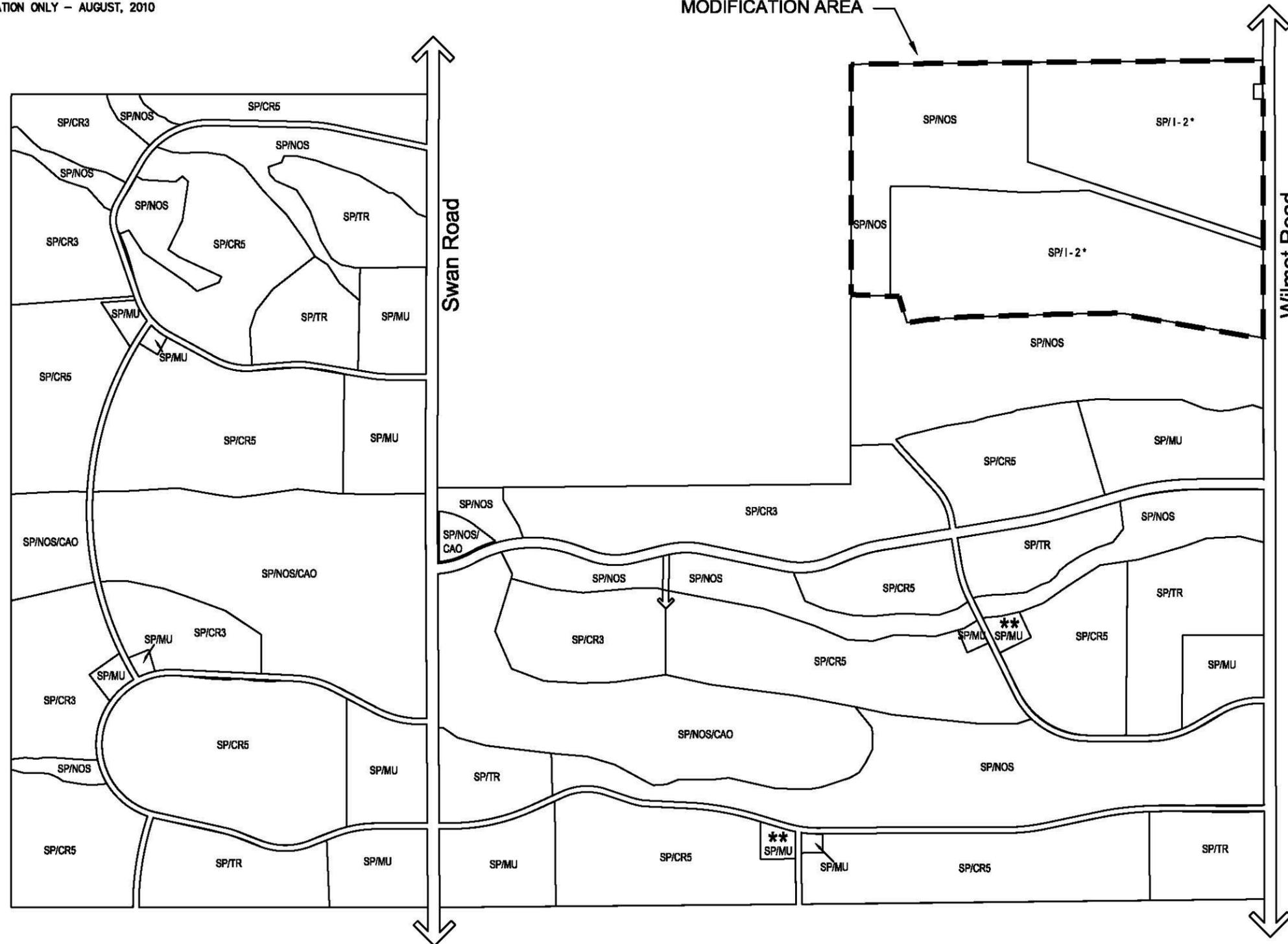
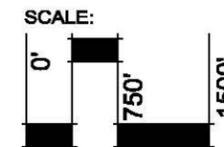


Figure 13R
Zoning Boundaries

LEGEND

- SP/CR3 - SINGLE FAMILY RESIDENTIAL
- SP/CR5 - SINGLE FAMILY RESIDENTIAL
- SP/TR - MIXED DWELLING TYPE RESIDENTIAL
- SP/MU - MIXED USE
- SP/NOS - NATURAL OPEN SPACE
- SP/CAO - CONSERVATION AREA OVERLAY
- SP/1-2* - INDUSTRIAL
- * - WILL ALLOW FOR CORRECTIONAL FACILITIES UNDER C I-3
- ** - SP/MU WITH PIMA COUNTY PUBLIC PARK OVERLAY. LOCATION TO BE DETERMINED AS DEVELOPMENT OCCURS IN IDENTITY DISTRICT C.



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"Identity District D Modification"

BOS Modified 6/15/2010

Swan Southlands

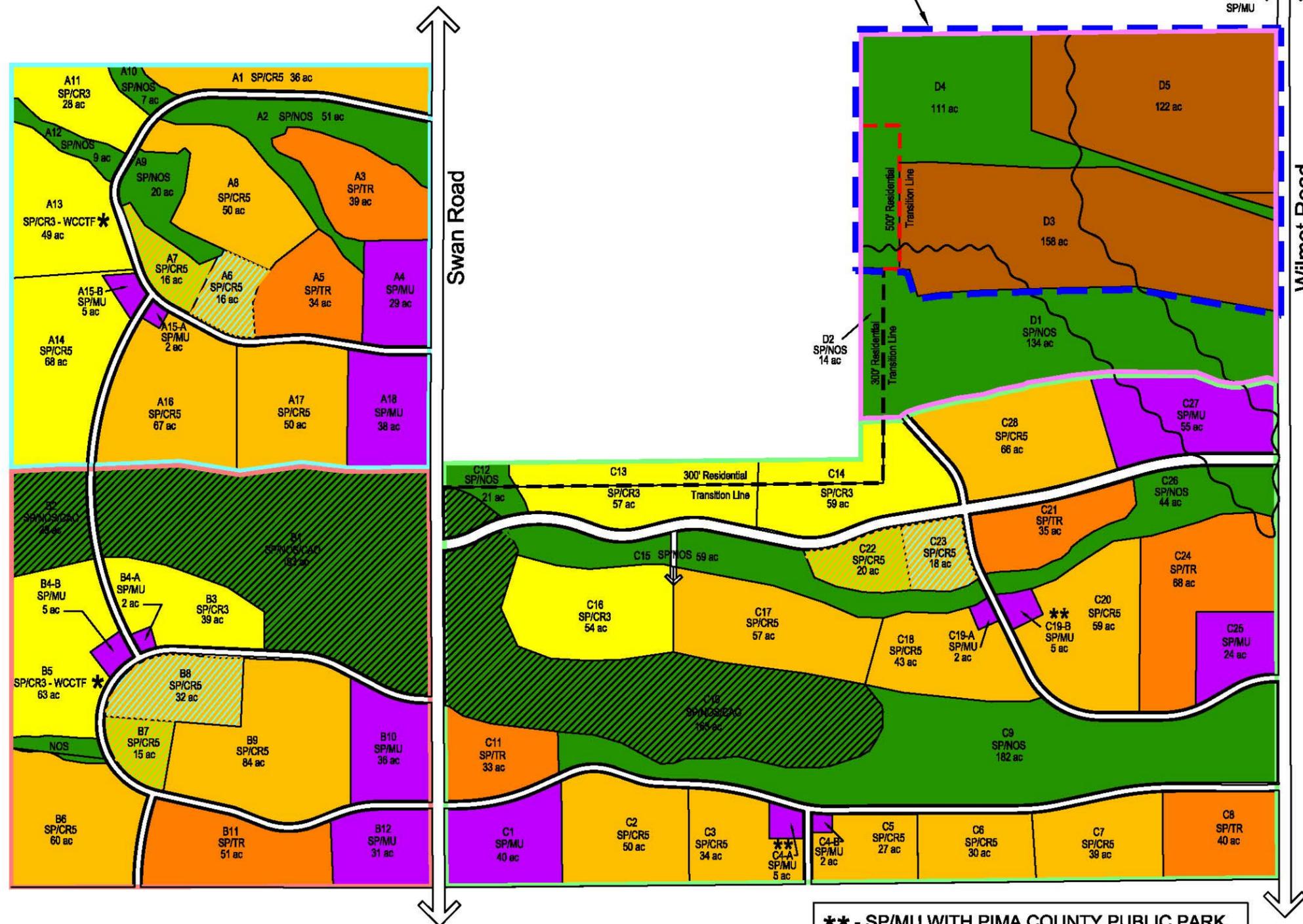
Pima County, Arizona

Figure 14R

Preliminary Development Plan

MODIFICATION ONLY - AUGUST, 2010

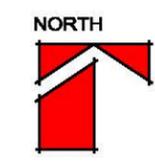
MODIFICATION AREA



LEGEND

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

**** - SP/MU WITH PIMA COUNTY PUBLIC PARK OVERLAY. LOCATION TO BE DETERMINED AS DEVELOPMENT OCCURS IN IDENTITY DISTRICT C.**



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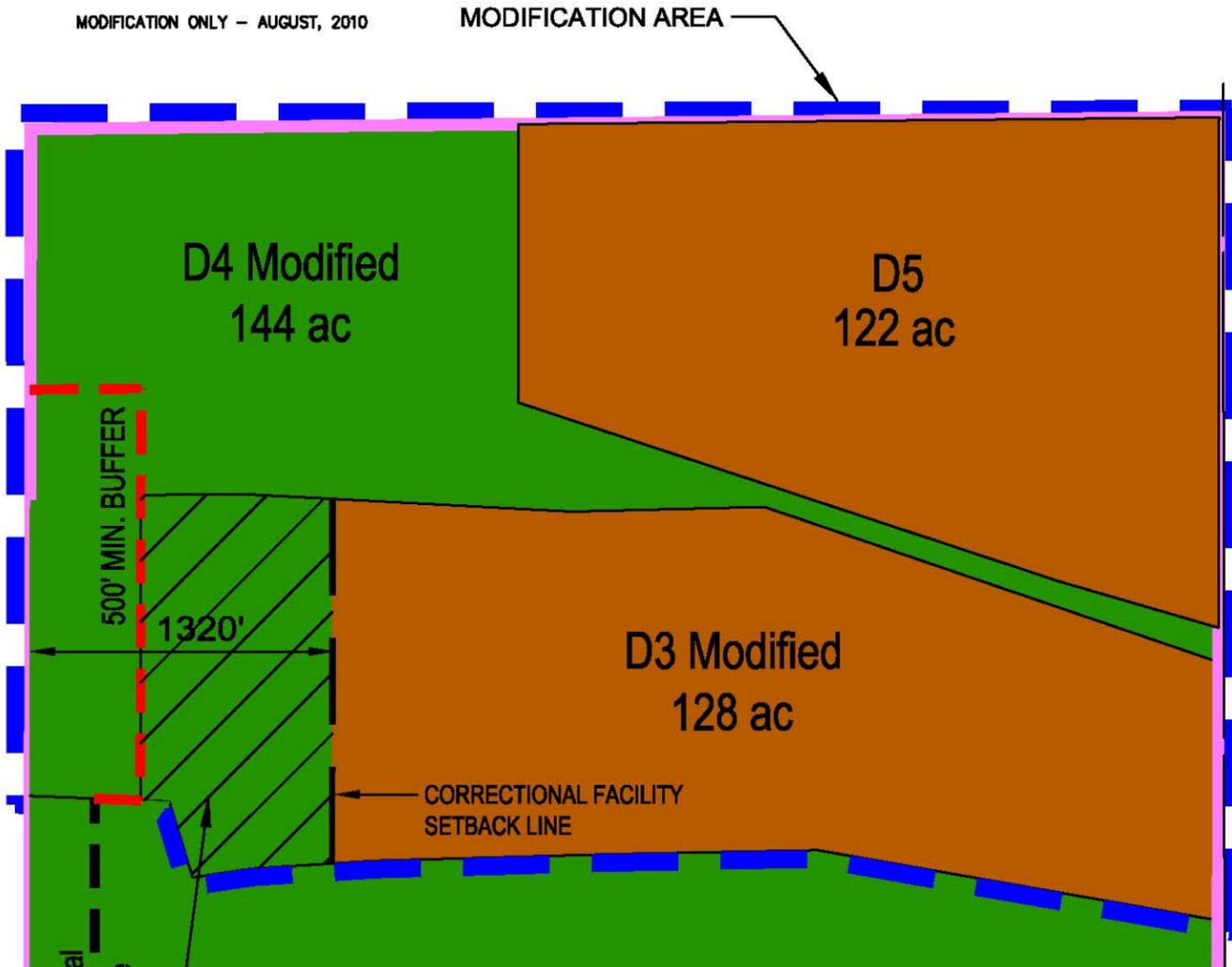
"Identity District D Modification"

BOS Modified 6/15/2010

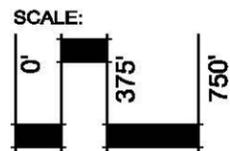
Swan Southlands

Pima County, Arizona

Figure 14R with Option 1 for Parcel D3
 Preliminary Development Plan

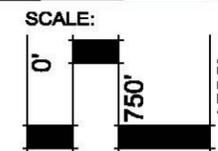
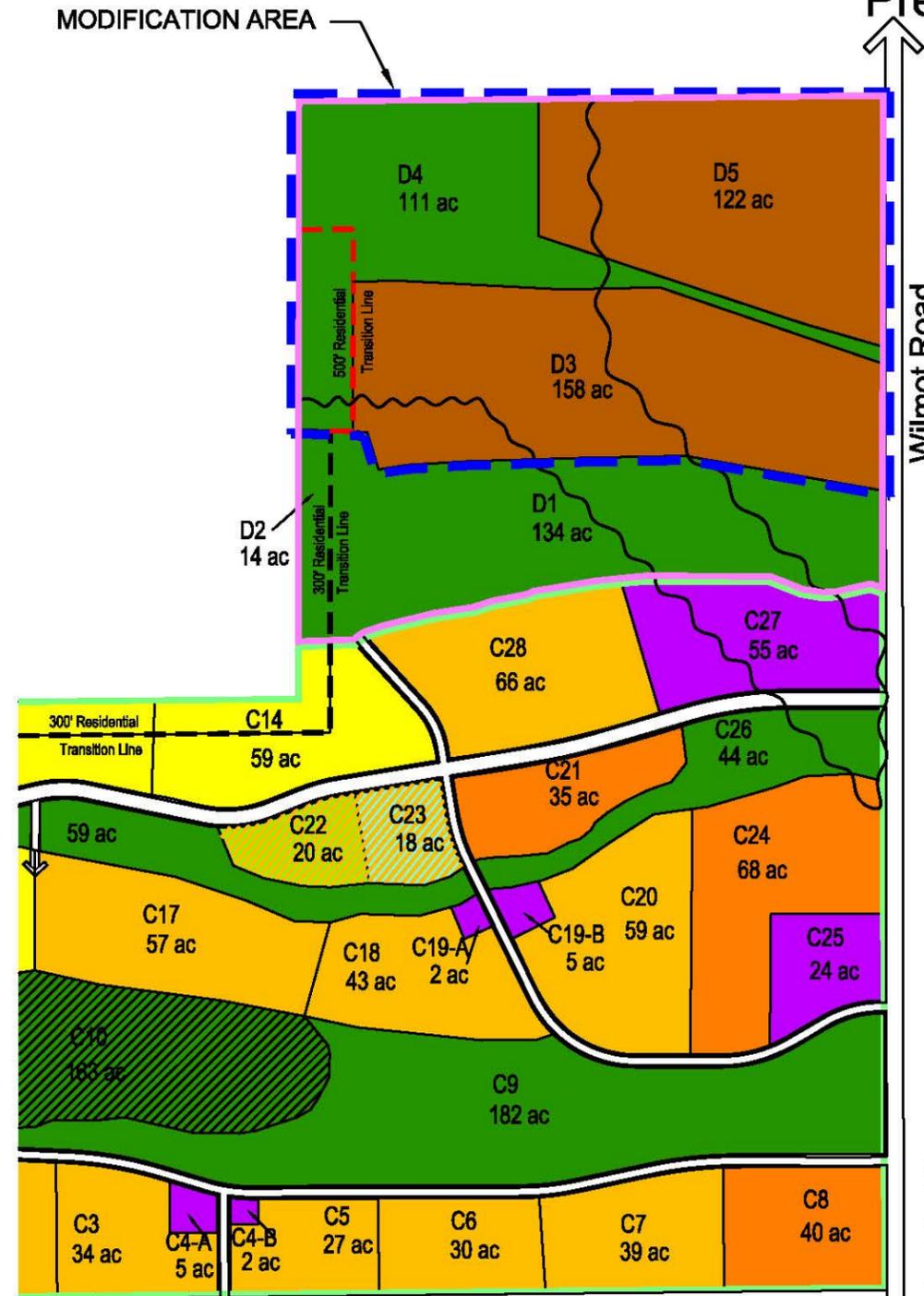


HATCH AREA = 33 ACRES



Option 1 Modification

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

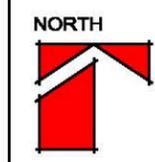


Current Modification

LEGEND

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

Wilmot Road



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**Table 3
Swan Southlands
Final Density Table**

Parcel Number	Zoning District	Approx. Gross Acres	Acres minus Perimeter Roads	Net Residential Dev. Acres	Zoning Density Range (low)	Zoning Density Range (high)	Target Density	Allowable Unit Range			Projected Gross Leasable Area-SF
								Low	High	Target	
District A - Summit Village											
A1	SP/CR-5	36	32	21	3.5	6	4.75	72	124	98	
A2	SP/NOS	51	46								
A3	SP/TR	39	38	25	5	8	6.50	123	196	159	
A4	SP/MU	29	26	13	10	20	10.00	127	254	152	42,521
A5	SP/TR	34	33	21	5	8	6.50	107	171	139	
A6	SP/CR-5 (School)	16	15		3.5	6		*34	*59		
A7	SP/CR-5 (Park)	16	15		3.5	6		*34	*59		
A8	SP/CR-5	50	50	32	3.5	6	4.75	114	195	154	
A9	SP/NOS	20	19								
A10	SP/NOS	7	6								
A11	SP/CR-3	28	28	18	2.5	4	3.00	45	72	54	
A12	SP/NOS	9	9								
A13	SP/CR-3(*WCCTF	49	48	31	2.5	4	3.00	79	126	94	
A14	SP/CR-5	68	66	43	3.5	6	4.75	151	259	205	
A15A	SP/MU	2	2								13,411
A15B	SP/MU	5	4								26,303
A16	SP/CR-5	67	64	42	3.5	6	4.75	146	250	198	
A17	SP/CR-5	50	49	32	3.5	6	4.75	112	192	152	
A18	SP/MU	38	35	17	10	20	10.00	169	339	203	56,748
Subtotal		614	585	295			5.5			1,609	138,982
District B - Desert Park Village											
B1	SP/NOS	193	186								
B2	SP/NOS	29	28								
B3	SP/CR-3	39	37	24	2.5	4	3.00	60	96	72	
B4A	SP/MU	2	2								10,153
B4B	SP/MU	5	4								24,935
B5	SP/CR-3 (*WCCTF	63	61	40	2.5	4	3.00	100	160	120	
B6	SP/CR-5	60	58	38	3.5	6	5.50	133	228	209	
B7	SP/CR-5 (Park)	15	14		3.5	6		*31	*54		
B8	SP/CR-5 (School)	32	30		3.5	6		*44	*117		
B9	SP/CR-5	84	81	53	3.5	6	5.50	185	317	290	
B10	SP/MU	36	32	16	10	20		155	310	248	62,411
B11	SP/TR	51	48	31	5	8	6.50	241	250	203	
B12	SP/MU	31	28	18	10	20		182	363	291	
Subtotal		640	609	219			6.5			1,433	97,498
District C - Desert View Village											
C1	SP/MU	40	37	19	10	20	10.00	191	382	306	48,059
C2	SP/CR-5	50	49	32	3.5	6	4.75	111	190	150	
C3	SP/CR-5	34	33	21	5	8	6.50	106	170	138	
C4A	SP/MU	5	4								31,989
C4B	SP/MU	2	2								11,831
C5	SP/CR-5	27	26	17	3.5	6	4.75	58	100	79	
C6	SP/CR-5	30	29	19	3.5	6	4.75	67	114	90	
C7	SP/CR-5	39	37	24	3.5	6	4.75	85	146	115	

**Table 3
Swan Southlands
Final Density Table**

Parcel Number	Land Use Category	Approx. Gross Acres	Acres minus Perimeter Roads	Net Residential Dev. Acres	Land Use Density Range (low)	Land Use Density Range (high)	Target Density	Unit Range			Projected Gross Leasable Area-SF
								Low	High	Target	
C8	SP/TR	40	37	24	2.5	4	3.75	60	97	91	
C9	SP/NOS	182	169								
C10	SP/NOS	163	158								
C11	SP/TR	33	29	19	5	8	6.00	95	151	113	
C12	SP/NOS	21	17								
C13	SP/CR-3	57	53	34	2.5	4	3.00	86	137	103	
C14	SP/CR-3	59	54	35	2.5	4	3.00	88	141	105	
C15	SP/NOS	59	53								
C16	SP/CR-3	54	54	35	2.5	4	3.50	88	141	123	
C17	SP/CR-5	57	57	37	3.5	6	4.75	130	223	177	
C18	SP/CR-5	43	42	27	5	10	7.00	137	274	192	
C19A	SP/MU	2	2								15,501
C19B	SP/MU	5	4								33,326
C20	SP/CR-5	59	58	37	3.5	6	4.75	131	224	178	
C21	SP/TR	35	32	21	5	10	7.00	103	205	144	
C22	SP/CR-5 (Park)	20	18		3.5	6		*40	*68		
C23	SP/CR-5 (School)	18	16		3.5	6		*37	*63		
C24	SP/TR	68	65	42	5	10	6.50	211	422	274	
C25	SP/MU	24	22	11	10	20	6.24	115	230	138	28,886
C26	SP/NOS	44	39								
C27	SP/MU	55	50	26	10	20	10.00	262	525	344	52,753
C28	SP/CR-5	66	62	40	3.5	6	4.75	140	240	190	
Subtotal		1391	1308	522			5.8			3,051	222,345
District D - Gateway Village											
D1	SP/NOS	134	131								
D2	SP/NOS	14	13								
D3	SP/I-2 w I-3 USE	158	158								
D4	SP/NOS	111	105								
D5	SP/I-2 w I-3 USE	122	122								
Subtotal		539	529	0				0	0	0	-
Total		3,185	3,030	1,036						6,092	458,825
Overall Target Density		5.9								5.9	

* Land use densities for school and park sites are based on underlying SP/CR5 and/or SP/MU zoning districts. Unit counts and gross leasable square footage represented on the Table are not counted toward overall unit counts or gross leasable area within the Identity District or the overall totals, but are represented to depict total allowable units or gross leasable square footage on said development parcel if the school or park site were to be relocated within the Identity District.

Single Family Residential Totals 1465.0 1403.3 1036.3

Zoning District	Gross	Gross - Perimeter Roads	Net Developable Acres	% total	Total Units
SP/CR3	349	335	218	11%	671
SP/CR5	816	787	516	43%	2,616
SP/TR	300	282	183	18%	1,124
SP/I-2 w I-3 USE	280	280			
SP/MU	271	243	120	28%	1,682
Parks/Schools/Public Use	117	108		100%	6,092
NOS/Cons.	1,052	996			
Total	3,184	3,030	1,036		
Approximate Residential Acres in MU	204	185			

II-C EXISTING LAND USES

II-C.1. Effect of Proposed Development on Existing Land Use

The proposed development will have no adverse effect on the existing land uses on the site since the site consists entirely of vacant land. Impacts to existing land uses surrounding the site will be addressed through the Preliminary Development Plan by the location of transitional land uses around the perimeter of the development, residential transition areas, noise sensitive overlay zone, bufferyards, and placement of lower density single story residential land uses with additional development restrictions and open space areas adjacent to existing residential developments. A majority of the property surrounding the site is vacant. A State Prison complex is adjacent to the northern boundary of Section 12, but significant setbacks exist to provide an adequate buffer between prison activity and the subject property. Discussions and meetings with the Arizona Department of Corrections have been held to review the proposed land uses in Section 12. Section 11 and the southern portion of Section 3 include some low density rural residential development. Although views of the existing site will change from vacant land to a developed property, adequate landscape bufferyards and transitional residential densities will be provided adjacent to existing residential development. Additionally, restrictions on building heights within the residential transition areas will minimize impacts of distant views and vistas through the property to the surrounding mountains in the distance. Prior to submittal of the Specific Plan application, three meetings were held with residents to discuss uses within the transition areas and listen to questions and concerns. No commercial land uses are planned immediately adjacent to existing residential to minimize lighting, noise and traffic concerns. Public parks will provide opportunities for adjacent residents’ recreation, and future commercial has the potential to reduce road trips. Fencing will restrict livestock from current open range access onto homesites and public roadways. Tucson Airport Authority and Tucson International Airport operations will not be negatively impacted by this development. Open space, commercial and public uses, and lower densities in the noise sensitive overlay zone specifically respond to minimize impacts. **The Modification Area integrates urban industrial uses on Parcel D-3 and a correctional facility on Parcel D-5. (Parcel D-3 may allow correctional use subject to a Type 3 Conditional Use Permit).**

II-C.2. Compare Development Characteristics of Adjacent Land Uses

Most of the surrounding land immediately adjacent to the subject property is vacant land with a future high growth area designation by the City of Tucson General Plan. A portion of the property immediately adjacent to the subject property includes low density, rural residential development, as shown on **Figure 3R**, *Surrounding Zoning and Land Use*. The planned land uses on site immediately adjacent to the existing low density residential development consists of single family residential with a 300 foot residential transition area of very low density residential (approximately 1.5 RAC gross). **The buffer area adjacent to parcel D-3 is increased to a minimum of 500-feet.** There is also a State Prison complex immediately north of Section 12, although the first building within the prison complex is approximately 800 feet from the Swan Southlands northern property line. The planned land uses on site immediately adjacent to the State Prison complex include **a correctional**

facility on parcel D-5 and permissible industrial uses on parcel D-3. Parcel D-3 may allow correctional use subject to a Type 3 Conditional Use Permit. The proposed land uses on the subject property are designed to address compatibility issues with existing surrounding land uses. Although overall residential densities are higher than the existing adjacent residential development, the plan proposes various mitigation measures to soften the impacts to those properties, such as the placement of Project Natural Open Space, and 300 foot residential transition areas (a minimum of 500-feet adjacent to parcel D-3) with much lower density requirements (1.5 RAC net), are restricted to single story adjacent to existing residential development, and bufferyards to further provide visual buffers to adjacent uses. Further, no commercial or mixed use parcels are proposed adjacent to existing residential development. Also, a noise sensitive overlay zone is proposed along the TIA extended flight path to minimize impacts to residential units within the area.

II-D TOPOGRAPHY

There are no significant topographic features or slopes exceeding 15% on the site. The steepest slopes on the site are the channel banks on the Franco Wash in the north half of section 10. Since the entire Franco Wash floodprone area is to be left natural, these steep banks will be undisturbed. **Figure 15R**, *Topography (Post Development Impacts)*, shows the development overlaid on the existing topography.

Because of the relative flatness of the site, most of the project can be graded with cuts and fills of less than five feet. There is a potential that there could be some cuts and fills that exceed this amount, however in no case would cuts and fills be expected to exceed ten feet. Areas of potential cut and fill greater than five feet are associated with road construction. **Figure 15R** shows the areas of potential cuts and fills exceeding five feet.

There will be very little topographic impact to the surrounding properties due to the relatively flat terrain. Elevation differences along the boundary are not expected to be severe and will be dealt with through the use of flat (3:1) unprotected, revegetated slopes or steeper (1.5:1 to 2:1) rip-rapped slopes.

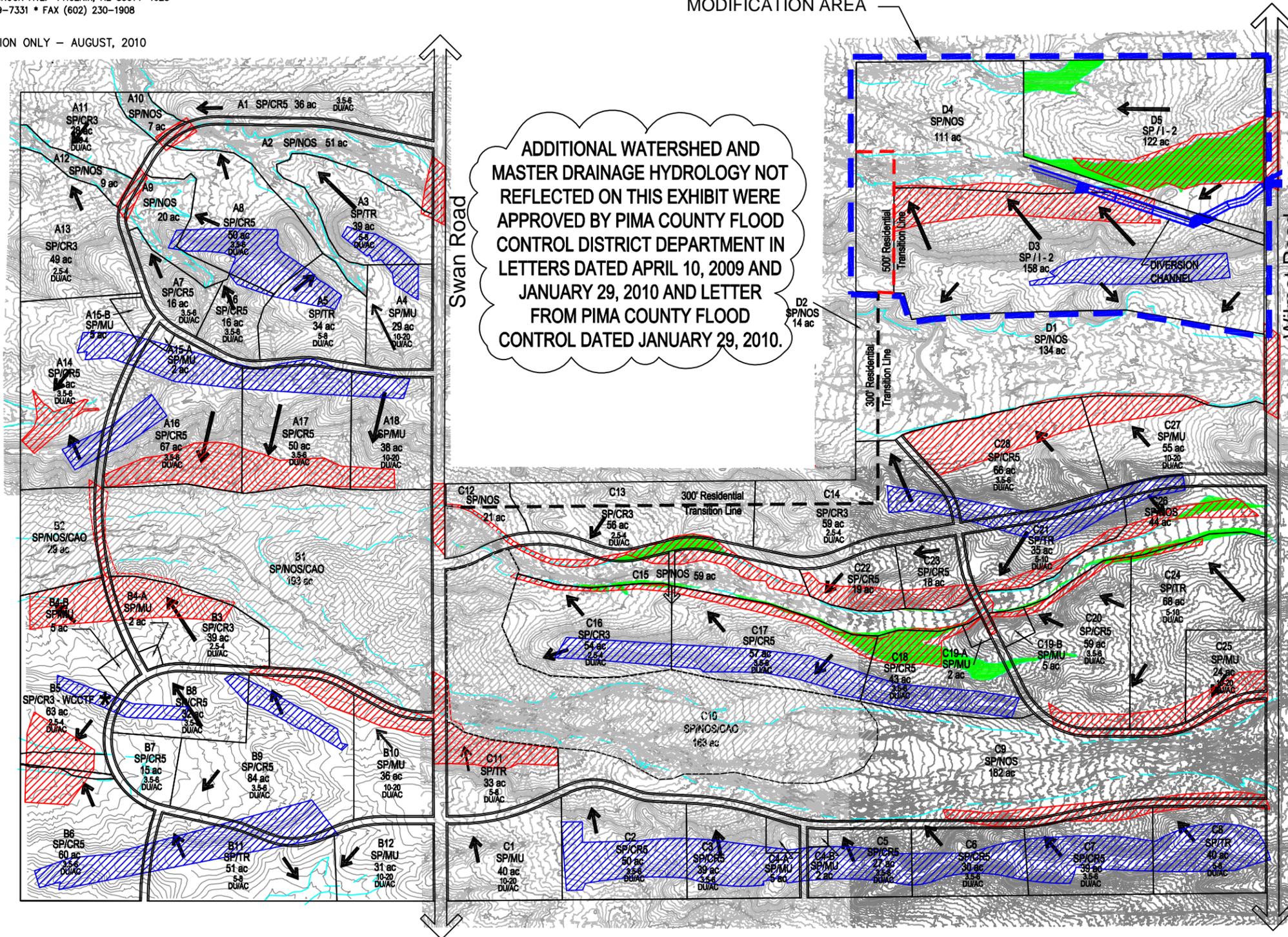
"Identity District D Modification"

BOS Modified 6/15/2010
 MODIFICATION AREA

Swan Southlands
 Pima County, Arizona

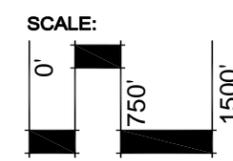
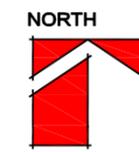
MODIFICATION ONLY - AUGUST, 2010

Figure 15R
 Topography (Post
 Development Impacts)



ADDITIONAL WATERSHED AND
 MASTER DRAINAGE HYDROLOGY NOT
 REFLECTED ON THIS EXHIBIT WERE
 APPROVED BY PIMA COUNTY FLOOD
 CONTROL DISTRICT DEPARTMENT IN
 LETTERS DATED APRIL 10, 2009 AND
 JANUARY 29, 2010 AND LETTER
 FROM PIMA COUNTY FLOOD
 CONTROL DATED JANUARY 29, 2010.

- LEGEND**
- SITE BOUNDARY
 - LIMITS OF 100-YR FLOODPLAIN
 - PROPOSED 100-YR FLOODPLAIN ENCROACHMENT
 - CUT AREA GREATER THAN 5 FEET
 - FILL AREA GREATER THAN 5 FEET
 - DEVELOPMENT CONDITION DIRECTION OF FLOW



Date: 04-28-04
 Rev. Date: 03-25-10
 Job# 185621272
 Drawn By: jww

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II-E HYDROLOGY

The Proposed Development Plan has been designed to allow almost all of the washes and the riparian vegetation along the watercourses to remain in their natural state, as shown on **Figure 16R**, *Hydrology (Post Development Flows)*. Because almost all of the drainage areas will be left natural, this development will have very little impact on the drainage patterns on or adjacent to the site. Detention and retention basins within each Zoning District will support this. The 100-year floodplain for washes that have a flow in excess of 250 c.f.s. total 658 acres. Approximately 991 acres of land are to be set aside as Project Natural Open Space (discussed further in Section II-F.1).

With the exception of Parcel D-5, which was approved by the Flood Control District and shown on exhibits 15R and 16R, the only areas where encroachments will occur to the 100-year floodplains of washes that have flows in excess of 250 cfs will be at roadway crossings and along the north tributary to the Flato Wash. This wash is relatively small with a 100-year discharge of less than 450 c.f.s. The roadway which impacts the north tributary is a critical east/west connector through the site which will provide access from Swan Road to Wilmot with a connection east to Kolb Road. The location of this roadway has been established after numerous meetings with adjacent residents and members of county staff. The roadway was pulled away from the section line to its current location to accommodate the need for an urban arterial and to keep urban traffic away from the rural development in section 11. The proposed development plan shows that very little encroachment into the floodplain is proposed. The encroachment will be constructed such that it will allow the natural riparian area to remain along the primary flow line and continuity of the corridor will be maintained. The edges will then be raised to confine the 100-year discharge. The total disturbance to this 100-year floodplain is less than 45 acres or less than 5% of the overall development area to be preserved in the Flato system.

The existing stock pond located in section 12 has created an upstream riparian area. In addition, it provides some level of flood control to the downstream neighbors in section 11, although the amount of flow reduction has not been established. This project will leave the pond in its existing state and will utilize onsite retention/detention, so the pond will not be subjected to greater flows once development occurs. It is our understanding that building permits were issued to residences downstream based on a dam break analysis and therefore there should not be a problem if the pond should naturally breach at some point in the future.

The included Concept Drainage Study has identified tributary drainage areas and 100 year peak flows have been calculated and are shown on **Figure 6**. The post-development flow rates on **Figure 16R** are shown without the benefit of onsite retention or detention. These are shown for reference only, as onsite retention and detention will be used within this development. The peak flow calculations are conceptual in nature and provide a preliminary estimate of flow volumes and are subject to change when the Master Drainage Study and Watershed Master Plan, including analysis of the upstream braided conditions that can or may actually contribute flood flows to and through the development, is prepared prior to platting.

=====

The development has been designed to minimize the number of roadway crossings while still providing adequate vehicular circulation, as any crossings will have an impact on the flow characteristics of the wash. Conceptual roadway crossings have not been designed at this time, but will be addressed at the time of platting of the development and will comply with current Pima County policy for roadway crossings, unless determined otherwise in the Master Drainage Study.

The site is not located within a balanced or critical basin, per the *Critical and Balanced Basins map*, Pima County, Arizona. However, based on discussions with Pima County Flood Control District staff, it will be treated as a Balanced Basin and both detention and threshold retention will be required. The detention and retention storage will be constructed within each Zoning District, possibly on a block by block basis and basin locations and sizes will be identified on individual tentative plat/development plan submittals at the time of their development.

Erosion Hazard Setbacks on this project will be incorporated in accordance with Chapter 16.40 of the Pima County Code. There are no watercourses with base flood peak discharges in excess of 10,000 cfs. The South Flato Wash and main Franco Wash are major watercourses and will require a building setback of 100 feet. All other watercourses on the property, including tributaries of the Flato and Franco Wash, are minor washes and will have a building setback of fifty feet. As erosion hazard setbacks are a function of the base flood peak discharge, these setbacks are subject to change when the Master Drainage Study is completed as part of the initial platting phase.

Special Area Policy #3, approved as part of the Comprehensive Plan Amendment stipulates that the developer will prepare a hydrology study for the Franco and Flato Wash systems. As discussed previously, a Concept Study is included in Section I-C. A Master Drainage Study will be submitted with the initial platting documents and will address:

- a. more detailed analysis of 100-year peak discharges utilizing a program such as HEC-1. An analysis will be made to determine the potential for upstream flow splits (distributed flow) and the results will be utilized in the determination of 100-year design flows for the Flato and Franco wash systems.
- b. Flood prone areas will be recalculated utilizing programs such as HEC-2 or HEC-RAS for the wash systems based on the appropriate discharges established in “a.”, above. This on-site modeling will be based on 1-foot contour topography.
- c. An analysis of potential for upstream improvements on Pima County property west of Houghton Road to prevent flows from breaking out of their natural basins will be provided.
- d. Analysis of all-weather access to all development blocks, including conceptual design of roadway crossings of the major watercourses. This study will address the impacts on sediment transport and riparian habitat. It will also provide concept bridge, culvert or dip section design and phasing for all roadway crossings and funding mechanisms for the project build-out.

- =====
- e. Current mapping to analyze hydrology detailed floodplain modeling, erosion hazard setbacks, opportunities for regional detention to reduce onsite detention, Section 404 impacts to waters of the United States and related endangered species, limiting encroachment, public maintenance concerns and private maintenance by the future homeowners’ association.

Because of the design concept, there will be no significant impact to either the drainage on the site or after it leaves the development. A mitigation plan will be prepared and approved for this area in accordance with the *Watercourse and Riparian Habitat Protection and Mitigation Requirements* in conjunction with the plat and as specified in the *Pima County Floodplain and Erosion Hazard Management Ordinance*

Compliance with Special Area Policy #2: Riparian Areas

The proposed project will cause minimal intrusion of the land area identified by this Special Area Policy (Project Riparian Areas). Most of the proposed intrusion areas are within low to moderate value riparian habitat. This intrusion will not significantly interrupt or otherwise obstruct the upstream or downstream continuity of hydrologic and geomorphic process. Further, impacts to these areas will be offset in a manner that provides for the enhanced function and value of the remaining riparian areas and thus result in greater environmental benefit. These increased values will be achieved through the enhancement of existing riparian areas that have been adversely impacted by past and existing land use activities. Increased values will also be achieved through seeking viable mechanisms for the restoration of habitats (112 acres) that are currently degraded and no longer function as riparian areas. The specific means and methods of achieving this objective will be identified in the Final Riparian Restoration and Mitigation Plan to be submitted to the County and approved by the Flood Control District and Development Services Environmental Planning Manager prior to the approval of the first tentative block subdivision plat. The Final Riparian Restoration and Mitigation Plan will: 1) provide for regional connectivity of wildlife habitat consistent with the objectives of the County’s CLS; 2) delineate specific boundaries for preservation of riparian areas within the Swan Southlands; 3) identify restoration and enhancement opportunities that will improve values of these areas for recharge, erosion and sediment control (water quality), wildlife habitat, and regional habitat connectivity; 4) provide plans for the achievement of restoration and enhancement goals necessary to comply with Special Area Policy #2 and Chapter 16.54 of the Pima County Floodplain and Erosion Hazard Management Ordinance; and 5) identify specific management actions necessary to sustain preservation goals on a long-term basis.

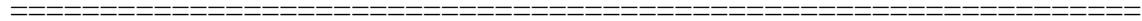
Compliance with Special Area Policy #3: Hydrology

Compliance with Special Area Policy #3 is demonstrated by the hydrologic information contained with this Section of the Specific Plan, more particularly by the Swan Southlands Concept Hydrology Report included in Section I-C and by the Master Drainage Study to be submitted with the Master Block Plat Tentative Plat.

Title 16 Requirements: Pima County Flood Control District

In relation to Title 16 requirements of the Pima County Flood Control District, below is additional clarification as requested by the Flood Control District:

1. A detailed Master Drainage Study and Watershed Master Plan is required for the Master Block Plat or when the first block is developed. The Master Drainage Study and Watershed Master Plan will include a detailed hydrologic and hydraulic analysis for the watersheds that can or may actually contribute flood flows to and through the development and shall include but is not limited to: major offsite drainage areas impacting all blocks studied by detailed methods like HEC-1, use 1-foot contour intervals for on-site floodplain modeling by HEC-2 or HEC-RAS that may produce wider or narrower floodplains affecting planned intrusion areas, erosion hazard setback analysis including bank protected areas, opportunities for regional detention to reduce onsite detention, identify Section 404 jurisdictional waters and impacts, identify on-site drainage infrastructure needs, relevant off-site drainage infrastructure needs, and funding mechanisms, public maintenance concerns, and private drainage maintenance by the future homeowners association.
2. Approximate acreage of currently adopted FCD Regulated Riparian Areas within the 3,184 acre Specific Plan boundaries and estimations of encroachments are as follows: Section 10: 22.32 acres with 2.18 acres of encroachment, Section 12: 17.64 acres with 0.18 acres of encroachment, Section 13: 39.95 acres with 4.18 acres of encroachment, Section 14: 15.63 acres with 0.60 acres of encroachment Section 15: 40.33 acres with 7.23 acres of encroachment. The approximate totals for the 3,184 acre Specific Plan are 135.87 acres of Class A, B, C Regulated Riparian Areas with about 14.37 acres of encroachment. The 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.
3. A Riparian Mitigation Plan, as required by Pima County Code Title 16 for areas of encroachment into FCD regulated areas, shall be included in the Master Drainage Study. The plan should evaluate, prioritize and identify floodplains and riparian habitats that are to be protected; mitigated for loss of habitat and or restored including showing the location of loss/degraded areas, location of mitigation / restoration and type of mitigation / restoration. The Conceptual Riparian Restoration Plan submitted with the Specific Plan in compliance with Comprehensive Plan Special Area Policy #2 and the recommendations of the Design Review Committee for the restoration activities within the Native Plan Preservation Ordinance 30% set-aside may



sufficiently address the Riparian Mitigation Plan requirements of Title 16. The use by the developer of the proposed, but not adopted FCD (i.e., the Harris maps) for delineating riparian areas within the Specific Plan may, in and of itself, provide sufficient areas of protection to comply with this requirement.

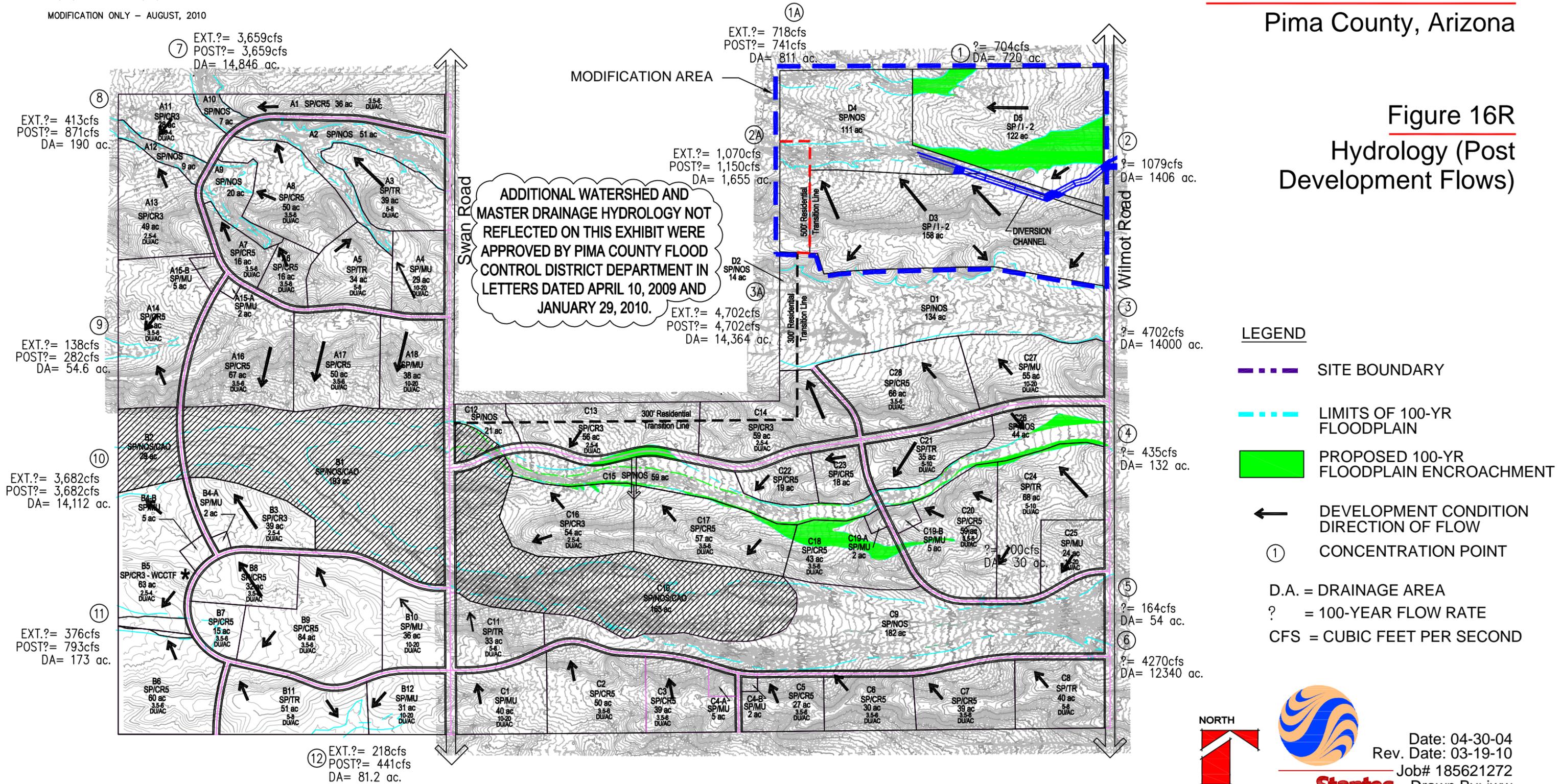
4. FCD acknowledges that detailed engineering for infrastructure may identify hydrologic constraints impacting public health, safety, and welfare including providing flood control and erosion control and maintenance access for same as necessary for the proposed development area. In this occurrence, public health, safety and welfare is the priority, while also considering maintenance of flows within the washes and protection of riparian habitat. The Developer should work in conjunction with the Flood Control District and the Department of Transportation and the Environmental Manager to effectively plan and maintain infrastructure.

"Identity District D Modification"

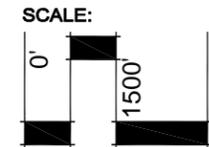
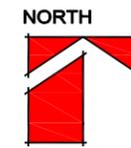
BOS Modified 6/15/2010

Swan Southlands
 Pima County, Arizona

Figure 16R
 Hydrology (Post Development Flows)



NOTE: POST DEVELOPMENT Q₁₀₀ VALUES ARE SHOWN WITHOUT BENEFIT OF RETENTION / DETENTION FOR REFERENCE ONLY. RETENTION / DETENTION WILL BE EMPLOYED SUCH THAT ALL FLOWS EXITING THE SITE WILL BE AT OR BELOW THE EXISTING Q₁₀₀ VALUE.



Date: 04-30-04
 Rev. Date: 03-19-10
 Job# 185621272
 Drawn By: jww

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II-F VEGETATION

II-F.1. Areas of Intrusion

Approximately 991 acres will be preserved as Project Natural Open Space (SP/NOS). The designation of SP/NOS is focused on those areas biologically significant, provide buffer to adjacent landowners, provide habitat for Pima pineapple cactus (PPC), and that include important cultural and archaeological resources. These areas make up the 30-percent set-aside requirement (955 acres) for the Native Plant Preservation Ordinance (NPPO), thus qualifying the project for compliance with the set-aside method of the NPPO, and include thirty-six (36) acres in excess of the NPPO set-aside requirement. These areas include lands that are identified as Important Riparian Areas within the Sonoran Desert Conservation Plan (SDCP) Conservation Lands System (CLS), FCD Regulated Riparian Areas adopted by Pima County Flood Control District as regulated under Chapter 16.54 of the Pima County Floodplain and Erosion Hazard Management Ordinance, FCD Proposed Riparian Areas proposed for future adoption by Pima County Flood Control District as identified in Map Revisions for the Riparian Habitat Mitigation Ordinance¹, and upland areas. Activities that will be allowed within SP/NOS, as recommended by the Design Review Committee (DRC), include riparian mitigation and restoration activities per the Swan Southlands Conceptual Riparian Mitigation and Restoration Plan (Appendix 10) and PPC transplant study and propagation per the Proposal for Ten-year Study of Pima Pineapple Cactus on Swan Southlands: Survey, Transplant, Monitor, and Experimental Treatment (Appendix 11). Additionally, per DRC recommendation, 36 acres of the total 991 acres may include passive recreation opportunities such as non-motorized trails and interpretive facilities for education (i.e. signage, kiosks, and ramadas). Pima County Parks and Recreation staff, along with the Flood Control District and the Development Services Environmental Planning Manager will be involved in the planning for the placement and design of the passive recreation trail system. The ultimate design and placement of passive recreational facilities will be determined at the time of final platting and will be subject to the County’s approval.

The SP/NOS will also include a Conservation Area Overlay (SP/NOS/CAO), a formally recorded Conservation Easement and Deed Restriction that will run with the land to further protect the property from disturbance and development activity. Some restricted activities within the SP/NOS/CAO will include construction of residential and commercial development, and motorized vehicular traffic other than on public roadways. A Conservation Management Agreement will be submitted to the County at the time of platting and will be subject to County approval; this agreement will identify a third party holder(s) of the easement and other allowed and restricted uses within the SP/NOS/CAO.

II-F.2. Riparian Habitat

The area of Project Riparian Habitat (approximately 624 acres) was determined using floodplain data provided by Stantec, Inc.; Important Riparian Area and SDPC riparian

maps provided by Pima County Technical Services¹; and site-specific vegetation mapping efforts. FCD Regulated Riparian Areas (approximately 136 acres) mainly occur within the Project Riparian Areas. **Figure 11**, *FCD Regulated Riparian Areas*, shows FCD Regulated Riparian Areas in relation to those areas designated as Project Riparian Habitat within the Specific Plan Area.

II-F.2.a Impacts to Riparian Habitat

The Swan Southlands Specific Plan has been designed to preserve to the maximum extent practical the highest value riparian habitats on site and to protect riparian habitats that provide regional connectivity and opportunity for enhancement and restoration. Throughout the planning process for this Master Planned Community Important Riparian Areas pursuant to the Sonoran Desert Conservation Plan Conservation Lands System and FCD Proposed Riparian Areas pursuant to Map Revisions for the Riparian Habitat Mitigation Ordinance¹, whose areas cover considerably more land than the FCD Regulated Riparian Areas (see **Figure 11**, *FCD Regulated Riparian Habitats*), were used to design the development footprint. In total, approximately 560 acres of Project Riparian Areas will be protected within Project Natural Open Space while FCD Regulated Riparian Areas within the Specific Plan Area consist of only approximately 136 acres.

The proposed private development activities plus improvements of public arterial roadways that traverse the project (Swan and Wilmot Roads) will impact approximately 65 acres (10.4 percent) of the Project Riparian Habitat. The following table shows the intrusion acreages of Project Riparian Habitat by drainage and by private impacts vs. public road improvement impacts.

¹ Pima County specifically states that their mapping data provided as GIS layers is for illustrative purposes only and should not be used for engineering or survey. Therefore, lateral; boundaries of Project Riparian Habitats in the Specific Plan Area are based on site specific field review by WestLand and engineering base mapping provided by Stantec, Inc.

Table 3a

Project Riparian Habitat Intrusion Acreages					
Project Riparian Area Name (Drainage names provided on Figure 7)	Private Impacts	Public Road Improvement Impacts	Total Impacts	Total Project Riparian Acreage	Percent Impact to Project Riparian Habitat
Flato Main Channel	1.4	0.0	1.4	27.5	5.2%
South Flato	0.6	7.7	8.3	253.9	3.3%
North Flato	29.4	2.1	31.5	138.2	22.8%
Flato Tributary 1	4.1	0.0	4.1	10.4	39.5%
Flato Tributary 2	6.1	0.0	6.1	6.1	100.0%
Franco Main Channel	5.8	2.4	8.2	123.2	6.7%
Franco Tributaries 1 & 2	17.28	2.4	19.68	33.6	58.57%
Franco Tributary 3	3.6	0.0	0.0	7.7	46.75%
Franco Tributary 4	1.4	0.0	1.4	9.2	15.1%
Franco Tributary 5	1.6	0.0	1.6	14.7	10.7%
TOTAL	71.28	14.6	82.28	624.60	13.17%
Flato Drainage System	41.6	9.8	51.4	436.2	11.78%
Franco Drainage System	29.68	4.8	30.88	188.4	16.39%
TOTAL	71.28	14.6	82.28	624.60	13.17%

II-F.2.b Riparian Habitat Mitigation Measures

Mitigation for unavoidable impacts to Project Riparian Habitat will be provided in accordance with Special Area Policy No. 2 and Pima County’s NPPO with approved variances. The Project Riparian Areas consist of approximately 624 acres of riparian habitat that are being used in the lead methodology for mitigation for this project pursuant to Special Area Policy #2. The implementation of mitigation required to comply with Special Area Policy No. 2, will comply with the applicable requirements of the Pima County Watercourse and Riparian Habitat Protection and Mitigation Requirements as defined in Chapter 16.54 of the Pima County Floodplain and Erosion Hazard Management Ordinance (Ordinance). Pima County mapping pursuant to the Ordinance identifies Xeroriparian Class A, B, C, and D habitats within Swan Southlands, although Class D habitats are generally not regulated by the Ordinance. Any unavoidable impacts to these habitats will be mitigated pursuant to the requirements of the Ordinance.

Pursuant to the requirements of Special Area Policy No. 2, a riparian habitat mitigation and restoration program will be implemented at Swan Southlands. The nature and characteristics of the riparian habitats within the site and the processes that resulted in the degradation of many of the riparian areas provide substantial restoration opportunities within Swan Southlands and the maintenance of connectivity to upstream and downstream areas.

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The Swan Southlands Conceptual Riparian Mitigation and Restoration Plan (Appendix 10) identifies the functions and values of the Project Riparian Areas that will be impacted, establishes specific mitigation goals to comply with Special Area Policy No. 2; identifies methods that will be refined during detailed site planning efforts to achieve mitigation goals; and provides an implementation schedule for the plan.

Losses of Project Riparian Habitat that will be associated with proposed development will not eliminate any movement corridors or otherwise reduce the function of the Project riparian habitats; except for the lost productivity and habitat value associated with losses of native vegetation and riparian areas. These losses will be compensated for by plantings of native mesquite and other large riparian trees and shrubs indigenous to Swan Southlands **resulting in no net loss in riparian habitat**. A species list specific to each mitigation area will be developed during the development of the site-specific mitigation plan that will be submitted with the block plat for each identity district. For each of the four identity districts, mitigation will be implemented concurrently with the first phase of development within that district.

Implementation of mitigation efforts will result in a net environmental benefit. Notable elements of the plan will include enhancement of riparian habitats within the Project Natural Open Space through planting, augmentation of available water using effluent and/or runoff generated from adjacent development areas. In addition to the mitigation outlined in the Swan Southlands Conceptual Mitigation and Restoration Plan (**Appendix 10**) the applicant will work with Pima County and other private and public entities to seek viable mechanisms to restore nonfunctioning riparian areas along the South Flato drainage. These restoration efforts will commence in conjunction with the Swan Road improvements along the west boundary of Section 14.

At final build out, the net loss of functional riparian habitat will not exceed five percent of the predevelopment condition. The functional value of the riparian habitat will be based upon the amount of vegetation as measured by volume. Net loss will be determined by the total volume of vegetation impacted less the volume of vegetation provided by mitigation and restoration programs, consistent with the comprehensive plan amendment Special Area Policy No. 2. Based upon the Swan Southlands Conceptual Mitigation and Restoration Plan (**Appendix 10**) that has been submitted to the County, there will be no net loss in functional riparian habitat. The Final Conceptual Riparian Restoration Plan will be prepared for the entire project prior to the approval of the first tentative block subdivision plat. This plan will demonstrate compliance with the five percent standard, identify success criteria for riparian areas to be mitigated with containerized or salvaged plantings, establish a specific monitoring program and reporting schedule, and identify specific measures to control sheet erosion within Project Riparian Areas in the South Flato drainage within Section 14.

To further mitigate for unavoidable impacts to vegetation, certain exotic, invasive plant species will be prohibited within the Specific Plan Area. Prohibited species will include, but may not be limited to, the following:

Fountain grass (*Pennisetum setaceum*)
 Johnson grass (*Sorghum halapense*)
 Common crabgrass (*Digitaria sanguinalis*)
 Red brome (*Bromus rubens*)
 Tree of heaven (*Ailanthus altissima*)
 Russian olive (*Eleagnus angustifolia*)
 Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)
 Bermuda grass (*Cynodon dactylon*) (excluding sod hybrid Bermuda)
 Lovegrasses (*Eragrostis* spp.) (excluding Plains lovegrass)
 Buffelgrass (*Pennisetum ciliare*)
 Giant reed (*Arundo donax*)
 Pampas grass (*Cortaderia selloana*)
 Mediterranean grass (*Schismus* spp.)
 African sumac (*Rhus lancea*)

II-F.3. Pima Pineapple Cactus

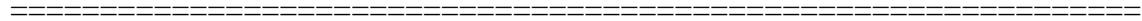
II-F.3.a Impacts to Pima Pineapple Cactus

The direct impacts of the development of Swan Southlands include the loss, through development, of relatively low value PPC habitat and the preservation of suitable PPC habitat within the Project. Natural Open Space (SP/NOS) within Swan Southlands was configured to contain the highest value PPC habitat within Section 15, an approved mitigation bank for PPC. Prior to any development in Section 15 a substitute mitigation bank of equal or greater value must be established by Pima County. The configuration of the SP/NOS in the Specific Plan is not expected to adversely impact the dispersal of PPC pollinators or the biotic (primarily jackrabbit) dispersal of PPC seed. A viable population of PPC is expected to be maintained within the SP/NOS of Swan Southlands connected to adjacent properties that may contain suitable PPC habitat by the open space corridors that traverse Swan Southlands.

II-F.3.b Pima Pineapple Cactus Mitigation Measures

Areas of PPC habitat within the Specific Plan Area, particularly habitats within the Pima County mitigation bank (Section 15) have been incorporated into the Project Natural Open Space areas (SP/NOS). Prior to the approval of each tentative subdivision block plat, the area will be surveyed for PPC according to the survey methodology described in the final approved proposal for a 10-year study of PPC on Swan Southlands. The final study proposal will be submitted to the Development Services Environmental Planning Manager for approval prior to the approval of the first tentative block subdivision plat.

A preliminary proposal for 10-year study on PPC transplant on Swan Southlands and other mitigation activities that will be carried out on behalf of PPC including survey, monitoring, and propagation of these plants is included in **Appendix 11**. The final 10-year study proposal will include the identification different transplant methodologies that will be evaluated, descriptions of propagation methods, and disclosure of the location of



transplant research sites and propagation nurseries. PPC that cannot be preserved in place and are not part of the PPC transplant experiment will be transplanted to suitable habitat within the SP/NOS in Swan Southlands or other suitable locations within the project in accordance with applicable NPPO requirements and DRC recommended variances. Each original location of PPC will be documented with Global Positioning System coordinates.

Highest value PPC habitat within the Conservation Bank (Section 15) will be incorporated into SP/NOS within the Specific Plan.

II-G WILDLIFE

The preservation of approximately 991 acres of Project Natural Open Space comprised of riparian corridors and associated uplands will maintain corridors for wildlife within the Franco and Flato watersheds. The configuration of these areas preserves habitat for both resident and transient wildlife species and provides regional connectivity between these habitats and adjacent properties. The mitigation of unavoidable impacts to Project Riparian Habitat in compliance with Special Area Policy No. 2, restoration of additional degraded/non-functional habitat within the south fork of the Flato Wash, and the potential acquisition of new conservation bank properties for PPC will also mitigate project impacts to wildlife habitat.

"Identity District D Modification"

BOS Modified 6/15/2010

MODIFICATION AREA

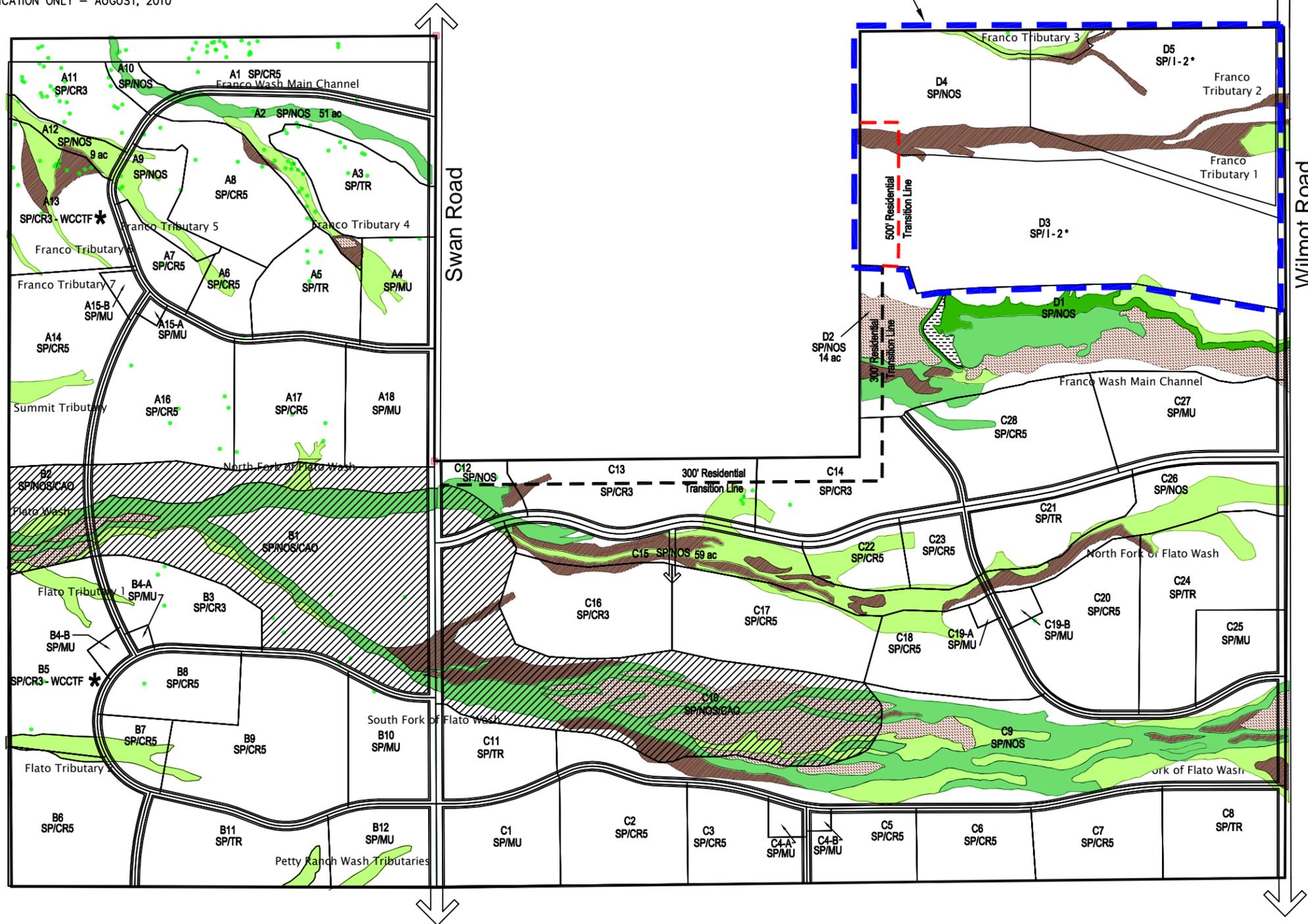
Swan Southlands

Pima County, Arizona

MODIFICATION ONLY - AUGUST, 2010

Figure 17R

Vegetative Cover & Habitat Types - Land Use Plan



LEGEND

- Saguaro
- Project Boundary

Vegetative Cover and Habitat Types

- Degraded/Desertified (X=1.3%±2.5%; range=5%; n=4)
- LATR/PRVE/ACCO Association (X=35.7%±15.7%; range=50%; n=14)
- PRVE/ACCO/LATR Association (X=56.3%±11.1%; range=40%; n=15)
- PRVE/ACCO Association (X=67.8%±12.5%; range=35%; n=16)
- PRVE/ACCO/ACGR Association (X=86.7%±7.6%; range=15%; n=3)
- Creosote Dominated Uplands (X=28.2%±15.4%; range=55%; n=14)
- Surface Water Impoundment (charco)

Key:
 LATR = Creosotebush (*larrea tridentata*)
 PRVE = Velvet mesquite (*prosopis velutina*)
 ACCO = White-thorn acacia (*Acacia constricta*)
 ACGR = Catclaw acacia (*Acacia greggii*)

(note: statistical data provides measured percent cover as the mean standard deviation; range; and sample size)

Base mapping within Sections 10, 12, 13, and 14 consists of 2003 aerial photography provided by Cooper Aerial and 1-foot topographic contour intervals; base mapping within Section 15 consists of 2001 PAG aerial photography and 2-foot topographic contour intervals.



Date:06-28-04
 Job# 498.14
 Drawn By: kd



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II-H SOILS

The Swan Southland Planned Community proposes to provide sewer service for the entire development. Septic systems are not proposed and therefore a soils analysis as it relates to septic systems is not necessary.

II-I BUFFER PLAN

See **Figure 18A R**, *Bufferyard Plan* for the anticipated location of the required Pima County landscape bufferyards. Within each Zoning District shown on the plan, there are a range of uses and applicable Pima County zoning categories that could be developed. **Figure 18A R** indicates the probable bufferyards that will be required at the perimeter of the project for the categories of development anticipated. The actual bufferyard letter designations may vary as the uses are more specifically identified, but the Swan Southlands development will comply with all Pima County bufferyard requirements.

If parcel D5 is developed as a correctional facility it is to provide some type of minimal landscaping made up of drought-tolerant plants with consideration given to facility security (per the County approved list) and subject to approval by the Planning Director at the entrance of a facility off of Wilmot Road.

Figure 18B is a sectional graphic that illustrates the anticipated width and elements for bufferyards C and D. Enforcement for maintenance of all bufferyards will be the responsibility of the homeowners association.

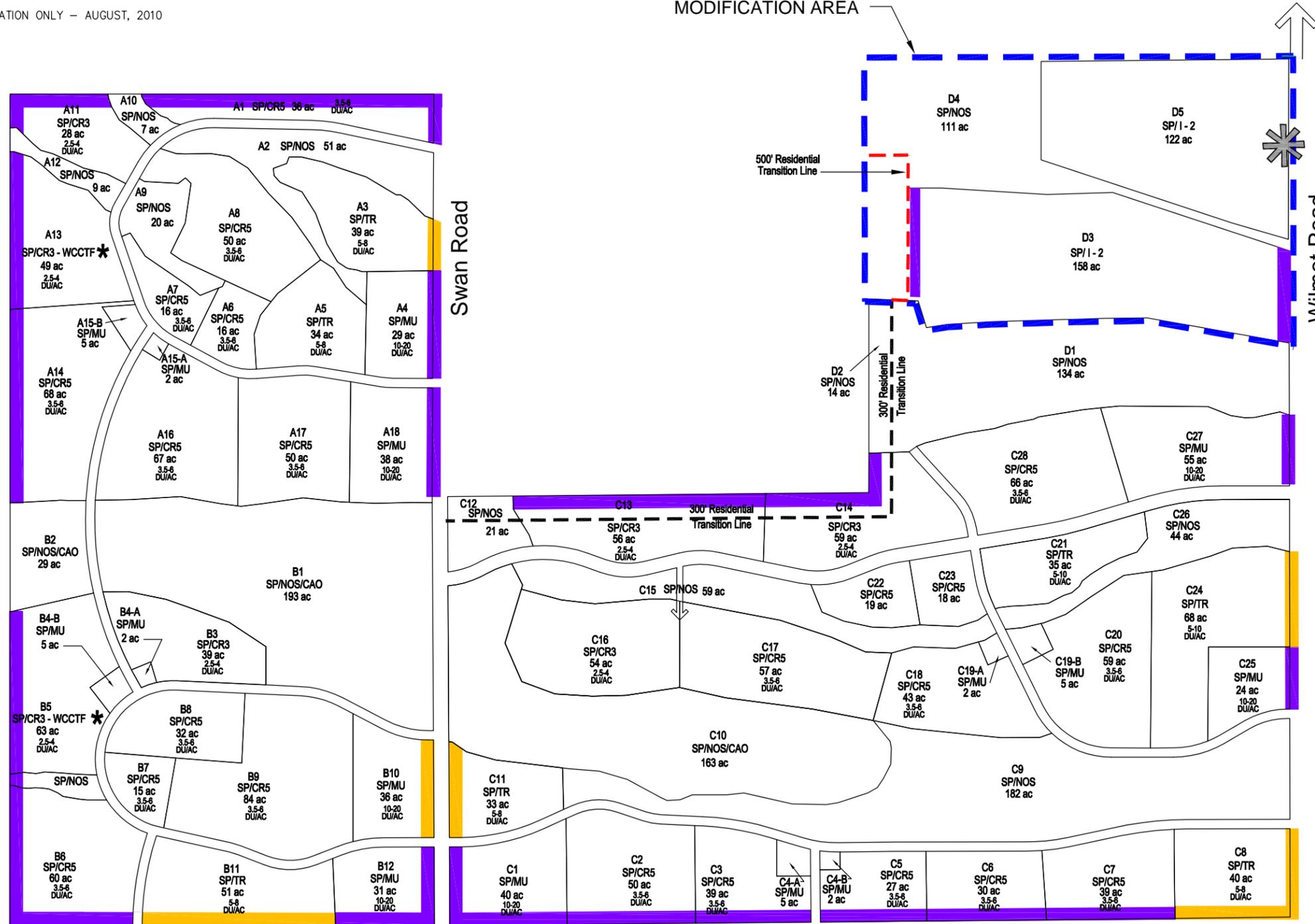
II-J VIEWSHEDS

A view shed visibility map was prepared (see **Figure 8**) to determine if there are any viewsheds through the property that may require special attention. As the site is relatively flat with no natural or man-made features, mitigation measures for the preservation of significant viewsheds are not anticipated. The viewsheds through the existing wash corridors will be maintained as is.

"Identity District D Modification"

BOS Modified 6/15/2010

MODIFICATION AREA



Swan Southlands

Pima County, Arizona

Figure 18AR
 Perimeter Bufferyards

Legend

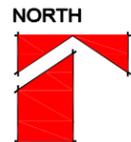
-  Enhanced Bufferyard 'C'
-  Enhanced Bufferyard 'D'
-  If parcel D5 is developed as a correctional facility it is to provide some type of minimal landscaping made up of drought-tolerant plants with consideration given to facility security (per the County approved list) and subject to approval by the Planning Director at the entrance of a facility off of Wilmot Road.

* See Figure 18B - Bufferyard Sections

NOTES:
 Bufferyard requirements depend on actual use and density constructed. There are a range of densities for each block, so actual requirements for bufferyards may vary.

Refer to Figure 20: Recreation Trails for locations of all trails.

Refer to Figure 22: Typical Street Cross Sections for section of perimeter trails/sidewalks along Wilmot and Swan Road



NORTH



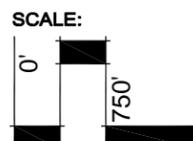
Stantec



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Date: 03-10-04
 Job# 0401
 Drawn By: mw

SCALE:





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 Urban Design
 Studio L.L.C.

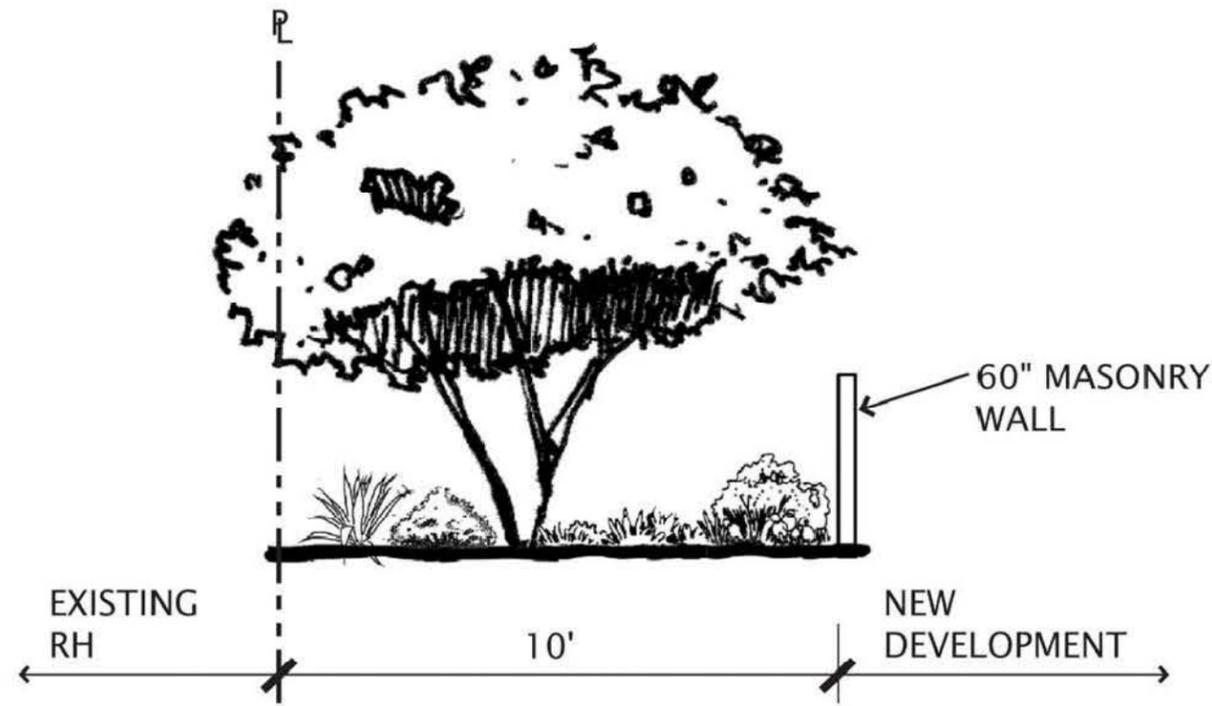
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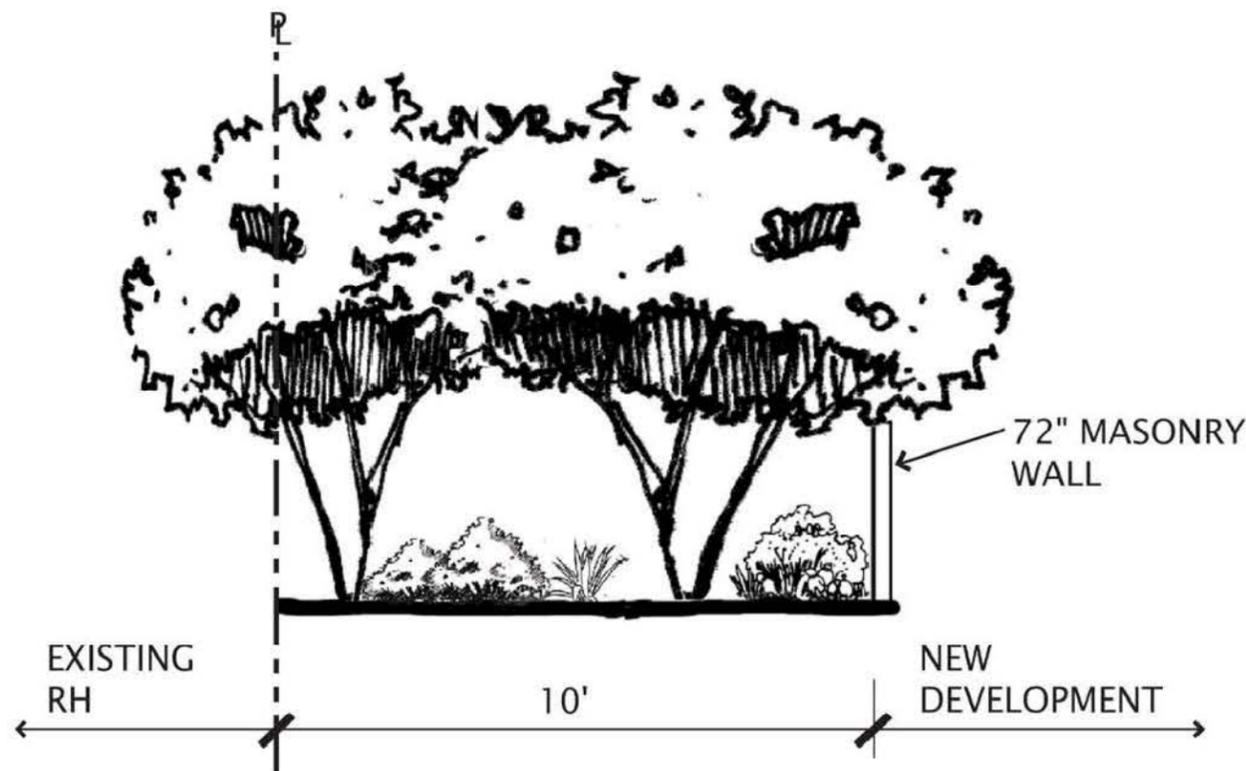
Pima County, Arizona

Figure 18B
Buffer Yard
Cross Sections



PIMA COUNTY BUFFERYARD 'C' CROSS SECTIONS
NTS

DESERT PLANTINGS PER 100':
3 - CANOPY TREES
3 - SHRUBS
6 - ACCENTS
DECOMPOSED GRANITE



PIMA COUNTY BUFFERYARD 'D' CROSS SECTIONS
NTS

DESERT PLANTINGS PER 100':
10 - CANOPY TREES
10 - SHRUBS
15 - ACCENTS
DECOMPOSED GRANITE

NOTE:
BUFFERYARD SECTIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY. SEVERAL OPTIONS FOR WALL HEIGHT AND LANDSCAPE WIDTH EXIST WITHIN THE PIMA COUNTY CODE, AND ACTUAL CONFIGURATIONS MAY VARY.



Date: 03-10-04
Job# 0401
Drawn By: mw



II-K TRAFFIC

The balance of land use and circulation facilities is important to the ultimate quality of life for Swan Southland residents. The intent of the proposed circulation system is to balance opportunities for mobility within, and through, the community by incorporating vehicular, bicycle, pedestrian, and future transit facilities to support and encourage a multi-modal transportation system within the Swan Southlands community. These facilities are discussed below. **Access to both Parcel D3 and D5 shall be addressed in the Transportation and Financing Plan and on subsequent Plats or Development Plans. The coordination and implementation of improvements shall be addressed in the Transportation and Financing Plan. The Transportation and Financing Plan approved September 10, 2009 shall be updated or revised to reflect the changes being requested. A Traffic Impact Study may be required for resubdivision of blocks within the master block plat per subdivision and Development Street standards threshold requirements in Table 3.2.**

II-K.1. Vehicular

The planned roadway alignments provide internal circulation within the project site and connectivity to Swan Road and Wilmot Road. No alignments are being proposed that would directly conflict with the preliminary recommendations of Pima Association of Governments or Arizona Department of Transportation proposals. As these studies have proposed east/west connections between I-19 and I-10 both north and south of the project site, none are provided within the site. As agreed upon by Pima County Department of Transportation, a Master Transportation and Financing Plan is provided **Appendix 1** (under separate cover) in compliance with Special Area Policy #9: Traffic.

This project falls into two Pima County Impact Fee Benefit Areas. The majority of the site falls within the San Xavier Benefit Area, while a portion of Section 12 and 13 adjacent to Wilmot Road, fall within the Mountain View Benefit Area. Based upon a target residential unit count of **6,092** units, and the current impact fee, the project would generate almost \$20 million in revenue for transportation improvements. Commercial impact fees for road improvements would be in addition to this. In addition, at the time of plat, traffic impact analyses will be prepared to determine intersection capacity and traffic control requirements to mitigate on-site and off-site traffic impacts.

While the street hierarchy will ultimately be defined based on the findings of the Master Transportation and Financing Plan, it is anticipated that most of the internal roadways as shown on the Preliminary Development Plan as internal to the development will be collector roads, with the exception of Swan Road and Wilmot Road, and the east/west minor arterial roadway connecting Swan Road to Wilmot Road across Sections 13 and 14.

II-K.2. Bicycle

Swan Southlands Planned Community will provide 6-foot wide on-street paved bicycle lanes located within the arterial streets and 5-foot wide on-street paved bicycle lanes located within major collector streets to manage commuter bicycle circulation as well as provide a recreational amenity. (See **Figure 20R: Recreation Trails** for locations of bicycle

lanes). Meandering paths, detached from vehicular traffic circulation, ten feet in width, will accommodate recreational bicycle circulation, **with the exception of Parcel D-5 if developed as a correctional facility.**

II-K.3. Pedestrian

The Swan Southlands Planned Community will provide a network of sidewalks, trails and paths throughout the community. The proposed network identified above for the bicycle network will also accommodate pedestrian circulation throughout the drainage corridors and along major and minor arterial routes. Street routes will be designed to allow pedestrian circulation on both sides of the street. At least three feet for meandering sidewalks and five feet for straight sidewalks will separate pedestrian paths from the back of the street curb. Additional off-street hard surface trails and natural paths will be provided throughout the community to provide pedestrian linkages to parks, schools, open spaces, mixed use developments and residential neighborhoods **with the exception of Parcel D-5 if developed as a correctional facility.**

II-K.4. Transit Service

Public transit routes provide service to the Tucson International Airport and major employment centers located south of the Airport. Transit service is also provided along Valencia Road as well as on several north-south arterials north of Valencia Road. Amtrak Rail Service is provided on the mainline Union Pacific Railroad located north of and parallel to I-10. The Swan Southlands Specific Plan proposes to provide land use designations which would support multi-modal public transportation facilities at the mixed use centers along Wilmot Road and Swan Road, as well as higher density residential developments near the major arterial roadways throughout or adjacent to the development. These higher density uses are proposed adjacent to major roadways to allow for efficient transportation connection opportunities. Land use for future transit facilities, such as park-and-ride lots and transit centers are designated or will be accommodated in the appropriate mixed use centers, and additional transit stops and bus bays will be located along the major street network to address future transportation needs internally within the Swan Southlands project and externally to possible future links within Tucson growth areas. Discussions have been initiated directly with SunTran and with Pima Association of Governments to coordinate future planning and provision of multi-modal service to the site.

Compliance with Special Area Policy #13: Multi-Modal Transportation

Two of the overall goals of the Swan Southlands Planned Community are to create a pedestrian-oriented design focus for the community and to create an interconnectivity and linkages to neighborhoods and activity centers throughout the community. As demonstrated on **Figure 20R**, *Recreation Trails*, the entire community is linked together by a series of interconnected roads, bicycle lanes and trail systems, **except within Parcel D-5**. These linkages ultimately connect to each mixed use activity center within the community, promoting and encouraging multi-modal transportation choices. Additionally, as demonstrated on **Figure 14R**, *Preliminary Development Plan*, higher residential development and Mixed Use parcels are planned adjacent to the major roadway alignments to support and encourage multi-modal transportation opportunities. In addition to commercial and employment activities, the mixed use parcels provide for

multi-family housing to promote high density residential development in these areas. The Specific Plan also identifies locations for the future construction of various transportation facility improvements, including transit centers and park-and-ride lots within the major mixed use parcels as well as additional bus bays at appropriate locations along the major roadways within the development to provide for future transit service.

II-L SEWERS (Wastewater)

Sewer Basins and Wastewater Flows

A Swan Southlands’ off-site sewer basin study area has been defined and will be the subject of analysis prepared in accordance with Pima County requirements, specifically for this site. The spine sewer layout plan is developed in the draft sewer basin study. This study, located in the Appendix, gives all proposed sewer main sizing for on site sewer basins.

The overall on-site wastewater gravity flows from east to northwest within the project and concentrate in the northwest portion of the project. There are two areas, located in the northeastern and southwestern most areas of the project that will require sewer lift stations to convey wastewater flows into the gravity sewer system. The gravity sewer mains will terminate at a Wastewater Collection, Conveyance and Treatment Facility (WCCTF) that will be located along the western boundary of the project. The WCCTF will treat the incoming wastewater to acceptable reclaimed water standards. The reclaimed water will be used on-site for various irrigation needs. Wastewater flow will be calculated using standard wastewater flows and peaking factors in accordance with PCWMD criteria. Integration of off-site commercial or industrial users in the area will be evaluated and may provide an opportunity to more efficiently serve the general area.

The sewer alignments were placed within the paved portions of new roads to the maximum degree viable. Due to the topography of the development some sewer alignments were forced to be located outside of proposed roadways. Easements and adequate sewer access ways will be granted to Pima County Wastewater for required maintenance vehicle access. The final plat will address landscape requirements for private home connection services.

The optional lift station shown in Section 12 will most likely be a gravity option and off-site easements will be required for this option. The lift station in Section 15 will be designed to allow abandonment to downstream sewers if and when they become available.

The off-site sewer basin flows will be routed to a corridor for a future off-site sewer main along the north end of the project to the proposed WCCTF. Onsite large diameter spine sewers will be analyzed during the design for required velocities during development phasing. Design options may include small diameter first phase pipelines and/or oval shaped pipelines to maintain adequate velocities during low and high flows.

On-site Wastewater Collection, Conveyance and Treatment Facility

The on-site WCCTF will be sized to provide treatment for the average day wastewater flows. The construction of the treatment plant will be phased to match the anticipated population growth. The system will require a 208 Plan Amendment to Pima County’s Water Quality Management Plan and Aquifer Protection Permit as part of Arizona Department of Environmental Quality’s unified permit system. Three possible reclaimed water disposal options are

- Onsite usage for irrigation of landscaping and park turf use,
- Groundwater Recharge, and
- Disposal in a native plant watering area within the development.

Within the southern portion of the project is a conservation area where there may be an opportunity to provide reclaimed water for irrigation and corridor enhancement purposes. The detailed design and layout of these facilities will be fully analyzed during the block platting process. After the necessary evaluations have been preformed, all applicable permits will be obtained and all governmental requirements will be met for the preferred reclaimed water disposal option.

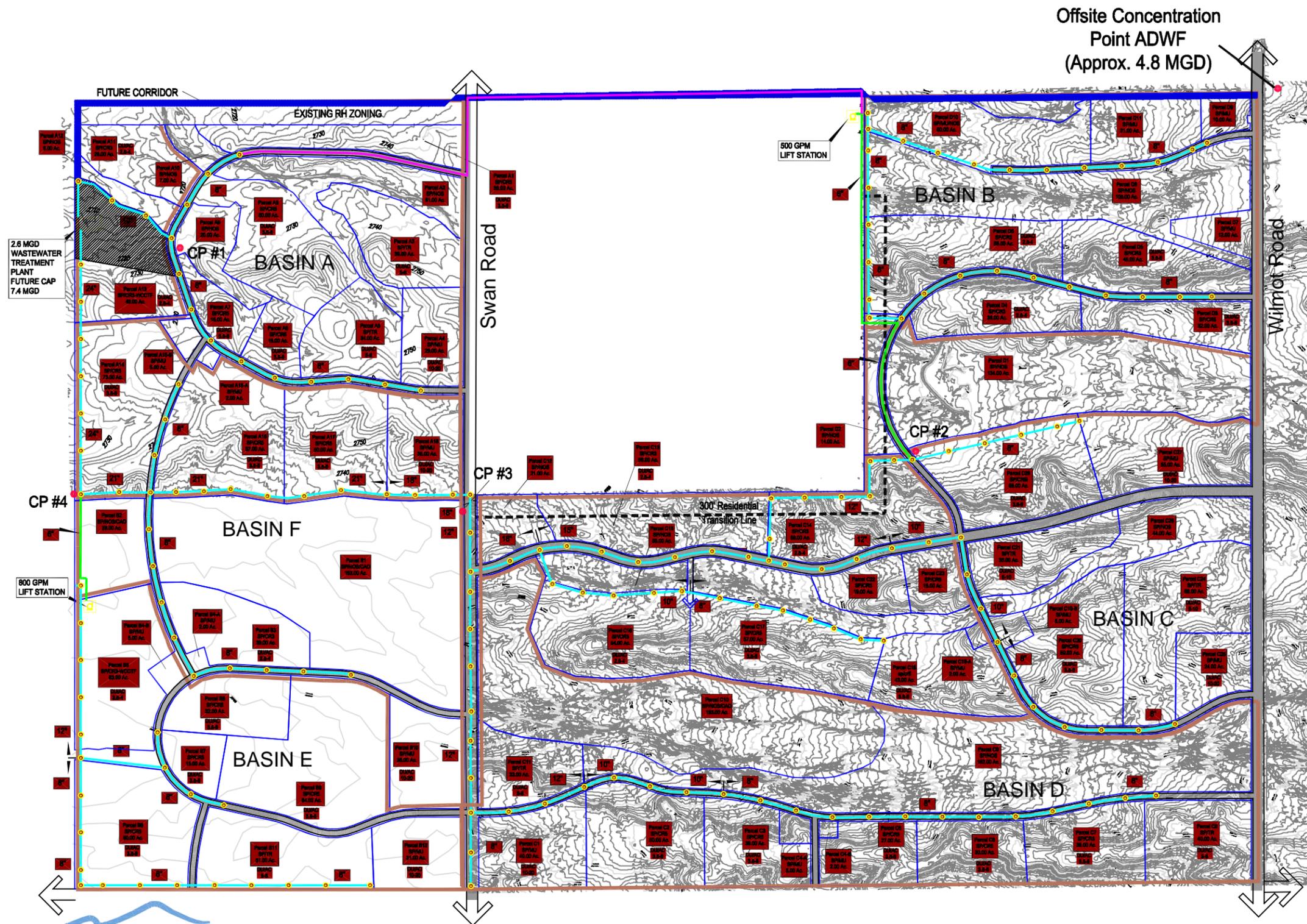
The proposed sewer treatment plant will consist of the most current technological system, which will provide a totally enclosed treatment plant for maximum odor and noise control. The treatment plant will be designed with the smallest footprint possible. The treatment plant facility shall utilize the 350’ setback requirement for accessory buildings, parking lots, landscape and screening vegetation. As appropriate, adjacent washes may provide part of the buffer and setback requirements to reduce the overall treatment plant site size and buffer the site from adjacent uses. The proposed site is out of the floodplain, located downstream of the proposed sewer basin, and was sized to treat both on and offsite build-out sewer flows. The proposed 25-acre site shown on **Figure 19** is a conceptual layout which is to include all required setbacks, buildings, parking lots, and treatment facilities for a 10 MGD treatment facility. The final site size will be adjusted as necessary to conform to all the above requirements. The WCCTF will be designed according to PCWMD requirements and will be submitted to them for review and approval.

The WCCTF will be designed for expansion to serve both on and offsite sewer basins and produce Class A reclaimed water meeting ADEQ reuse standards. Recharge will be conducted under both an Aquifer Protection Permit issued by the Arizona Department of Environmental Quality and an Underground Storage Facility Permit issued by the Arizona Department of Water Resources. The recharged water will meet Aquifer Water Quality Standards.

Swan Southlands

Pima County, Arizona

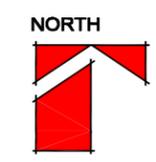
Figure 19
Proposed Infrastructure Sewer



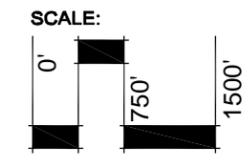
LEGEND

-  FORCEMAIN AND LIFT STATION
-  GRAVITY SEWER
-  SEWER BASIN BOUNDARY
-  ALTERNATIVE SEWER ALIGNMENT
-  CP #1
-  OFFSITE SEWER CORRIDOR

NOTE:
TO THE MAXIMUM EXTENT FEASIBLE, SEWER WILL BE LOCATED IN THE PAVED PORTIONS OF THE STREETS.



Date: 05-18-04
Job# 0401
Drawn By: th



Master Planned Communities,
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Site Planning & Design
Environmental Analysis &
Landscape Design
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Tucson, Az 85719 (520) 206-9585

M:\PROJETS\488.17\master-plan\sewer-master-plan-EXHIBIT-fig19.dwg

II-M WATER

Future Water System Infrastructure

The subject property includes an elevation range of approximately 135 feet across the site. Therefore, this project will be served by a single pressure zone. This system will be sized to provide reservoir capacity for average daily demand plus fire flow for a two-hour duration in accordance with Pima County Department of Environmental Quality (PDEQ) storage requirements. The reservoir capacity will be split between two separate water plants located in the easterly and westerly portions of the project. Providing two separate water plants is preferable mainly for engineering and operational considerations. Redundancy in water plants is extremely important when serving larger populations.

The reservoirs will be fed by approximately six wells properly spaced throughout the project to meet all ADWR's requirements for well spacing. Well locations will consider spacing requirements to eliminate possible effects on existing wells or well owners within the surrounding area. The proposed wells will have independent water mains to transfer water to the reservoirs where water will be stored to meet peaking and fire flow demands. Potential impacts on adjacent wells by pumping or recharge will be determined by a qualified hydrologist at the time of permitting each production well. The project will meet the requirements of ADWR's Assured Water Supply program and their well impact rules.

The reservoirs will each be equipped with booster stations providing adequate pressure and capacity to provide peak hour demands or peak day demands plus fire flow. These facilities will be looped and sized in accordance with standard requirements for providing adequate fire flow and peak hour demands to maintain proper pressures under all conditions of flow. The system will be sized to minimize line losses under peak day conditions in accordance with PDEQ and American Water Works Association requirements.

Swan Southlands will use City of Tucson water or an acceptable municipal, private or formed district alternative as its water delivery provider. A Preliminary Water Supply Evaluation letter dated May 6, 2004 has been provided from Fluid Solutions regarding a preliminary statement of 100-yr Assured Water Supply. The letter is provided at the end of this section.

Hydrologic Availability

Based on initial modeling and water quality data from adjacent wells, the groundwater system under the subject property appears to have the capability to produce a long-term viable water supply for the development of the property. Furthermore, it does not appear at this time that source water treatment will be required. A preliminary statement on 100-year assured water supply availability is attached. Formal submittal for an Analysis of Assured Water Supply for the entire Master Plan and individual Certificates of Assured Supply for each subdivision shall be made to ADWR should water service be provided by an entity that does not possess a Designation of Assured Supply.



May 6, 2004

Robert J. Iannarino, PE, RLS
Project Manager
Diamond Ventures, Inc.
2200 East River Road
Suite 115
Tucson, AZ 85718-6586

**Re: Preliminary Water Supply Evaluation
Swan Southlands - Pima County, Arizona**

Dear Bob:

Fluid Solutions has prepared this letter in response to comments from Pima County on the Swan Southlands Specific Plan. Fluid Solutions has investigated the water availability to meet the demands imposed by the project. Precise estimates of the water demands will not be complete until the zoning and resultant land plan are finalized. However, the results of our efforts to date, although preliminary and based on readily available data, suggest that the property appears to have excellent potential to withdraw groundwater onsite to meet all of the development's proposed water supply needs. Furthermore, the available water quality data suggest that treatment will not be required.

Water Demands

Swan Southlands is located south of Tucson, Arizona, in Sections 10, 12, 13, 14, and 15 of Township 16 South, Range 14 East. Preliminary estimates of average annual water demands at full build out are roughly 3,950 acre-feet per year. This equates to an average pump rate of 2,450 gallons per minute. Fluid Solutions' experience in has shown that 1.5 times the average daily demand (ADD) is a good estimate of well capacity needed to supply the subdivision. If we assume an 82% duty cycle and one back-up well, six 900-gpm wells would be needed to supply the project. Well spacing would range between 0.5 and 1.0 miles. This well capacity was assumed for modeling purposes only. Actual well performance will dictate the number of wells required.

Existing Production Wells in Area

There are large capacity wells in the vicinity of the subject property. These wells are part of the Santa Cruz Well Field for the City of Tucson (Malcolm Pirnie, 1996, Hydrologic Report for the Assured Water Supply Application for the City of Tucson submitted to ADWR). The well spacing for these wells ranges between 1/2 and one mile.

The ADWR Wells-55 Database indicates that the production casing of these wells is 16 inches in diameter. These wells have registered capacities ranging generally between 300 and 600 gpm; however, one well had a listed capacity of 1150 gpm. During the

Robert J. Iannarino, PE, ~~MS~~, Diamond Ventures, Inc.
May 6, 2004
Page 2

testing of these wells, the specific capacities ranged from 8 to 73 gpm/foot of drawdown. Some of the wells tested had initial capacities in excess of 3,000 gpm (These high rates were at a time of higher water levels (~75 feet bgs). It is unlikely that pump rates this high could be achieved today). ADWR annual pump records indicate that actual average annual pumping rates by the City of Tucson (Santa Cruz) wells range between 0 and 517 gpm. Additionally, the Pima Mine Road Recharge Facility infiltrates up to 30,000 AF/yr of CAP water to the groundwater in Section 30 which lies between of the San Xavier District and the Santa Cruz Well Field. Rising groundwater levels due to this recharge will serve to at least partially offset the impacts of pumping in the region.

Hydrogeology

Groundwater flow near the subject property is to the west with a gradient of 0.002 (ADWR, 1984, Hydrologic Map Series Report #11; mapping of current water levels from the ADWR GWSI database). The rate of groundwater decline in the immediate area of the subject property is approximately 1 foot/year (ADWR GWSI database; Malcolm Pirnie, 1996). Current depth to water at the subject property is approximately 260 feet bgs.

Bedrock exceeds 11,000 feet bgs at the subject property (Oppenheimer and Sumner, 1980; Hanson and Benedict, 1993, USGS Water-Resources Investigations Report 93-4196). The closest bedrock exposure and bedrock boundary of the basin is 9 miles to the southwest. Alluvial rocks above bedrock include in descending order: the Fort Lowell Formation, the upper Tinaja beds, the lower Tinaja beds, and the Pantano Formation. The main water bearing units in the region are the Fort Lowell Formation and the Upper Tinaja beds (Malcolm Pirnie, 1996). A well log from D(16-14)25ccc indicates that the Fort Lowell is 409 feet thick and the upper Tinaja is 451 feet thick.

Fluid Solutions' interpretation of pump test information from well D(16-14)25aaa using *Aquifer^{WIN}* ³² software program suggests a transmissivity of ~2,500 feet²/day. Conservatively assuming a saturated thickness of 600 feet based on current water level data and estimated thickness of the main water bearing units yields a hydraulic conductivity of 4.2 feet/day. These interpretations are consistent with transmissivities incorporated into a new, but not yet published, Tucson AMA Groundwater Model (Dale Mason, 2004, personal communication).

If we assume the following:

- A hydraulic conductivity of 4.2 feet/day and saturated thickness of 600 feet,
- A conservative estimate of specific yield = 0.08 for this area (Travers and Mock, 1984, ADWR Groundwater Modeling Report), and
- A total demand of 2,450 gpm distributed among the five wells pumping continuously,

the maximum 100-year drawdown calculated with *Winflow*, an analytical groundwater modeling software package, would be approximately 118 feet. If we apply a regional decline (an estimate of the impact of current demands on the aquifer drawdown) of 1 foot/year for the 100 year period, the remaining saturated aquifer above the bottom of the main water bearing units is approximately 382 feet.

Robert J. Iannarino, PE, RLS, Diamond Ventures, Inc.
May 6, 2004
Page 3

This preliminary groundwater flow modeling does not include impact of recharge at the Pima Road Facility on groundwater levels. If recharge were included, the remaining saturated thickness after simulated pumping would be greater. Furthermore, this analysis assumes a minimum initial saturated thickness. The actual initial saturated thickness is much thicker and, if incorporated into the model, would result in more favorable results.

Tucson Water's Santa Cruz well field is adjacent to the subject property on the west, south, and east. All quarterly arsenic data reported for the past three years has met the new arsenic standard at the Point of Entry (POE) to the distribution system, which serves as the point of regulatory compliance for the new standard.

Fluid Solutions greatly appreciates the opportunity to be of service to Diamond Ventures. Please feel free to contact us directly if any questions arise in your review and consideration of this report.

Sincerely,
Fluid Solutions



Michael J. Lacey
Principal Hydrologist



George T. Merrifield, Jr., R.G.
Senior Hydrogeologist



II-N SCHOOLS

The proposed land use plan initially identifies three on-site elementary school sites and one on-site middle school site to be set aside for use by the Sunnyside Unified School District (SUSD). One campus co-locates the elementary and middle school sites. Each elementary and middle school site will be situated with primary vehicular access from a collector roadway as well as bicycle and pedestrian access from neighborhoods through the extensive roadway and trail system throughout the community. The Developer will designate the required number of school sites within the project to accommodate the students generated by the development. Campus size and grade configuration will be in accordance with the State School Facilities Board and SUSD policy. At the District’s request, the Developer will assist the District in acquiring school locations off-site, but in close proximity to serve the development. In addition to designated school sites as requested by the District, the Developer has agreed to make a monetary or in-kind donation to SUSD equal to \$1,200 per single family dwelling unit.

In order to provide additional amenities for the neighborhoods and school children living with the community, planned park facilities are proposed directly adjacent to each elementary school identified on **Figure 14R**, *Preliminary Development Plan*.

In compliance with Special Area Policy #12, The Sunnyside School District has made a preliminary determination as to the provision of school sites. There has been an interim Memorandum of Understanding between the developer and the School District with established minimum contributions to the District, pending the completion and recommendations of the Sunnyside Unified School District’s Long-Range Facilities Strategic Plan, which will commence this year (see **Appendix #3 for Interim MOU**).

II-O RECREATION AND TRAILS

The Swan Southlands development will offer a variety of recreational opportunities. The centerpiece of the development's recreation opportunities will be the extensive system of multi-use trails that will link all areas of the project.

At the appropriate time, two public trails will be constructed to link the Pima County regional trails along the Franco Wash and along the south fork of the Flato Wash. These public trails will link to the regional trails network identified in the Eastern Pima County Trails System Master Plan. These regional trails will eventually provide connectivity to the Southeast Regional Park to the east and the San Xavier Indian Reservation to the west. Additionally, these trails will link to a series of private trails along the tributaries of Franco and Flato washes, as well as trail links through neighborhoods and paralleling some roads to create an easy to use trail network that connects various destinations and creates a variety of measured trail loops, **with the exception of Parcel D-3 and D-5**. Virtually all of the development parcels within the Planned Community will be connected to the comprehensive trail system. A variety of passive amenities and features will occur along the trail network, including benches, tables, ramadas, water fountains, bike racks, and directional and educational information signage.

The trail system as defined with **Figure 20R: Recreation Trails** identifies various proposed trail alignments throughout the development. These trail alignments will be refined at the time of block plat and development of the individual development parcels. As part of the Traffic Impact Analysis that will be provided at the time of block plat, a non-vehicular circulation plan will be provided which will more clearly define the pathway system within each Identity District or Sub-District as defined in **Figure 23R**.

The Swan Southlands project proposes approximately 991 acres of Project Natural Open Space within drainage and riparian corridors and associated upland areas as well as numerous developed open space areas throughout the community. The abundance of open space areas will provide numerous opportunities for walking, jogging, hiking and nature viewing. **Figure 20R, Recreation Trails**, illustrates this network of community multi-purpose trails, walkways and bike lanes intended to create recreational opportunities and promote alternative means of mobility. The proposed trails will be designed to accommodate pedestrian and bicycle access between residential neighborhoods and commercial, school and park uses, **with the exception of Parcels D-3 and D-5**.

In addition to the preservation of the riparian corridors and adjacent upland areas as Project Natural Open Space, approximately 54 acres are being set aside for a series of Pima County public community parks and an additional **31** acre land conveyance for a **community** park. The public community parks will be improved with amenities in accordance with the Recreation Area Plan guidelines of Pima County and will include playgrounds, basketball courts, athletic fields, restrooms, tables, benches, landscaping and parking facilities, and will be maintained by Pima County Parks Department. The **31 acre community** park is intended to be conveyed to the County subject to a donation agreement. In addition to the trails, and community parks, each development parcel will provide smaller private pocket parks for additional active and passive open spaces within the community. Each of the community parks is located immediately adjacent to the proposed school sites to provide a natural gathering place for the neighborhoods. Either the master developer or the individual block developers/homebuilders will develop the private pocket parks. The private neighborhood parks will have the amenities set forth by Pima County in the Recreation Area Plan Design Manual corresponding with the acreage.

Another location for active recreation facilities will be adjacent to school sites. The School District currently has intergovernmental agreements with City of Tucson Parks Department on some of its sites. SUSD believe that these shared use agreements can be beneficial and help to create a sense of community. This opportunity will be explored as parks and new school sites are planned in the project.

These public and private parks are intended to meet the recreational needs of the projected population within the Swan Southlands community, and meet and exceed the requirements of Pima County for providing recreation areas within residential subdivisions. A Recreation Area Plan (RAP) will be developed in close association with Pima County Natural Resources, Parks, and Recreation Department in accordance with Section 18.69.090 of the Pima County Code. This plan will describe the expected demographics, proposed recreation facilities, and proposed trails to be provided as part of the new development. The RAP will include calculations on projected lot totals, acres of recreation, and conformance with the Residential Recreation Area Matrix. A preliminary area calculation is provided below. Payment of any in-lieu fees is not anticipated. The initial Recreation Area Plan, (RAP) has been submitted along with the Specific Plan submittal.

Preliminary Recreation Area Calculations

6,092 units x 871 SF = **5,306,132** SF = **121.81** AC (estimated required park area per County Ordinance)

A. Community Parks

Three site = 50.00 AC

B. Public Trails

26,060 LF x 15' = **390,900** SF = **8.97** AC

Additional trail amenities = .5 AC

Total = **9.47** AC

C. Private Trails

20,409 LF x 15' = **306,135** SF = **7.03** AC

Additional trail amenities = .5 AC

Total = **7.52** AC

D. Neighborhood Parks (in retention/detention of individual blocks)

36 Blocks (4% of LDR, 5.5% of MDR, 8% of MHDR) = 107.19 AC

E. Joint Use Public Facilities at School Sites

70.42 AC x 10% = 7.04 AC

SUMMARY:

A.	Community Parks	= 50.00 AC
B.	Public Trails	= 8.97 AC
C.	Private Trails	= 7.03 AC
D.	Neighborhood Parks	= 107.19 AC
E.	Joint Use @ Schools	= 7.04 AC
	PROJECTED TOTAL	= 180.23 AC
	PARK ACRE REQUIRED	121.81 acres
	DIFFERENCE	+58.42 acres

Note: An additional 31-acre site, located within **Identity District “C”**, will be provided to the county for a regional park/soccer complex. The county will provide improvements.

The Department of Natural Resources, Parks and Recreation retains the option of a trail in Parcel D-4 which may or may not connect to the community trail network.

"Identity District D Modification"

BOS Modified 6/15/2010

MODIFICATION AREA

Swan Southlands

Pima County, Arizona

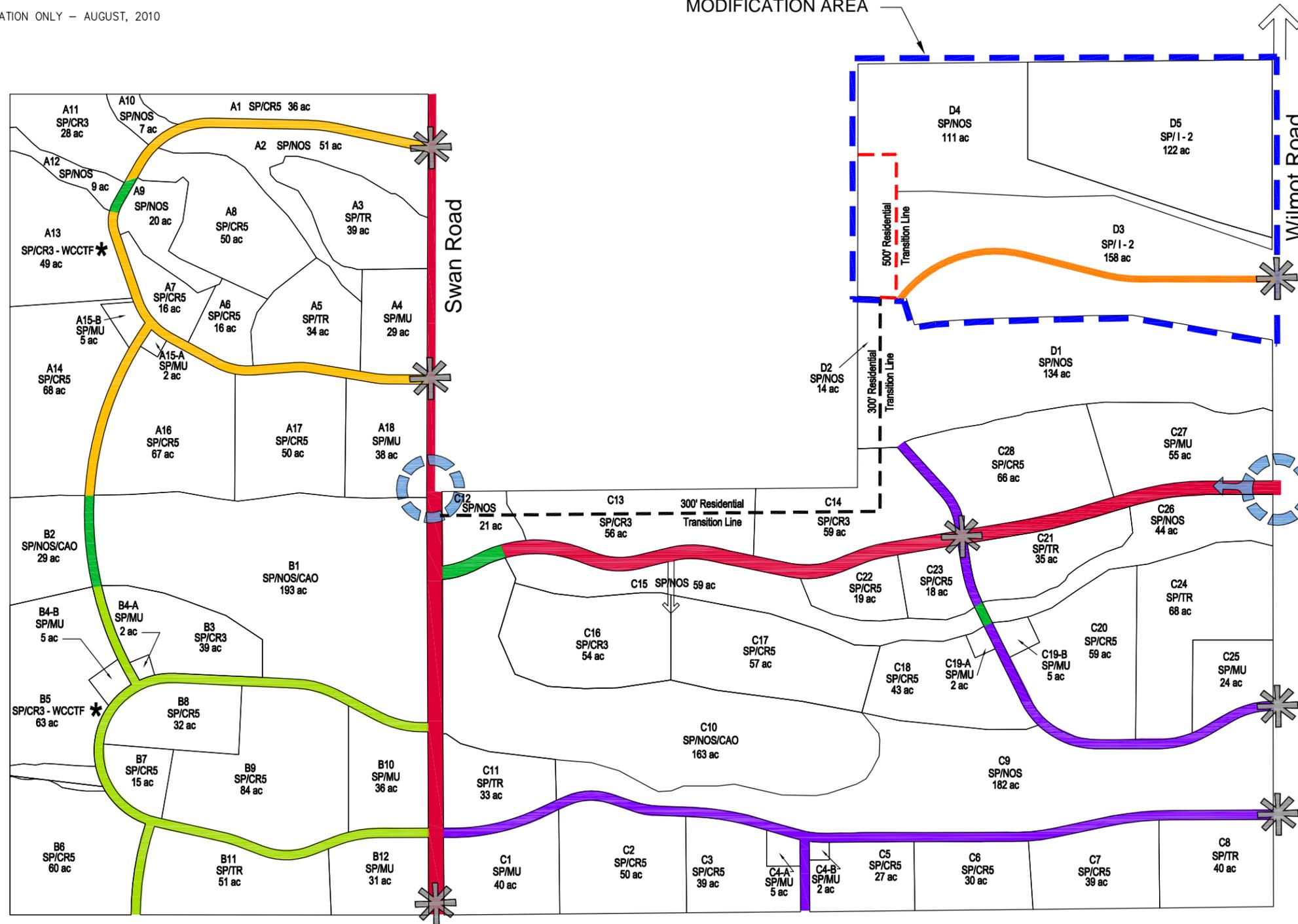


Figure 21R
**Streetscape/
 Landscape Theme**

- Legend**
- District A - Summit Village**
 Desert Native *Prosopis glandulosa, Prosopis pubescens*
 Blooming Accent *Chilopsis linearis, Brachychiton populneus*
 Evergreen Accent *Cupressus arizonica, Vauquelinia californica*
 Skyline Tree *Pistache chinensis*
 - District B - Desert Park Village**
 Desert Native *Cercidium floridum, Cercidium microphyllum*
 Blooming Accent *Chitalpa, Punica granatum*
 Evergreen Accent *Pinus elderica, Quercus turbinella*
 Skyline Tree *Celtis reticulata*
 - District C - Desert View Village**
 Desert Native *Acacia farnesiana, Acacia constricta*
 Blooming Accent *Vitex agnus castus, Ungnadia speciosa*
 Evergreen Accent *Sophora secundiflora, Quercus virginiana*
 Skyline Tree *Pinus halepensis*
 - District D - Gateway Village**
 Desert Native *Oliveya tesota, Parkinsonia aculeata*
 Blooming Accent *Cercis canadensis mexicana, Cordia boissieri*
 Evergreen Accent *Pinus edulis, Pithecellobium flexicaule*
 Skyline Tree *Schinus molle*
 - Main Arterial Streets**
 - Riparian Crossing**
 Riparian vegetation up to road.
 - Primary Entry Statement**
 - Secondary Entry Statement**

WestLand Resources Inc.
 Engineering and Environmental Consultants
 2343 E. Broadway Blvd, Suite 202
 Tucson, Az 85719 (520) 206-9585

Stantec

NORTH

Date: 05-18-04
 Job# 0401
 Drawn By: mw

SCALE:
 0' 750' 1500'

LVA
 Urban Design
 Studio L.L.C.

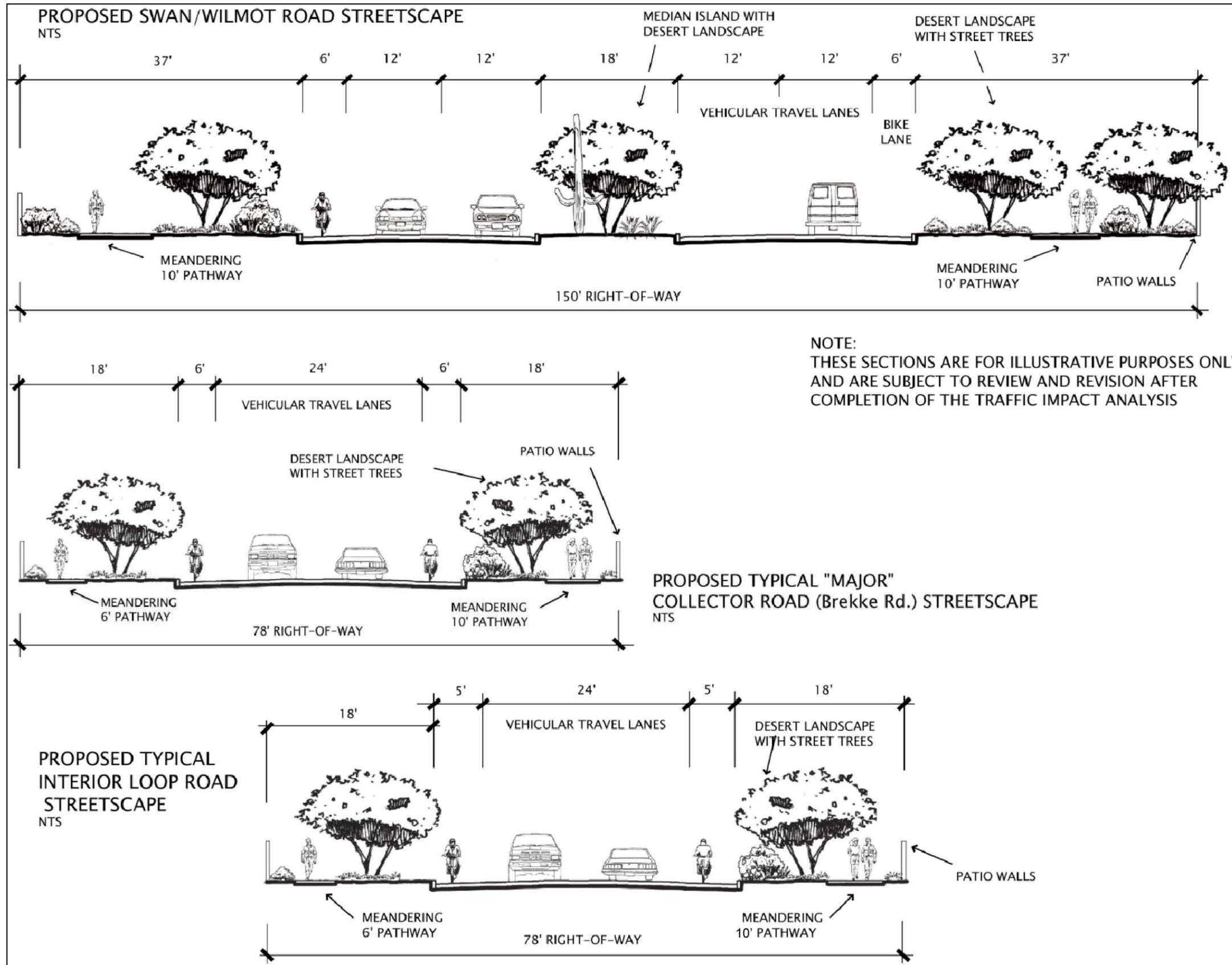
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Swan Southlands

Pima County, Arizona

Figure 22
Typical Roadway
Cross Sections



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Tucson, Az 85719 (520) 266-9585

Date: 08-10-05
Job# 0401
Drawn By: mw

LVA
Urban Design
Studio L.L.C.

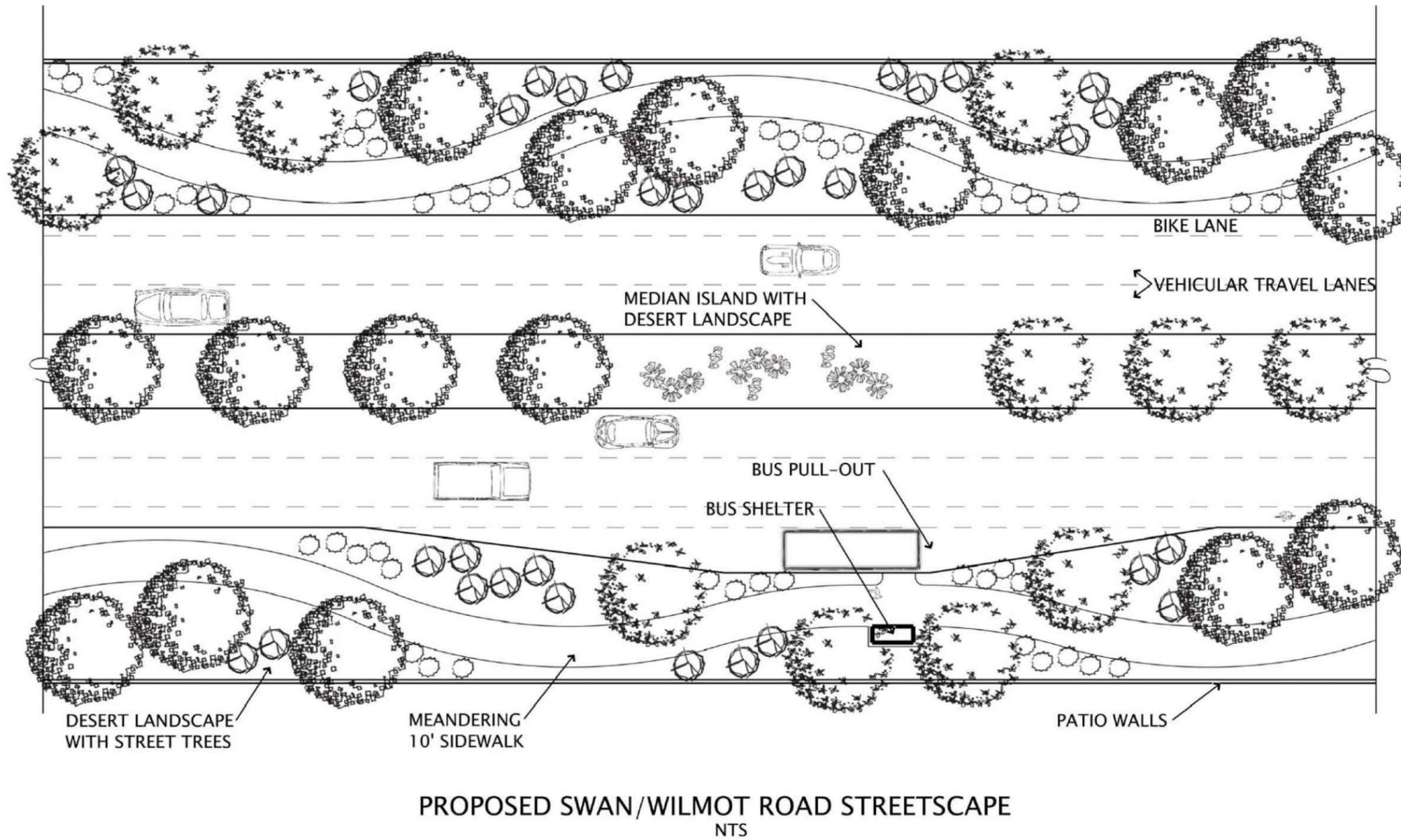
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Swan Southlands

Pima County, Arizona

Figure 22a
 Typical Streetscape
 with Bus Bay



NOTE:
 THIS PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY,
 AND IS SUBJECT TO REVIEW AND REVISION AFTER
 COMPLETION OF THE TRAFFIC IMPACT ANALYSIS

II-P CULTURAL RESOURCES: ARCHAEOLOGICAL AND HISTORIC SITES

II-P.1. Survey Recommendations

The entire Swan Southlands Specific Plan Area has been surveyed for cultural resources. The Pima County Cultural Resources Manager has been provided copies of all the associated cultural resources survey reports and a graphic figure identifying the location of cultural resource sites within the Specific Plan Area. Based upon the results of these survey efforts, additional survey is not required.

II-P.2. Mitigation Measures

Avoidance and preservation in place of all National Register eligible cultural resources shall be the first consideration in all cases. A cultural resources mitigation plan, in conformance with Special Area Policy #14, will be submitted to the Pima County Cultural Resources Office for each Identity District or Sub-District that contains cultural resources at the time of, or prior to, the submittal of any tentative plat or development plan. The mitigation plan will detail strategies for the management of all sites determined by the Pima County Cultural Resources Manager to be eligible for listing on the National Register of Historic Places, and will include standards for further testing strategies, documentation, data recovery, preservation and protection, curation, analysis, and report preparation. In the event that an archaeological site spans more than one Identity District or Sub-District, a single plan shall be prepared and implemented for the entire site. An agreement for the treatment of any human remains shall be developed with the Arizona State Museum and appropriate cultural groups pursuant to Arizona Revised Statute 41-865. The mitigation plan shall be prepared and reviewed as described in Pima County Site Analysis Requirements. Pima County may request technical review from the Arizona State Museum and/or the State Historic Preservation Office.

The cultural resources mitigation work will be performed by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. This work shall be performed in accordance with the provisions of the Pima County Grading Ordinance (Section 18.81.060.B10) prior to the issuance of a grading permit and commencement of grading operations. Once fieldwork has been completed, a preliminary report shall be submitted to the Pima County Cultural Resources Manager, who, upon approval, shall certify that the fieldwork phase of the mitigation plan has been concluded. All final reports shall be submitted to the Pima County Cultural Resources Manager within 12 months of the completion of fieldwork.

If any archaeological resources are encountered during grading or construction, all work shall cease in the vicinity of the resources, and a qualified archaeologist shall be consulted to assess the significance of the discovery and to recommend and undertake appropriate mitigation measures. In the event that human remains are found, including human skeletal remains, cremations, and/or ceremonial objects, ground disturbing activities shall cease in the immediate vicinity of the discovery. Arizona Revised Statute 41-865 requires

that the Arizona State Museum be notified of the discovery of these remains so that appropriate arrangements can be made for their repatriation and reburial by cultural groups who claim cultural or religious affinity to them. The human remains may be removed from the site pending the review and decisions of the affected cultural groups and the Arizona State Museum.

II-Q AIR QUALITY

On-site disposal systems are not proposed to serve this development as all improvements will be connected to a public sewer system.

During construction, all reasonable precautions will be taken to prevent excessive amounts of particulate matter. All necessary dust control permits will be obtained prior to construction occurring.

It is acknowledged that while this Specific Plan does not identify specific uses for the property, some of the permitted uses within the SP/MU zoning district may allow for the construction and operation of businesses that have the potential to emit quantities of air pollutants. At the time these facilities are proposed, air pollution permits may be required. Additionally, every effort will be made to ensure that such facilities are planned away from other sensitive land uses, such as hospitals, schools, residential, etc.

II-R OTHER

II-R.1. Tucson International Airport Policies

In accordance with Special Area Policy #11 the Master Developers will provide disclosure statements in all sales contracts, public reports, and the recorded covenants related to the nearby Tucson International Airport for all property within Section 12. The original draft of the specific language for inclusion in the disclosure statements has been prepared by the Tucson Airport Authority (TAA) and is attached as **Appendix 12**. Provisions for additional notification and disclosure mechanisms, including potential acknowledgment of airspace rights, aviation easements, will be defined and coordinated with TAA. Additionally, TAA Legal Council has drafted an Aviation Easement and Sales Disclosure Statement which has been agreed to and will be recorded by the Master Developer prior to subdividing the property. A copy of the drafted Aviation Easement is included in Appendix 13.

In Section 12, Noise attenuation measures will be provided for all construction as stipulated in the Uniform Building Code, Chapter 35, Section 3501, Sound Transmission Control. The land uses in the Northwest quarter of Section 12 reflects open space, **urban industrial use and will allow for correctional facilities** as requested by the Tucson Airport Authority (note that no schools are provided in Section 12 per the request of the TAA).

Further, the Specific Plan includes a Noise Sensitive Overlay Zone intended to minimize the total number of residential properties within the northwest quarter section of Section 12 as well as an additional 1,000 foot wide strip of land following the existing and future flight path through Section 12. See **Figure 14R: Preliminary Development Plan** for location of the Noise Sensitive Overlay Zone. Within this Noise Sensitive Overlay Zone, the residential density shall not exceed 2.0 RAC.

II-R.2. Working Family (Affordable Housing) Policies

The goal for Swan Southlands is to create housing for working families in accordance with Special Area Policy #7. The proposed target will be for five percent of the housing to be affordable for families making up to 80% of household area median income and an additional 5% of the housing being affordable to those families making up to 120% of area median income. Inclusive Zoning ordinances throughout the United States have identified these income levels as being appropriate to target. Federal, state, local housing programs provide subsidies for households earning up to 80%. Many working families have household incomes above 80% of area median income, earning too much to qualify for governmental subsidies, yet are unable to qualify for the average new home price. Thus, those earning between 80-120% of AMI are an important working family market segment with few mortgage alternatives for new home purchase.

A Working Family/ Affordable Housing Study Review Team has completed a Swan Southlands Affordable Housing Study. Southern Arizona Homebuilders Association, national homebuilders, mortgage lenders, City of Tucson, Pima County, Habitat for Humanity, Urban League, Chicanos por la Causa, Design Development Group, have been invited and participated on the Review Team. The goal was to review the elements of the inclusive zoning ordinance proposed by County staff and to further create public, private, and non-profit opportunities for creating and sustaining affordable housing within a new master-planned community. Evaluation of existing inclusive zoning regulations in other regions, research on affordable housing “best practices”, written surveys, and oral interviews have been compiled. The full array of options for attached and single family homes, home equity funds, subsidy programs, rent to own programs, off site and on-site land banking, fee discounts, employer participations programs, down-payment assistance programs, etc. have been evaluated. The intent was to define a series of acceptable options, any of which can be implemented with each plat submittal, thereby achieving the 10% goal, encouraging housing integration and diversity, and providing options which can be flexible over changing times and future conditions. The outcome of the study concluded in a commitment by the developer or homebuilder to make a voluntary contribution per rooftop to the Pima County’s Housing Trust fund.

II-R.3. Streetscape and Landscape Theme

The overall landscape theme for the development will be one that emphasizes and promotes desert landscaping and xeriscape principles. The preserved and restored riparian areas that run across the site and link the various site elements will be the thematic foundation upon which landscape imagery and identity are built throughout the project.

Desert plantings selected from the Arizona Department of Water Resources Tucson AMA list will be the basis for planting design throughout the development. An example of theme trees which might be considered for the different Identity Districts are below:

Summit Village

Desert Native	Prosopis glandulosa, Prosopis pubescens
Blooming Accent	Chilopsis linearis, Brachychiton populneus
Evergreen Accent	Cupressus arizonica, Vaquelinia californica
Skyline Tree	Pistache chinensis

Desert Park Village

Desert Native	Cercidium floridum, Cercidium microphyllum
Blooming Accent	Chitalpa, Punica granatum
Evergreen Accent	Pinus elderica, Quercus turbinella
Skyline Tree	Celtis reticulata

Desert View Village

Desert Native	Acacia farnesiana, Acacia constricta
Blooming Accent	Vitex agnus castus, Ungnadia speciosa
Evergreen Accent	Sophora secundiflora, Quercus virginiana
Skyline Tree	Pinus halepensis

Gateway Village - (Does not apply to Parcel D-5)

Desert Native	Olneya tesota, Parkinsonia aculeata
Blooming Accent	Cercis canadensis mexicana, Cordia boissieri
Evergreen Accent	Pinus edulis, Pithecellobium flexicaule
Skyline Tree	Schinus molle

There is a list of prohibited plants (see below). Some park and school site will incorporate limited turf areas and use some higher water use plantings, not on the ADWR list, to create oasis areas. Conservation Area Overlay and Project Natural Open Space areas will be planted with only native plant species endemic to the site.

Streetscape will be an important component of the landscape theme for the project. The primary roadways within each Identity District will have a unique primary street tree to help strengthen the district identity. Swan Road and the main east/west roadway running through the northern portions of Sections 13 and 14, which serves as the main arterial for the project, will have broad rights-of-way. They will have desert plantings on

either side of the road as well as in median islands. Strong desert accent plantings in the median islands will define this corridor.

Collector roads will have desert plantings and Identity District theme tree plantings on either side. Where roadways cross the riparian open space areas, the native riparian vegetation will exist on either side of the road.

Project and Identity District identifying entry statements will be developed at major roadway access points. Primary entry statements will occur at the two major project entry points from Swan and Wilmot Roads. These entry statements will include signage, vertical I.D. elements and color. Secondary entry statements will be located where individual District collector streets meet the arterial streets. The secondary entry statements will be smaller in scale and complexity than the primary entry statements.

This approach will emphasize the native desert vegetation, contribute to a system of area way finding and help create a distinct character for each Identity District. **Figure 21 R** illustrates the overall streetscape and entry statement concept. **Figure 22** illustrates preliminary conceptual design sections for planting and sidewalks along major roadways.

Prohibited Plant List

Fountain grass – *Pennisetum setaceum*
 Johnson grass – *Sorghum halapense*
 Common crabgrass – *Digitaria sanguinalis*
 Red brome – *Bromus rubens*
 Tree of heaven – *Ailanthus altissima*
 Russian olive – *Elaeagnus angustifolia*
 Salt cedar – *Tamarix pertandra* & *Tamarix ramosissima*
 Common bermuda grass – *cynodon dactylon* (hybrid sod permitted).
 Lovegrasses – *Eragrostis* spp. (Plains lovegrass – *Eragrostis intermedia* permitted).
 Bufflegrass – *Pennisetum ciliare*
 Giant reed – *Arundo donax*
 Pampas grass – *Cortaderia selloana*
 Mediterranean grass – *Schismus* spp.
 African sumac – *Rhus lancea*

II-R.4. Compliance with Special Area Policy #4: Residential Transition

Compliance with Special Area Policy #4 is inherent within the Preliminary Development Plan. A public participation process consisting of three meetings at Desert View High School and a mailing directly soliciting input was held with residents from the adjacent residential development in both Sections 3 and 11. This was done to better understand and study the interface. The results of the input received are incorporated into the Plan. Key modifications that resulted from the neighborhood meetings include: acknowledging the front-lot condition of Singing Cactus Road on Section 3 just north of Section 10, and leaving the northern border of Section 10 existing RH zoning. The RAC density in the other two transition areas was lowered to 2.5 net, the setback established to 50' to primary structure, and a restriction on building heights was included.

II-R.5. Estimated Development Schedule

Seven Identity District sub-areas are identified for the ultimate build-out of the Swan Southlands Planned Community (See **Figure 23R**, *Identity Sub-District Development Plan*). The development of the Swan Southlands Planned Community is based on the absorption of development parcels, and will respond to housing market demand, retail market demand, job growth demand for employment space, regional transportation facilities, and sound infrastructure development strategies.

The overall Swan Southlands Planned Community is projected to be built over a period of approximately 12-15 years, based on an estimated housing absorption rate of approximately 500-600 residential units per year. This estimated absorption rate may fluctuate over time based on local market conditions. Additionally, commercial and employment land use phasing will respond to demand created by housing growth and / or regional transportation improvements which generate an increase in regional transportation trips within the vicinity to the non-residential development parcels. A projection for the completion of the absorption of commercial and employment land use has not been provided due to the many variables which influence the outcome.

II-R.6. Master Block Plats

The Specific Plan will include, at a minimum, a master block plat for each Identity Sub-District as defined within **Figure 23R**: *Identity Sub-District Development Plan*, in conjunction with the formation, and recordation of a comprehensive development agreement. Inclusive within the various block plats and/or development agreement will be detailed “assurance” directives, with exhibits, established by “district or region” to coordinate the overall implementation of critical infrastructure inherent to this community, including recreation and riparian areas. The assurance package will allow for sufficient flexibility within the framework or implementation of the infrastructure to adjust for market condition changes, as determined by the master developer or subsequent assignable entities. Master Developer or other said parties are responsible for coordinating and completing the master block plats and/or development agreement and identified infrastructure improvements through community build-out. A single rezoning or specific plan reflects a commitment towards the construction and installation of necessary infrastructure without placing undo burden on the government agencies during the life cycle of the development. A Swan Southlands Development Agreements and specific plat notes on the block plats will provide assurances for the construction of critical infrastructure prior to or concurrent with development, **with the exception of Parcel of D-5**.

Table 3b: *Sub-District Site Data* provides the total gross land area, net Project Natural Open Space areas, and the Low and High allowable unit count by Sub-District as defined within **Figure 23R**. This table will allow the Master Developer and Pima County staff to track the development progress by Sub-District (and block plat) as the project develops over time. Once development begins in the first block plat, this table will be periodically updated by the Master Developer and will provide the total number of dwelling units proposed, platted, permitted, and a running total of the balance of units permitted based on the approved Specific Plan. This will allow the Master Developer to effectively manage

the development over time, and will provide the opportunity for Pima County staff, Planning & Zoning Commission and/or Board of Supervisors to obtain up-to-date information upon request of the Master Developer. In addition, as discussed in Section III-8, and in accordance with Section 18.90.090.D of the Pima County Zoning Code, the Master Developer will provide a Specific Plan Annual Implementation Monitoring Report that will summarize this as well as additional information as defined in Section III-8.

Table 3b
Sub-District Site Data (Block Plat)

Identity District/ Sub District	Total Gross Acres	Project Natural Open Space Acres (Net)	Unit Range: Low	Unit Range: High
Summit Village : A1	384	0	578	1,040
Summit Village : A2	230	80	667	1,138
Desert Park : B	640	220	1,056	1,724
Desert View : C1	645	327	529	916
Desert View : C2	390	70	773	1,350
Desert View : C3	356	39	962	1,846
Gateway Village: D	539	254	N/A	N/A
Total	3,184	991	4,300	8,014

"Identity District D Modification"

BOS Modified 6/15/2010

Swan Southlands
 Pima County, Arizona

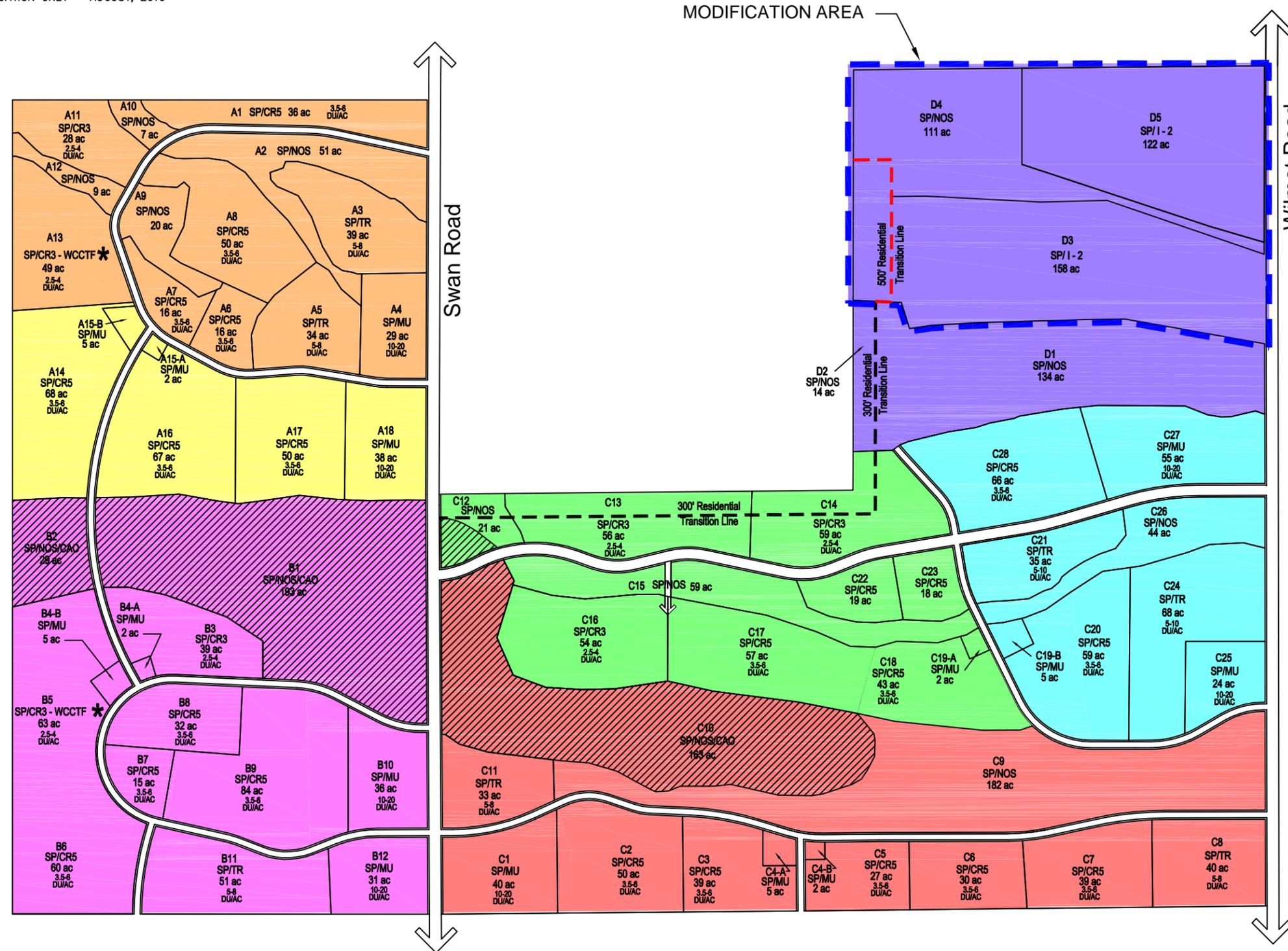
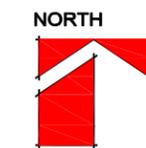


Figure 23R
 Identity Sub-District
 Development Plan

Legend

- Identity District/Sub-District
- A1: Summit Village
- A2: Summit Village
- B: Desert Park
- C1: Desert View 1
- C2: Desert View 2
- C3: Desert View 3
- D: Gateway Village



Stantec

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II-R.7. Management and Maintenance

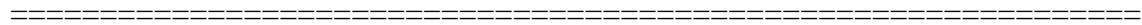
II-R.7.a Community Association (SSMC) Responsibility

A master community homeowners association, the Swan Southlands Maintenance Corporation (SSMC), or other comparable named corporate entity, will be created to manage all common open space facilities and private drainage facilities owned by the SSMC and to govern the affairs of the SSMC through formal governance structure to be established in the SSMC bylaws. In addition to common tracts owned by the SSMC, the SSMC may assume the maintenance responsibility for median landscaping and landscaping within the public rights-of-way adjacent to all major and minor arterial roadways throughout the community, subject to a maintenance agreement with the public entity. The purchaser of property within the Swan Southlands community will be required to pay dues which will in turn pay the expenses of the SSMC for the operation and maintenance of community facilities. All private facilities constructed by the Master Developer will be dedicated to the SSMC for acceptance upon completion. The dedication and acceptance process will coincide with the public approval of the facilities through the regulatory development review process. Once accepted, it will become the SSMC Board of Trustee’s responsibility to manage and maintain the facilities under to purview of the bylaws.

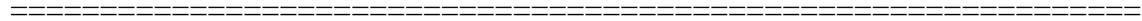
II-R.7.b Design Guidelines and Architectural Review Committee

Residential, Commercial, **and Industrial for Parcel D-3 (unless developed as a correctional facility)** Design Guidelines will be created to provide an overall framework and comprehensive set of standards and procedures that will guide the Swan Southlands Planned Community development in an orderly and comprehensive manner. In order to foster diversity, different Identity Districts or different Zoning Districts may have individual design guidelines. A licensed professional architect will be retained by the community association as a resource. An Architectural Review Committee, or Design Review Committee will be appointed by the community association board and will be responsible for reviewing and interpreting the application of the design guidelines. Guiding principles and objectives for the development of the guidelines include:

1. Recognition of the Sonoran Desert context through the use of contextual plant and building materials.
 - Maintain a consistent Sonoran Desert plant palette throughout the multiple phases of development.
 - Encourage the use of local (Southwest) building materials and desert hues, while encouraging diversity.
 - Create an environment of accessibility to the outdoors and openness.
2. Strive for a distinctive sense of place for the Swan Southlands planned community, while promoting diversity in design and development.
 - Create a community identity through the use of consistent materials, a community logo, custom design of informational signs for way finding along public streets and the community trails system.



- Develop standards for the site planning and architectural treatment of the community commercial centers which emphasize mixed development patterns and subtle design continuity.
 - Encourage form, material and color diversity in building design.
3. Promote the inclusion of diverse housing opportunities with a mix of housing densities, lot sizes and housing product types.
 - Recognize the variable life styles of the Tucson Metropolitan community and promote housing designs that target the desirable characteristics of housing design for the variable age and demographic groups. (Varying relationships between interior building area and exterior maintenance area).
 - Strive to meet Working Family housing goals through the careful implementation of design standards, and integration of market rate housing with homes made more affordable through public, private and non-profit collaborative partnerships.
 - Promote infrastructure development efficiencies through the careful evaluation, sizing, phasing, and timing extension of public infrastructure.
 - Promote the use of durable, but cost competitive building materials.
 - Promote the development of low maintenance community facilities and amenities within specified District Identity areas.
 4. Promote bufferyards and/or land use transitions between existing adjacent development and the development of the Swan Southlands Planned Community.
 - Encourage the use of natural landscape inventory adjacent to residential areas. Restrict building height immediately adjacent to perimeter of buffer yard areas to single story.
 - Encourage the implementation of transitional lot sizes from the project periphery and the internal Swan Southlands neighborhoods.
 5. Recognition of climatic conditions in the southwest through attention to solar orientation and other appropriate climatic responses within the built and planted environment.
 - Promote the consideration of solar angles with the placement of structures and plant materials to lessen the impacts of summer solar heat gain.
 - Encourage the use of energy efficient design and building materials.
 6. Maximize opportunities for public exposure to common community spaces and visual access to view corridors and physical features.
 - Promote subdivision design that maximizes public exposure to open space by extending local street interface adjacent to this space.
 - Encourage subdivision and commercial center design that provides view corridors, which terminate on open space or topographic features.



7. Promote opportunities for mobility throughout the community for residents of all ages.
 - Provide a community trails system that considers the movement of community residents between neighborhoods, community commercial uses and the community open spaces.
 - Provide opportunities for school age children to commute as pedestrians or bicyclists between schools, parks and neighborhoods.
 - Emphasize the trails network through the use of comprehensive trails directional markers and maps.

8. Promote opportunities for community and neighbor social interaction.
 - Locate common open spaces within neighborhoods in a central location to promote accessibility to residents.
 - Promote subdivision and housing design which recognizes the public street as having a potential for social interaction in addition to traffic movement by providing opportunities for residents to interact with this space through visual or physical interaction.
 - Promote the use of open fencing along open spaces, neighborhood parks and community parks, where possible.

As stated previously, to achieve the design principles stated above, a design review committee (DRC) is to be created to privately review, implement and enforce the design guidelines. The implementation of the standards will be the responsibility of the Swan Southlands DRC. Any changes or updates to the Swan Southlands design guidelines will be provided to Pima County staff.

The Swan Southlands Community CCR’s will establish the review authority of the DRC. Because the DRC process is entirely independent of the Pima County development review process, the County may accept plans for processing and may authorize development approval related to plans that have not been previously approved by the DRC. Membership on the DRC shall be established by the CCR’s and may include representatives from the Master Developer, homebuilders, design consultants and/or community residents. It is anticipated participation on the DRC will evolve over time as property ownership transitions from the Master Developer to the residents.

PART III: REGULATORY DEVELOPMENT STANDARDS

III-1 Purpose and Intent

This section is intended to provide the regulatory zoning provisions designed to guide the implementation for the community “vision” through the plan review and development permit process. The provisions below are intended to apply to all property within the Swan Southlands Specific Plan as defined within Part II-B - Property Legal Description. The intent of the Swan Southlands Specific Plan is to implement the vision for development of the property expressed by the policies affiliated with Comprehensive Plan Amendments C07-03-10, C07-03-09 and C07-03-07 as expanded within Part II - Land Use Proposal. It is expressly the intent to utilize the provisions of the Pima County Zoning Code as the basis for zoning regulation throughout the plan with exceptions as defined and provided within the provisions of the Regulatory Development Standards. The Specific Plan proposes various regulatory provisions that will supersede specific provisions defined within the various sections of the zoning code per Section 18.90.050.B.3.

The development regulations will govern the land use densities, intensities, and location criteria within the Swan Southlands Specific Plan. Furthermore, this section includes development standards related to base zoning districts, property use, building and landscape setbacks, building height, and lot coverage requirements. The intent of these standards is to establish clear minimum development standards, allow for the orderly progression of development, and to provide flexibility over time without compromising mutually-agreed upon goals and overall vision for the Swan Southlands community. Unless otherwise specified herein, all development within the Swan Southlands Specific Plan shall conform to all Ordinances, Codes, Policies and Regulations of Pima County.

III-2 Definitions

The terms used within this Specific Plan that are not included in Section 18.03 of the Pima County Zoning Code are defined below. The definitions represent an integral part of the Specific Plan, and are intended to provide regulatory guidance in the implementation of the Swan Southlands Master Development Plan and other documents contained within this Specific Plan. In the event a term is not specifically defined within this document, the definition contained within the Pima County Zoning Code shall apply.

Accessory Dwelling Unit: An attached or detached accessory building used to house guests of the occupants of the principal building, and which is never rented or offered for rent.

Active Recreation: Recreation usually related to structured team sports that require a playfield or court such as baseball, softball, soccer, and basketball, as well as playgrounds, tot lots, and other active recreation facilities.

Conservation Area Overlay (SP/NOS/CAO): A portion of the Project Natural Open Space (SP/NOS, as defined within this section) that will be subject to formally recorded Conservation Easement and Deed Restriction. Activities that will be allowed within the Conservation Area Overlay include riparian mitigation and restoration activities and PPC transplant study and propagation.

~~Conservation Washes: Washes carrying 250 cfs or greater.~~

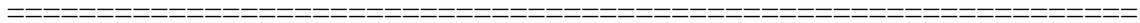
Development Parcel (Block): A sub-area defined by alphabetical and numerical reference on the Master Development Plan and Underlying Zoning Plan.

Floor Area Ratio: (Intensity) The gross floor area of all buildings on a parcel divided by the gross area of the parcel.

FCD Regulated Riparian Areas/Habitat: Pursuant to the Pima County Flood Control District, designated areas that are adopted for regulation by Chapter 16.54 of the Pima County Floodplain and Erosion Hazard Management Ordinance.

Gross Area, Development Parcel: The area of a development parcel, including all planned or dedicated streets, alleys, private access ways, roadways, interior open spaces, and/or alley easements. Parcel boundaries shall extend to the center of adjacent streets or right-of-way or other public spaces.

Gross Density: The term used to describe the number of residential dwelling units on a defined piece of land divided by the total gross acreage of that defined piece of land, including all planned or dedicated streets, alleys, private access ways, roadways, interior open space, and/or alley easements. Gross area shall extend to the center of



	adjacent streets or rights-of-way or other public space.
Housing, Multifamily:	A building or group of buildings serving as attached living units typically for lease (apartments) but may be for sale (condominium) This term is intended to apply to triplex or greater composite combinations of units.
Housing, Single-Family Detached:	A building containing only one dwelling unit entirely separated from buildings on adjoining lots or building sites.
Housing, Single-Family Attached:	A building containing dwelling units, each of which has primary ground floor access to the outside, and which are attached to each other by party walls without openings in compliance with building codes. The term is intended to apply to town homes (lot sales).
Housing, Turn-in Garage Component:	The component of a house affiliated with the storage of automobiles that is oriented parallel with, not perpendicular to, adjacent legal access.
Identity District:	A sub-area defined by alphabetical reference on the Master Development Plan and Proposed Zoning Plan and containing multiple development parcels.
Important Riparian Areas (IRA):	Pursuant to the Sonoran Desert Conservation Plan Conservation Lands System (SDCP CLS), these areas are designated by Pima County as areas with restricted land use recommendations. Pima County recommends that 95 percent of Important Riparian Areas be retained in their natural state.
Net Area, Development Parcel:	The area of a development parcel, excluding all planned or dedicated streets, alleys, private access ways, roadway and/or alley easements and intended desert preserve areas.
Net Density	The term used to describe the number of residential dwelling units on a piece of land divided by the total acreage of that piece of land excluding all non-residential uses, such as commercial/employment uses, parks, schools, retention/detention basins, open

spaces, utility easements, planned or dedicated streets, alleys, private access ways, roadways, and/or alley easements.

Passive Recreation: Recreation that is usually undertaken individually, primarily pedestrian-oriented. This term within the Specific Plan is specific to Swan Southlands and defines the level of recreational use allowed within Project Natural Open Space (defined below). Passive recreation includes non-motorized activities such as walking, jogging, biking, and nature viewing. Interpretive signage, kiosks, benches, non-motorized trails, water fountains, and ramadas are passive recreational elements that may be included in Project Natural Open Space.

Project Natural Open Space (SP/NOS): Nine-hundred and ninety-one (991 acres of natural areas identified within the project plan as set aside. These areas make up the 30 percent set-aside requirement (955 acres) for the Native Plant Preservation Ordinance (NPPO) and include thirty-six (36) acres. Activities that will be allowed within the 955 acres of SP/NOS that make up the NPPO set-aside requirements include riparian mitigation and restoration activities and PPC transplant study and propagation. Additionally, activities allowed within SP/NOS that are not part of the NPPO set-aside requirement (36 acres) will include passive recreation opportunities such as pedestrian trails and interpretive facilities for education (i.e. signage, kiosks, and armadas).

Project Riparian Areas/Habitat: Areas mapped as the SDCP Conservation land System Important Riparian Areas and/or washes with 100-year flows greater than or equal to 250 cfs, with lateral boundaries determined by the limits of a combination of the 100-year floodplain or riparian vegetation, whichever is greatest at any given point along the wash. Swan Southlands contains approximately 624 acres of Project Riparian Habitat.

Wastewater Collection, Sewer basin study areas which are the areas
Conveyance and Treatment tributary to the development.
Facility Study Area (WCCTF):

SP/NOS Areas intended for Project Natural Open Space as defined above.

SP/NOS/CAO Areas intended for Conservation Area Overlay as defined above.

III-3 Zoning Base Districts

The base zoning districts proposed for the Swan Southlands Specific Plan include the following:

SP/CR-3 Single Residence Zone (Chapter 18.25)

SP/CR-5 Multiple Residence Zone (Chapter 18.29)

SP/TR Transitional Zone (Chapter 18.31)

SP/MU Mixed Use Zone (New Zoning District for Swan Southlands Specific Plan)

SP/I-2 with I-3 Commercial use and correctional facilities

Figure 13R, *Zoning Boundaries* depicts the proposed zoning districts associated with the overall development plan. A proposed mix of residential densities and non-residential uses as depicted within the Swan Southlands Specific Plan will promote diversity within the community while maintaining a high-quality community environment. The diversity in lot sizes within the community will promote diverse opportunities for a range in lifestyles. The mixed use centers, provided within several highly accessible locations within the community, will provide convenient access to community services as well as focal points for employment uses.

Table 3, *Density/Intensity Table*, lists the total number of proposed target residential units with a breakdown of target units by development parcel. This number is the basis of analysis and recommendations for the scale and development of proportional public infrastructure facilities. Implementation of the development plan will involve the expenditure of residential units under a phased basis with the guidance of the target unit budget. Each of the development parcels report a residential unit range with a target for total number of units identified. In each case, the actual number of units within each development parcel will not go above the maximum total number of units identified within the unit range. The actual number of units within an individual development parcel may go below the low unit range, however, each Identity District as a whole shall not go below the low unit range as defined within **Table 3R**, nor shall each Identity District or Sub-District go below a minimum of net 4.0 RAC (with the exception of the Identity District D: Gateway Village within Section 12, **which no longer has residential uses**). The movement of residential units throughout the planned community is expected during the multi-year implementation of the Plan. Public predictability and the protection of density encroachments are promoted by the implementation of the unit range within each development parcel, the target units as a whole, and the development regulations and transition standards.

The target units identified within **Table 3R** represents the intended general distribution of residential units throughout the planned community. This representative distribution is particularly relevant to the evaluation of the planned infrastructure facilities (roadways, water lines, sewer lines, electrical distribution lines, etc). A significant deviation from the land use plan and affiliated target units may necessitate the re-evaluation of the infrastructure systems that will be recommended within the third party studies, such as the Traffic Impact Analysis, the Water Master Plan, and the Wastewater Master Plan.

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Figure 13R, Zoning Boundaries, also graphically depicts the proposed zoning for each of the sixty-nine (69) development parcels within the Seven (7) Identity Districts or Sub-Districts. As indicated by **Table 3R**, the minimum and maximum number of proposed residential units is representative of the distribution of residential units throughout each of the Seven (7) Identity Districts or Sub-District (Summit Village A1 and A2, Desert Park Village B, Desert View Village C1, C2 and C3, and Gateway Village D). In no case shall any overall net density within each of the Identity Districts or Sub-Districts go below 4.0 RAC nor above 8.0 RAC, with the exception of Identity District D: Gateway Village within Section 12. Section 12 includes a Tucson Airport Authority Study Area. The airport authority has requested that lower density residential and non-residential uses be proposed within this section to minimize impacts to potential future residents from the nearby airport.

III-4 Residential Districts

a. Purpose and Intent

The residential districts listed above are designed to respond to opportunities and constraints discussed within the Site Inventory Section related to the Swan Southlands Planned Community. The wide range of single family residential districts, ranging from 1.5 RAC to 20 RAC multi-family residential housing, is intended to support a range of resident life styles and maximize housing choices. District standards are intended to promote stable, functional and diverse neighborhoods that meet the housing needs of each resident.

The maximum dwelling units identified for each of the Identity Districts or Sub-Districts represent the maximum potential units within that Identity District or Sub-District. However, residential units may be transferred from parcel to parcel, as the development plan is implemented, within each of the development parcels as necessary to achieve project target densities. Proposed subdivision plats must demonstrate conformity with underlying zoning district standards from parcel to parcel when dwelling unit transfers are proposed for a receiving parcel. In no case shall any Identity District or Sub-District in its entirety go below net 4.0 RAC or above net 8.0 RAC

Identity District D includes a Noise Sensitive Overlay Zone due to the proximity of the Tucson International Airport extended flight paths. The Noise Sensitive Overlay Zone restricts density within its boundaries (See **Figure 14: Preliminary Development Plan** for Overlay Zone boundaries) to a maximum of 2.0 RAC to minimize the total number of residential units within the overlay area.

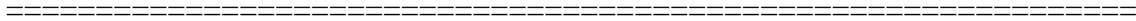


Table 4, Residential Development Standards, provides a summary of proposed development standards for the residential zoning districts under the Specific Plan. Within the single family residential zoning districts, the residential standards will serve to permit design flexibility for lot sizes, while maintaining minimum lot sizes within each development unit. As indicated in **Table 3**, the minimum and maximum number of residential units within each of the Development Parcel will have a defined limitation.

To encourage the preservation of environmentally sensitive land, units may be transferred between any parcels within the same development area. For example, if development unit A16 in Identity Sub-District A2 is defined within the Land Use Density and Intensity Table (**Table 3**) not to exceed 385 units and is actually platted with 300 units, the remaining 85 units may be transferred to any other development unit within Identity Sub-District A2 so long as the total allowable unit count within that District is not exceed.

b. Land Use

i. Permitted Principal Uses

The following principal uses are permitted within all residential districts:

- Single Family Detached Housing;
- Accessory building or use;
- Single Family Attached Housing;
- Multifamily Attached Housing;
- Churches, synagogues, temples, chapels, or similar places of worship and related facilities;
- Educational institutions, public or parochial;
- Home Occupation (in accordance with Section 18.09.030 of the Pima County Zoning Code)
- Social clubs;
- Public utility and municipal facility buildings and related facilities.
- Seasonal rental or time-share units in the MU land use districts;
- Private recreation centers;
- Parks, public and private;
- Temporary residential start up uses, including sales/marketing facilities, model home complexes and related accessory uses;
- Water production and storage facilities;
- Wastewater lift stations and treatment facilities

ii. Permitted Conditional Uses

- The Swan Southlands Specific Plan shall conform to the standards provided by Section 18.27.020 and 18.29.020 of the Pima County Zoning Code for all residential zoning districts within the Swan Southlands Specific Plan.

iii. Permitted Accessory Uses

The following accessory uses are permitted within all residential districts:

- Accessory Dwelling Unit if:
 1. the units do not exceed 45% of the area of the primary structure;
 2. the units limit cooking and bath facility area to 30% of the total area.
 3. units may be attached or detached.

c. Development Standards

The Swan Southlands Specific Plan shall recognize the development standards provided within **Table 4**, *Residential Development Standards*. The proposed standards are intended to supersede the standards provided within the following Sections:

- CR-3: Section 18.25.030
- CR-5: Section 18.29.030
- TR: Section 18.31.030

The residential district standards are intended to provide standards for minimum lot area, minimum lot width, building height, minimum yard setbacks, and maximum lot coverage for each residential lot.

**Table 4
Residential Development Standards**

District (5)	Lot Size			Building Height	Minimum Yard Setbacks (9)					Distance Between Buildings (4)	Maximum Lot Coverage (6)
	Average Area	Minimum Area	Minimum Width		Stories / Feet (8)	Front	Side		Street Side		
	(1)	(10)	(2)	(3)		Min.	Total				
SP/CR-3	Single Family Residential										
Standards	7,500	6,500	55	2 / 34	20	5	10	10	10	---	55%
SP/CR-5	Single Family Residential										
Standards	5,000	3,000	40	2 / 34	10	0	6	10	10	10	60%
SP/TR	Mixed Dwelling Residential										
Standards	3000	2000	25	3 / 36	3	0	6	10	10	10	65%
SP/MU	Multi-Family Residential (Per MU District)										
Standards	1000	N/A	N/A	4 / 48	20	7	14	10	10	10	70%

(1) The average Area per Dwelling Unit shall be calculated as follows: Average Area = Gross Subdivision plat area / the proposed number of residential lots within the plat.

(2) There is no minimum lot width for multiple dwelling lots within the SP/TR zoning district.

(3) Front yard setbacks indicate distance to living component of the structure and for side-entry garages. Within the SS/CR-3 district driveway depth (distance to face of garage) shall be 20 feet long and 18 feet wide. Within the SS/CR-5 and SS/TR district, driveway depth (distance to face of garage) may be reduced to 3 feet if the required visitor parking spaces per Pima County visitor parking requirements are provided within 300' from the residential property it serves.

(4) Minimum distance permitted between buildings on the same lot or as required by the UBC.

(5) Permitted uses and development standards in more restrictive zoning districts may be used in less restrictive zoning districts (e.g. Uses within SP/CR-5 zoning district are permitted in SP/MU district).

(6) Residential lot coverage shall be calculated for each Residential Development Parcel as a whole, not on an individual lot basis and reported on the preliminary and final plats. The calculation is as follows: Gross Area of the Parcel, less right-of-way and perimeter landscape tracts equals Net Site Area. Net Site Area multiplied by the lot coverage percentage equals the total square feet of area allowed for coverage within the Development parcel. The total coverage area is then divided by the number of lots in the Development Parcel, to yield a total number of square feet of coverage for allocation to each lot.

(7) Buildings and structures shall be setback a minimum of 50 feet along the perimeter of the Specific Plan boundary within the Residential Transition Areas, regardless of the zoning district.

(8) Residential building heights adjacent to existing residential development within the Transition Areas shall be single story/25 foot maximum.

(9) All building setbacks along Swan Road and Wilmot Road shall by 30 feet.

(10) There is no minimum lot area for duplex or multi-family dwelling units within the SP/TR zoning district.

(11) Density within the Residential Transition Areas shall have an average net density of 1.5 RAC and shall not exceed net 2.5 RAC.

(12) Non-residential land uses within residential zoning districts (such as churches, recreation centers, etc.) shall comply with the development standards within Table 6: Non-Residential Development Standards with the exception of maximum building height, which shall comply with the requirements within the residential zoning district in which it is located as defined in Table 4.

- d. Revisions to the Pima County Code per the proposed residential zoning district standards are summarized below:

Chapter 18.25: CR-3 Single Residents Zone-Except for the following, the zoning regulations of Chapter 18.25 shall apply:

18.25.010.A.1: All uses as permitted in Section 18.09.020A (General Residential and Rural Zoning Provisions) and as stipulated in Part 3, Section 4.b of the Swan Southlands Specific Plan.

18.25.010.2-4: Remove as permitted uses.

18.25.030.A: Minimum lot area: Six thousand five hundred square feet.

18.25.030.B: Average area per dwelling unit: Seven thousand five hundred square feet.

18.25.030.C: Minimum lot width: fifty-five feet

18.25.030.D: Front: Twenty Feet

Side: Five feet minimum, ten feet total

Rear: Ten feet

18.25.030.G: Buildable area: Not to exceed fifty-five percent of the lot for the primary structure.

18.25.040.A: Permitted coverage: ten percent of lot area.

18.25.040.C.2: To front lot line when detached: Twenty feet.

Chapter 18.29: CR-5 Multiple Residence Zone-Except for the following, the zoning regulations of Chapter 18.29 shall apply:

18.29.010.A: All uses as permitted in Section 18.27.010 and as stipulated in Part 3, Section 4.b of the Swan Southlands Specific Plan.

18.29.030.A: Minimum site area: Three thousand square feet.

18.29.030.B: Minimum site setbacks:

Front: Ten feet

Side: zero minimum for one side, six feet total

Rear: Ten feet

18.29.030.C: Average area per dwelling unit:

- 1. Single detached dwelling: Five thousand square feet

18.29.030.D: Maximum lot coverage: Sixty percent (for main buildings)

18.29.040.A: Permitted coverage: Maximum ten percent of the individual lot area.

Chapter 18.31: TR Transitional Zone- Except for the following, the zoning regulations of Chapter 18.31 shall apply:

18.31.010.A: Any use as permitted in Section 18.25.010, 18.27.010, and **18.29.010** and as stipulated in Part 3, Section 4.b of the Swan Southlands Specific Plan.

18.31.030.1: Minimum lot area for single family detached dwelling unit: Two thousand square feet.

18.31.030.2: Minimum lot area for duplex or multiple dwelling unit: None.

18.31.030.B: Average area per dwelling unit: Three thousand square feet.

18.31.030.C.1: Minimum lot width for single family detached dwelling unit: Twenty five feet.

18.31.030.C.2: Minimum lot width for multiple dwelling unit: None.

18.31.030.D.1.a: Minimum lot yard requirements single family detached dwelling unit front yard: three feet

18.31.030.D.2.c: Duplex or multiple dwelling unit rear yard: ten feet.

18.31.030.E.1: Maximum height: three stories and thirty-six feet.

18.31.050.C.2: Minimum distance to front lot line for accessory building:
Twenty feet.

III-5 Mixed Use Zoning District

a. Purpose and Intent

The Mixed Use Zoning District listed below is intended to respond to the opportunities and constraints of the site, as well as respond to the demand for goods and services affiliated with the demographic projections for the planned community at build-out. The Mixed Use Zoning District is intended to accommodate a mix of Commercial, Employment, Commerce Park and Residential uses (note that the proposed SP/MU zoning district is not a modification of the Pima County Mixed Use Zoning District as defined by Chapter 18.37 of the Pima County Zoning Code, but an entirely new zoning district proposed for the Swan Southlands Specific Plan).

Table 3, *Density/Intensity Table* identifies the proposed split of residential development (by target number of units) and gross leasable area for non-residential uses. Project approved intensity (non-residential square footage) may be transferred between the Mixed Use districts throughout the project as necessary to meet the employment, entertainment and retail demands of the project population.

To encourage the co-location of commercial services, business opportunities and higher density housing, the mixed use land use district has been established. Within this district, this Specific Plan establishes the development of service cores intended to address the community demand for goods and services within focal areas. The focal areas will promote multimodal accessibility to the defined locations by establishing proximity relationships with the planned residential neighborhoods (to promote walking and bicycling) while encouraging the development of a “critical mass” to encourage future opportunities for public transit centers.

b. Land Use

Permitted Principal, Conditional and Accessory Uses for SP/MU

Table 5, *Mixed Use District Permitted Uses* provides a list of the permitted uses for the Swan Southlands Specific Plan. This table provides regulatory provisions affiliated with permitted Principal uses (P), permitted Conditional uses (C), permitted Accessory uses (A), and uses not permitted (-).

**Table 5
Mixed Use District Permitted Uses**

Land Use	SP/MU
Administrative and Professional Offices	P
Air Conditioning, Heating and Ventilation Supplies	P
Amusement and Recreation Facility (enclosed structure), Including Billiard or pool hall, bowling alley, dance hall, gymnasium, penny arcade or shooting gallery, sports arena	P
Amusement and Recreation Facility (outdoor) Archery range, miniature golf or practice driving or putting range, games of skill or science, pony riding ring without stables, swimming pool or commercial beach or bathhouse, tennis courts	P
Antique Store	P
Apparel Store	P
Art Needlework or Hand-Weaving Establishment	P
Art Gallery or Store	P
Auction, Public (no animals)	C
Auditorium or Assembly Hall	P
Auto Mechanic Repair	P
Auto Rental Garage	P
Automobile Accessories, Parts and Supplies	P
Automobile Sales and Rental	P
Bakery	P
Bank	P
Bar, Tavern, Lounge or establishment that serves alcoholic beverages for consumption on premises	P
Barber Shop	P
Baths: Turkish, Swedish, Steam, etc.	C
Beauty Shop	P
Billboard	-
Bicycle Shop	P
Billiards or Pool hall	P
Blueprinting	P
Boats: Storage or Rental	P
Book, Newspaper, or Magazine Store	P
Burglar Alarm Service	P
Café or Lunchroom	P
Catering Service	P
Cemetery or Crematory	-
Child Care Centers	P
Church	P
Cigar Store	P
Cleaning, Dyeing, Laundry Collection Agency	P

Club: Athletic, private, social, sports or recreational (except sport stadiums or fields)	P
Clothing or Accessory Sales	P
Cocktail Lounge	P
Confectionery Store	P
Contractor's Equipment or Machinery	C
Custom Dressmaking, Millinery, Hemstitching or Pleating	P
Custom Weaving or Mending	P
Dealer in Coins, Stamps or Similar Collector's Items	P
Delicatessen	P
Dental Laboratory	P
Department Store	P
Drive In Theater	-
Drugstore	P
Dry Goods or Notions Store	P
Fair, Carnival or Tent Show	-
Farm Equipment or Machinery	C
Feed Store: No sale or storage of hay	C
Fix-it Shop, Small Appliances	P
Florist Shop	P
Food and Beverage Vendor Carts	A
Fortune Telling	-
Frozen Food Locker	P
Fruit or Vegetable Store	P
Furniture Store	P
Garage: For commercial use only	P
Gasoline Service Station	P
Grocery Store	P
Gymnasium	P
Hardware Store	P
Hotel or Motel	P
House Furnishing Store	P
Ice Cream Store	P
Ice Station	P
Industrial or Trade School	P
Ink Mixing and Packaging of Ink Ribbons	P
Interior Decorator	P
Jewelry and Watch Repair	P
Jewelry Store	P
Kennels	-
Large Scale Retail Establishment	P
Laboratories: Medical, Dental, Research, Experimental and Testing	P
Laundromat	P
Lawn Mower Repair	P
Library: Rental or Public	P
Living Quarters for Night Guards	A
Lumberyard, retail	C

Manufacture of Cameras and other photographic equipment, dentures and drugs, jewelry, leather products, luggage, musical instruments, orthopedic and medical supplies, small paper products, plastic products, precision instruments, silverware, plates and sterlings, sporting and athletic equipment, toys	C
Manufacture and assembly of electrical and electronic equipment	C
Manufacture and packaging of beverage products	C
Manufacturing and service of data systems	C
Massage Establishment	P
Mattress Shop	P
Meat, Fish or Dressed Poultry Market, provided not live poultry are kept on premises	P
Mechanical and Electronic Game Arcade	P
Medical Laboratory	P
Messenger Office	P
Mortuary or Embalming Establishment	-
Motorcycle or motor scooter repair or storage	P
Music, Phonograph or Radio Store	P
Nightclub	P
Novelty Shop	P
Office Equipment Sales	P
Office: Business, Professional or Semi-Professional	P
Orthopedic Appliances	P
Oxygen Equipment: Rental or Distribution	P
Painting Equipment and Supplies	P
Pawn Shop	-
Pet Grooming	P
Pet Shop	P
Photographic Studio	P
Photographic Supply Store	P
Plant Nursery	P
Plastic or Plastic Products Wholesale or Assembly	C
Plumbing Fixtures and Supplies	P
Postal Station	P
Pressing Establishment	P
Printing, Newspaper publishing and Binding	C
Public Utility Service Yard	C
Recording Studio or Sound Score Production	C
Recreational Facilities	P
Recycling Collection Point	A
Reducing Salon, not to include massage establishments	P
Refreshment Stand	P
Religious Rescue Mission or Temporary Revival	C
Residential, Multi-Family	P
Residential, Single-Family	P
Restaurants	P
Safe Depository	P

School: Barber or Beauty Culture	P
School: Business	P
School: College or University	C
School: Dancing	P
School: Dramatic	P
School: Handicraft, Painting or Sculpture	P
School: Music	P
School: Private, Parochial and Charter	P
Self-Service Car Wash	P
Self-Storage Facilities	C
Shoe Repair Shop	P
Shoe Store	P
Shopping Center, Neighborhood	P
Shopping Center, Regional	P
Sidewalk Sales associate with Existing Businesses, lasting no longer than three days in any thirty-day period	P
Sign Paint Shop	C
Soap and Detergent: Packaging Only	C
Sporting Goods, Hunting and Fishing Equipment Store	P
Station: Bus or Stage	P
Stationary Store	P
Tailor Shop	P
Trade Show, Industrial Show or Exhibition	-
Warehousing	C
Wholesale Business and Storage	C

c. Non-Residential Development Standards

The Swan Southlands Specific Plan shall recognize the development standards provided within **Table 6R**, *Non-Residential Development Standards*. The Mixed Use zoning district listed above is designed to respond to opportunities and constraints of the site, as well as respond to demographic projections for the Swan Southland community at build-out. The mixed use district standards have been developed to regulate development standards for all development within the Mixed Use Zoning Districts of the Swan Southlands Specific Plan.

The Development Standards provided in **Table 6R** below provide standards for lot area, lot coverage requirements, building height, setback and perimeter landscape requirements.

III-5A Industrial Zoning District

a. Purpose and Intent

The industrial Zoning District listed below is intended to respond to the opportunities and constraints of the site, as well as respond to the demand for employment-based uses. Identity District D, Gateway Village is adjacent to Wilmot Road, and is well suited to meet the demand for additional correctional facility use and serve as an appropriate transition area with other Urban Industrial type uses.

Modified Table 3, *Density/Intensity Table* identifies the modified acreage for non-residential uses.

b. Land Use

Permitted Principal, and Prohibited Uses for I-2

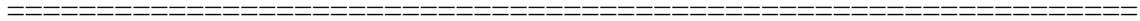
1. Of the permitted industrial uses, the uses that are equivalent to the CI-2 zone of the Pima County Zoning Code are allowed on the east half of Parcel D3 (the west boundary being an approximate distance of 2,400 feet from Wilmot Road). Of the permitted industrial uses, the uses that are equivalent to the CI-1 zone of the Zoning Code are allowed throughout Parcel D3.
2. The use of a Correctional Facility is allowed on parcel D-5. 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.
3. The use of a Correctional Facility is allowed on Parcel D3 subject to the following requirements: 1. Approval of a Type 3 Conditional Use permit; 2. The west parcel boundary extends no further west than the 1,320 feet boundary; 3. The open space buffer will be expanded from 500 feet to 1,320 feet; and 4. In addition to the standard public notification for a Type 3 Conditional Use Permit, public notice shall be expanded to include all property owners within Section 11.

If Parcel D-3 is developed for industrial uses not including a correctional facility, the activities located immediately east of the required 500-foot buffer between Section 11 and Parcel D-3 should be less intense such as employee parking as opposed to loading area.

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4. All uses allowed in CB-2 and CI-1, (which also by reference includes CB-1 uses). Any of the following if conducted wholly within a completely enclosed building, (the following are CI-1 Permitted Uses):
- a. Manufacture, compounding, processing, packaging or treatment of: Bakery goods, candy, cosmetics, dairy products, drugs and pharmaceutical products, perfumes, soap (cold process only), and food products, except fish or meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils;
 - b. Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: Bone, broom corn, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair or bristles, horn, leather, paper, plastics or plastic products, precious or semi-precious metals or stones, shell, textiles, tobacco, wax, (paraffin, tallow, etc.), wood (excluding sawmill or planing mill), yarns, paint (not employing a boiling process);
 - c. Manufacture and maintenance of: Electric and neon signs, billboards, commercial advertising structures and displays, light sheet metal products, including heating or cooling, and ventilating ducts and equipment, cornices, eaves and the like;
 - d. Manufacture of: Glass, pottery or other similar ceramic products (using only previously prepared sand or pulverized clay, and kilns fired only by electricity or gas), concrete or cement products, musical instruments, toys, novelties, rubber or metal stamps;
 - e. Automobile trailer or mobile home assembly, painting, upholstering, reconditioning;
 - f. Blacksmith and welding shop or machine shop (using only previously prepared sand or pulverized clay, and kilns fired only by electricity or gas), concrete or cement products, musical instruments, toys, novelties, rubber or metal stamps;
 - g. Laundry, cleaning, dyeing works;
 - h. Carpet and rug cleaning;
 - i. Distribution plants;
 - j. Ice and cold storage plants;
 - k. Wholesale business;
 - l. Storage building or warehouse;
 - m. Assembly of electric appliances: Radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders and the like;
 - n. Experimental laboratory, photo or motion picture film or testing;
 - o. Veterinary hospital or kennels;
 - p. Poultry or rabbit killing incidental to a retail business
 - q. If enclosed within a building or walled area: building material sales yard including the sale of rock, sand, gravel and the like as an incidental part of the main business, rental of contractor equipment, lumber yard including only incidental mill work, truck yard, feed yard, motion picture

studio, auto body shop, public utility service yard, animal rescue or sanctuary Facility for cats, dogs and small household pets, subject to the enclosure requirements of 18.51.030(C) and the eligibility requirements of Sections 18.09.020(N)(3) and 18.09.020(N)(5).

5. Any other use which can meet the performance standards of I-2, except as otherwise prohibited or not listed per use type.
 - a. Service Station
 - b. Automobile Repair
 - c. Restaurant
 - d. Doctor’s Office or Clinic
 - e. General Store
 - f. Sale of Products Manufactured on Site
 - g. Animal Rescue and Sanctuary Facility for cats, dogs and small household pets, provided that owners and operators of such facilities eligibility requirements of Sections 18.09.020(N)(3) and 18.09.020(N)(5).
 - h. Accessory Buildings to Primary Use when on same Site
 - i. Airport Facilities
 - j. Hotel, Motel, Lodge or Inn
 - k. Junk, Salvage, Auto Wrecking, Impoundment Storage, or Used Materials Yards; Subject to the following requirements: 1. Minimum area: One acre (forty-three thousand five hundred sixty square feet); 2. Maximum area: Two acres, except that an additional two acres may be permitted by the board of adjustment when it is determined by the board that this additional area is necessary to the reasonable expansion of the operation of the business, but not for additional storage of car hulks or scrap materials; 3. Minimum setback: a. From public streets: Fifty feet, b. From a proposed right-of-way line on a major street: Fifty feet, c. From a residential zone: Fifty feet; 4. Screening: a. An opaque fence or wall shall be properly installed and maintained along any major thoroughfare and along any properly maintained street and where such a use is adjacent to a residential zone, b. Maximum height of fence: Twelve feet, c. A chain link or cyclone fence may be used in conjunction with a properly maintained planting screen along the entire length of such fence, d. No car bodies or salvage materials not ordinarily used for fencing may be used for this purpose; 5. Stacking shall not be permitted above the height of the fence or the wall; 6. No advertising shall be permitted on a fence or wall other than the name of business on the premises. Signs shall not exceed one hundred square feet on any one side of such fence or wall; 7. No exterior display or storage of material or salvage parts or wrecked vehicles; 8. Storage of used tires provided the tires are stored in a roofed bin, constructed for that purpose; 9. Maximum number of car hulks permitted to be stored at one time: Two hundred per gross



acre; 10. Existing yards: a. Existing yards shall conform to Sections 18.53.030H3, 4, 6, 7 and 8 within twelve months of July 6, 1965; b. The zoning inspector may, upon presentation of proof of hardship, extend this term for an additional period of six months; c. The permit may be extended for an additional six months by the planning and zoning commission upon presentation of sufficient proof of hardship.

- l. Rolling Mill
- m. Sand and Gravel Pits

PROHIBITED USES

- 1. Boiler Shops
- 2. Commercial Livestock Auction Yards
- 3. Fat Rendering
- 4. Manufacture of: Acid, ammonia, asphalt or products, asbestos, brick, tile or terra cotta, babbitt metal, bleaching powder, carbon, lamp black or graphite, cement, celluloid, chlorine gas, coal tar or products, illuminating gas, gelatin, glucose, glue or size, gypsum, insulating material (such as rock wool and similar products), lime or products, phenol, pickles, plaster of paris, potash, rubber, strawboard or cardboard by reclamation, sauerkraut, soap except by cold process, tar or asphalt roofing, turpentine, vinegar;
- 5. Meat Packing Plant or Slaughter House
- 6. Petroleum Product Storage above ground
- 7. Racetrack or Sports Stadium
- 8. Salt Works
- 9. Sandblasting Plant is allowed in an enclosed building only and not allowed if not within an enclosed building.
- 10. Wood or Bone Distillation
- 11. Wool Pulling or Scouring Plant
- 12. Rifle range, including pistol range: if not within an enclosed building;

PERFORMANCE STANDARDS

- 1. Permitted industrial uses are subject to the performance standards of the equivalent zone of the Pima County Zoning Code except that all allowable uses with 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.

DEVELOPMENT STANDARDS

- 1. No minimum lot size, except for storage yards.
- 2. Setbacks – 15’ front yard, 0’ side yard, 10’ back yard.
- 3. 54’ maximum building height industrial.
- 4. 39’ maximum building height non-industrial.
- 5. Minimum off-street parking and loading, per Ch. 18.75 .

6. Given the proximity to the boundary of the Outdoor Lighting Code Area E1b, the industrial uses shall minimize total lumens count as much as possible, understanding the importance of security for the correctional facility and that lighting design shall take into account the observatory location.

c. Non-Residential Development Standards

The Swan Southlands Specific Plan shall recognize the development standards provided within modified **Table 6, Non-Residential Development Standards**. The Mixed Use and Industrial Use zoning district listed above is designed to respond to opportunities and constraints of the site, as well as respond to demographic projections for the Swan Southland community at build-out. The mixed use district standards have been developed to regulate development standards for all development within the Mixed Use Zoning Districts of the Swan Southlands Specific Plan. The industrial use District standards have been developed to regulate development standards for all development within the Industrial Zoning District of the Swan Southlands Specific Plan.

The Development Standards provided in **Table 6R** below provide standards for lot area, lot coverage requirements, building height, setback and perimeter landscape requirements.

MODIFIED

**Table 6R
Swan Southlands
Non-Residential Development Standards**

Development Standard	SP/MU	I-2 with 1-3 Conditional Use
Minimum Lot Area	None	None
Minimum Lot Width	None	None
Distance between Main Buildings	None	None
Maximum Lot Coverage	None	None
Building Distance from Non-residential Development to Non-residential Zone	10 feet	10 feet
Building Distance from Non-residential Development to Residential Zone	30 feet	500 feet (parking lots, landscaping and recreational space for employees can count within 500 feet)
Maximum Building Setback From Any Street	20 feet; 30 feet along Swan Road and Wilmot Road.	20 feet; 30 feet along Swan Road and Wilmot Road
Minimum Side Yard (perimeter of district only - not individual parcels or buildings)	20 feet adjacent to non-residential uses and multi-family attached housing; 30 feet adjacent to single family residential use	None

Minimum Rear Yard (perimeter of district only - not individual parcels or buildings)	20 feet adjacent to non-residential uses and multi-family attached housing; 30 feet adjacent to single family residential use.	10 feet
Maximum Building Height	4 stories or 48 feet	54 feet industrial 48 feet non-industrial
Minimum Street Landscape Area	20 feet average depth, 15 foot minimum	20 feet average depth, 15 foot minimum
Minimum Perimeter Landscape Area	15 foot average depth at perimeter of zoning district	15 foot average depth at perimeter of zoning district
<p>(1) Multi-Family Residential uses within the Mixed Use Zoning District shall conform to the SP/MU standards provided in Table 4: Residential Development Standards.</p> <p>(2) Single Family Residential uses within the Mixed Use Zoning District shall conform to the SP/TR development standards provided in Table 4: Residential Development Standards.</p> <p>(3) All building setbacks from Swan Road and Wilmot Road shall be 30 feet.</p> <p>(4) Any additional building setback requirements per the Uniform Building Code shall apply.</p> <p>(5) All non-residential land uses within the residential zoning districts (such as churches, recreation centers, etc.) shall comply with the development standards defined within Table 6 above, with the exception of building height, which shall comply with the requirements within the residential zoning district in which it is located as defined in Table 4</p>		

III-6 General Development Standards

This section is intended to supplement and supersede standards of general applicability provided by the Pima County Zoning. The only General Development Section with any revisions proposed is Sections 18.72, Native Plant Preservation. It is noted that modifications to this section of the Pima County Zoning Code will require review by the Design Review Committee.

III-6.a. Native Plant Preservation: Section 18.72 Pima County Code

The Native Plant Preservation Standards for the Swan Southlands Specific Plan shall conform to those provided in Section 18.72 of the Pima County Zoning Code with Design Review Committee (DRC) recommended variances:

III-6.a.i. 18.72.090 C.1. Set Aside Method, Description

Approximately nine-hundred and ninety-one (991) acres will be preserved as Project Natural Open Space (SP/NOS). These areas make up the 30-percent set-aside requirement (955 acres) for the Native Plant Preservation Ordinance (NPPO). These areas also include thirty-six (36) acres in excess of the NPPO set-aside requirement.

Activities that will be allowed within the 955 acres of SP/NOS that make up the 30 percent NPPO set-aside requirement include riparian mitigation and restoration activities and PPC transplant study and propagation. Additionally, portions of SP/NOS (36 acres) will include passive recreation opportunities such as pedestrian trails and interpretive facilities for education (1.e. signage, kiosks, and armadas).

III-6.a.ii. Table 18.72.090-1, Set Aside Method

All Pima pineapple cactus, *Coryphantha scheeri robustispina*, that are impacted by site work will be transplanted on site. Transplanted pima pineapple cactus will not be subject to the one additional plant requirement for safeguarded species. In accordance with the biological evaluations done for the site, the site conditions do not warrant the creation of artificially high densities. Pima pineapple cactus will be transplanted following procedures that will optimize the conditions for success. When possible, any “pups” that occur with a plant may be separated and planted to the extent practical. A 10-year study on PPC transplant on Swan Southlands has been proposed along with other mitigation activities that will be carried out on behalf of PPC including survey, monitoring, and propagation of these plants (Appendix 12). PPC that cannot be preserved in place and are not part of the PPC transplant experiment will be transplanted to suitable habitat within the SP/NOS in Swan Southlands or other suitable locations within the project in accordance with applicable NPPO requirements.

III-7 Specific Plan Amendment Procedures

The following provisions are intended to provide criteria for the determination of administrative modifications, insubstantial changes, and substantial changes to the Swan Southlands Specific Plan. In addition, this Section is intended to define the amendment procedures applicable to administrative, insubstantial, and substantial changes proposed to the Specific Plan.

Formal amendments to the Specific Plan as represented by **Figure 14R**, *Preliminary Development Plan* and **Table 3R**, *Land Use Density/Intensity Table* or the supportive narrative and graphics contained within the Swan Southlands Specific Plan may become necessary from time to time for various reasons to respond to changing market or financing conditions, to update the Specific Plan to reflect new development conditions and/or to respond to the requirements of potential users or builders on the property. Amendments to the approved Specific Plan may be requested by the Applicant or its successors and may be limited to one or more Identity Districts or Sub-Districts. Unless otherwise requested in the application, any proposed change will not affect development units not included in the proposed amendment. Only the contents of the specific amendment request may be considered and acted upon by the Planning Director, Board of Adjustment, County Planning & Zoning Commission or Board of Supervisors.

III-7.a. Administrative Modifications

Certain changes to the Swan Southlands Specific Plan which enhance or refine the original vision and/or purpose and intent statements may be made administratively. These changes may reinforce diversity of housing type and mixed use. Administrative modifications may be used to strengthen the creation of a sense of place in

neighborhoods and communities, and support community values. Administrative modifications may frequently be based upon new market design standards or technological advances in architecture and infrastructure engineering design and construction. Administrative Modifications can be made when there is no net reduction in Project Natural Open Space, no net changes to minimum or maximum residential densities for the master plan overall. Further, Administrative Modifications may only be made when the health, safety, and welfare of existing and adjacent residents are not negatively impacted by the proposed Administrative Modification, and if they are consistent with the approved Special Area Policies. These types of Administrative Modifications, or any that may be analogous to, are listed below:

1. Adjustments or Modifications in the Phasing Order - as long as infrastructure development is precedent or concurrent.
2. Changes in configurations of individual Development Parcels to include modifications of boundaries, division of larger parcels, or combinations of parcels by a maximum of 20%, as long as there is no net loss in open space and no net increase in the total number of units allowable within the applicable Identity District or Sub-District or no net decrease below the minimum defined within the Identity District or Sub-District as defined within Table 3R the Specific Plan document. **This modification is not applicable to the west boundaries of either Parcel D-3 or D-5.**
3. Changes or modifications in lot sizes and/or lot configuration by up to 10%, which encourages diversity of housing types, as long as within the allowable density of the Specific Plan.
4. Changes in lot coverage ratios which encourage diversity in housing type as long as within the allowable density of the Specific Plan.
5. Creation of gated neighborhoods, private streets, or other modifications in common area assets to be voluntarily maintained by a group or resident homeowners, as long as the integrity of the interior circulation provided by public street system is maintained.
6. Placement and/or construction of identity or character features such as community art, entry monuments, mailboxes, neighborhood signage, etc. unless there is a safety concern.
7. Relocation or modification of a school or park site, which either enhances the opportunity to create a sense of neighborhood and community, to better centralize the school and/or park sites based on actual development densities, or to implement the desires of the School District or County Parks Department as to the most appropriate location for the school and/or park site, as long as within the allowable density of the Specific Plan, and subject to approval by Sunnyside School District and/or Natural Resources, Parks and Recreation Department.
8. Interpretations to Terminology, Reference, Glossary, Designation, or Nomenclature which do not impact the overall intent of the Specific Plan can be made independent of all other sections of the Specific Plan.
9. A transfer of commercial/mixed use square footage from one mixed use parcel to another of up to 10% as long as the overall square footage cap as defined in Table 1 is not exceeded.
10. Modifications in the design and construction of infrastructure based upon technological advances when proposed modification is accepted by County Transportation, Wastewater, or Flood Control District. Infrastructure capacity based

- upon planned target densities and intensities of use and phasing of infrastructure precedent or concurrent with development will remain unchanged.
11. Minor modifications or adjustments to intrusions, encroachments, easements, right-of-ways, or open spaces, so long as the modifications fall within the general overall range and target densities for the community and there is no net reduction in open spaces areas.
 12. Any analogous interpretations of the list of permitted or conditional uses of the Property set forth in the Specific Plan, as determined by the Pima County Planning Official.
 13. Other changes not identified to by Substantial or Insubstantial in nature, as defined by Section 18.90.080.C.3.d and e and as deemed appropriate by the Planning Official, as long as the changes do not impact the general health, safety, and welfare of the residents of Pima County, do not modify the overall intent of the approved Specific Plan, and do not modify the overall intent of the approved Specific Plan including the plan’s compliance with the special area policies.

III-8 Specific Plan Annual Implementation Monitoring Report

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

- a) Project adherence to schedules submitted by the Specific Plan (as amended);
- b) The number of total dwelling units proposed, platted, and permitted, and the allocation of the balance of approved units;
- c) A record of zoning violations charged to the project; and
- d) Such items as established by adopted County policy.

Appendix 1

Master Transportation and Financing Plan

The Master Transportation and Financing Plan has been submitted with this Specific Plan Document under separate cover.

Appendix 2

Sewer Basin Study

DRAFT
SWAN SOUTHLANDS

SEWER BASIN STUDY

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MAY 2004
Project No. 498.17

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- Attachment B – Sewer Basin Flows Table

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SECTION 1 – INTRODUCTION

The main purpose of this Sewer Basin Study is to provide guidelines for the development of the on-site and off-site sewer system to be conveyed to the Swan Southlands Reclamation Facility. The Swan Southlands Project and other offsite contributing areas have been separated into sewer basins, for which estimated dwelling units, population, and peak wet-weather flows were calculated to determine the required capacities of the proposed sewer mains.

The Swan Southlands project consists of a planned, 3,200-acre residential community located at the south end of Swan Road in southern Pima County. Swan Southlands is within boundaries of Pima County, and falls within portions of Sections 10, 12, 13, 14, and 15 of T16S, R14E, G&SR, B&M, Pima County, Arizona (Exhibit 1, Swan Southlands Sewer Basins).

The specific plan for Swan Southlands includes residential areas ranging from low density to medium high density single family homes. In addition, a small amount of mixed use and public use development is planned. The Swan Southlands project will have between 5,200 and 10,000 residential dwelling units, 3 schools, 4 parks, and 360 acres of mixed/public use development. The estimated total number of residential units was determined from a density/intensity table as included in the Specific Plan, which was 9,200 units. The high land use density was used to determine the number of residential units. Estimated flows for the planned schools, parks, and mixed/public use areas were determined based on the acreage dedicated to those areas.

There is also approximately 28 Sections of undeveloped predominately State Land west of the Swan Southlands development that could, in the future, gravity sewer to the proposed on-site Swan Southlands Reclamation Facility as development occurs over the next 50 years. Future flows from this off-site sewer basin were estimated to develop a corridor for future sewer mains, and an allocation of additional land at the Reclamation Facility for future capacity upgrades.

SECTION 2 – DESCRIPTION OF PROJECT

Onsite gravity sewers will collect wastewater generated within the Swan Southlands project and deliver it to a Wastewater Reclamation Facility in the vicinity of the northwest border of the project. The on-site sewer will cross several washes to reach the Swan Southlands Reclamation Facility. There are two areas within the Swan Southlands development that will require lift stations to deliver into the onsite gravity sewer system. One of these lift stations may be eliminated by running a gravity main along the northern border of the project in Section 12 through an easement along the southern border of Section 2 to a proposed gravity sewer in Section 10. The sewer mains to convey offsite basin flows will along the northern border of the project in Section 12 through an easement along the southern border of Section 2, then along the northern border of Section 10 to the Wastewater Reclamation Facility. The alignment through the southern portion of Section 2 is conditional upon obtaining an easement. The facilities examined in this sewer basin study will include the proposed on-site and off-site sewer mains to be

located adjacent to or within the development area and the Wastewater Reclamation Facility. The Swan Southlands proposed on-site and off-site sewer alignments and Reclamation Facility location and sizing are shown on Exhibit 1.

SECTION 3 – STUDY AREA

OFF-SITE SEWER BASIN

The off-site sewer basin study area encompasses the area bounded by Old Nogales Highway on the west, Hughes access road and I-10 to the south, Sonoita Highway on the east, and Coronado National Forest and the Town of Sahuarita on the north, as shown on Exhibit 2.

Within this overall basin, several sub-basins would be, or are currently being served by existing sewer infrastructure. Developments within Vail (New Tucson), Zone A, are currently sewered by existing septic systems. The Corona de Tucson development area (Zone B) is being sewered into existing ponds, which will soon be upgraded into a new wastewater treatment plant. The basin study area south of the proposed Swan Southlands project, shown as Zone C, is a tributary to either the Rancho Sahuarita Treatment plant, or possibly a future PCWW Santa Cruz Interceptor. The area to the north and west of the Swan Southlands Project (Zone D) is tributary to sewer mains in Old Nogales Highway. The area adjacent and to the south of I-10 (Zone E) will flow by gravity into the existing and proposed upgrade to the Wilmot sewer. The Pima County fairgrounds and the area to the southeast (Zone F) are tributary to the existing on-site ponds.

The offsite gravity sewer main sizing will include the basin upstream of the proposed Swan Southlands project, which can be reasonably expected to contribute to the proposed mains. This offsite study area consists of approximately 18,000 acres located west and northwest of the proposed project area.

ON-SITE SEWER BASINS

The on-site study area is divided into six primary sewer basins, labeled A through F, with 4 concentration points located at critical points, to determine projected flows and sewer capacities. The onsite sewer basins shown on Exhibit 1 are based upon the existing topography and to provide gravity flow to the Swan Southlands project.

Basin A comprises the northern portion of Section 10, which includes Parcels A1 through A9 and A15. The basin will deliver to the Wastewater Reclamation Facility through a 10-inch gravity sewer along the northern boundary of Parcel A13, at concentration point #1.

Basin B consists of the northern portion of Section 12, which includes Parcels D3 through D11. This basin gravity flows to the northeast corner of Section 12, where a lift station will pump the flows south to a gravity system in Basin C (concentration point #2). As an alternative to the lift station, the flows may continue to gravity flow westerly along the northern border of Section 10 and the southern border of

Section 2 to a proposed gravity sewer in Section 10. The alignment through the southern portion of Section 2 is conditional upon obtaining an easement.

Basin C consists of the northern half of Sections 13 and 14 and the southern portion of Section 12, which includes Parcels C14 through C28. This basin gravity flows to the northeast corner of Section 14, where it will combine with flows from basin D (concentration point #3).

Basin D consists of the southern portions of Sections 13 and 14, which includes Parcels C1 through C11. This basin gravity flows along the northeast border of Section 14, where it will combine with flows from basin C (concentration point #3).

Basin E consists of the southwest portion of Section 15, which includes Parcels B5 through B9 and Parcels B11 through B12. This basin gravity flows along the northwest border of Section 15 to a large wash, where a lift station will pump the flows north to a gravity system in Basin F (concentration point #4).

Basin F consists of several parcels within Section 15 and the southwest portion of Section 10, which includes Parcels B3, B4 and B10 in Section 15 and Parcels A13, A14, and A16 through A18 in Section 10. This basin gravity flows along the southwest border of Section 10 to concentration point #4, then flows north along the west border of Section 10 to the Wastewater Reclamation Facility.

SECTION 4 – POPULATION AND WASTEWATER FLOW PROJECTIONS

The population estimate for Swan Southlands is based on an estimated number of units, which are currently planned for the development. This estimate is presented in Attachment A and summarized in Table 1, below. The projected buildout estimates for the on-site sewer basins are derived using information from land use density plan for the Swan Southlands development. The projected buildout estimates for the off-site sewer basin is derived using information from the Rincon/Southeast Subregional Plan, the City of Tucson General Plan, and the Pima County Comprehensive Land Use Plan as shown on Exhibit 3. The off-site sewer basin will consist of approximately 17,900 units according to planned land use. Buildout calculations for the on- and off-site sewer basins are presented in Attachment A and summarized for the on-site sewer basins in Table 1.

Table 1 – Estimate of Buildout.

Sewer Basin	Buildout Estimate
A	1,067 du 48-ac mixed use 16-ac school
B	795 du 83-ac mixed/public use 30-ac park
C	2,833 du 57-ac mixed use 18-ac school 19-ac park
D	1,621 du 42-ac mixed use
E	1,358 du 31-ac mixed use 32-acre school 15-ac park
F	1,556 du 98-ac mixed use
Total On-site	9,230 du 359-ac mixed/public use 66-ac school 64-ac park

In order to estimate the projected sewer flows for the sewer basins, flow estimates for single-family residential, schools, parks, and mixed/public use facilities were derived based on estimated flows. The design criteria for Swan Southlands and the off-site sewer basin are as follows:

- 100 gallons per capita per day (GPCD) for residential (Arizona Administrative Code Title 18, Chapter 9 (Aquifer Protection Permit [APP] Rules)),
- 2.7 persons/dwelling unit (DU) for residential,
- 8.0 DU/acre for Medium High Density,
- 6.0 DU/acre for Medium Density,
- 4.0 DU/acre for Low Density,
- 400 GPAD for Mixed Use (ADF) sewer flows,
- 500 GPAD for School and Public Use (ADF) sewer flows,

- 100 GPAD for park (ADF) sewer flows,
- 3.0 peaking factor for non-residential Peak Dry Weather Flow (PDWF),
- Residential peaking factors per the Pima County tabulation,
- 250 GPAD for wet weather flow infiltration,
- Pipe capacity calculated with pipes flowing full as per Manning's Formula for hydraulic flow, with $n=0.013$, and with pipes flowing at $d/D=0.7$.

Equations:

$$\text{ADF (Average Daily Flow)} = (\text{Population} \times 100 \text{ GPCD}) + (\text{Mixed Use} \times 400 \text{ GPAD}) + ((\text{School} + \text{Public Use}) \times 500 \text{ GPAD}) + (\text{Park} \times 100 \text{ GPAD})$$

$$\begin{aligned} \text{PDWF (Peak Dry Weather Flow)} = & (\text{Population} \times 100 \text{ GPCD} \times \text{Peak Factor}) \\ & + (\text{Mixed Use} \times 400 \text{ GPAD} \times \text{Peak Factor}) \\ & + ((\text{School} + \text{Public Use}) \times 500 \text{ GPAD} \times \text{Peak Factor}) \\ & + (\text{Park} \times 100 \text{ GPAD} \times \text{Peak Factor}) \end{aligned}$$

$$\text{PWWF (Peak Wet Weather Flow)} = \text{PDWF} + (\text{Total Sewered Acreage} \times 250 \text{ GPAD})$$

Using the above equations, the average daily flow, peak dry weather flow, and peak wet weather flow have been calculated for each concentration point, based on estimates of residential dwelling units, school acreage, park acreage, and mixed/public use acreage for each basin. The contributing populations were also accumulated at each concentration point in order to determine the overall PDWF and PWWF at each concentration point. These flow calculations are presented in the Sewer Basin Flows Table (Attachment B). The sewer concentration points are located graphically on Exhibit 1.

SECTION 5 – WASTEWATER SYSTEM INFRASTRUCTURE REQUIREMENTS

The accumulated projected flows presented in Attachment B have been used to estimate the size the gravity sewer mains, lift stations, force mains, and the Wastewater Reclamation Facility. These sizes may vary depending on the final project density, layout, and pipe slopes. Standard design-flow velocities and slope criteria were used to determine preliminary inverts for the sewer collection system. Using the sewer slopes and associated peak wet weather flow projections, preliminary gravity sewer main sizes have been determined, as shown on Exhibit 1. The pipe sizes required to serve the Swan Southlands project are summarized in Table 2.

Table 2 – Pipe Sizing Summary

Sewer Basin	Length	Pipe Sizes
A	2,000'	10"
	6,000'	8"
B	12,350'	8"
	5,400'	6" (force main)
C	1,250'	18"
	3,300'	15"
	5,200'	12"
	4,900'	10"
	8,200'	8"
D	5,650'	12"
	1,950'	10"
	6,950'	8"
E	2,400'	12"
	4,500'	8"
	1,200'	8" (force main)
F	3,600'	24"
	4,150'	21"
	1,150'	18"
	8,500'	8"

The ultimate PWWF was used to size the sewer mains and the velocity at PWWF is designed to be greater than 2 feet per second (fps) at the buildout flows.

The Wastewater Reclamation Facility is sized according to ADWF. The facility will be approximately 2.6 MGD for the on-site sewer basins. The Reclamation site will be enlarged to accommodate an additional 4.8 MGD for the possible buildout of the off-site sewer basin. The Wastewater Reclamation Facility is planned to be a modern enclosed Sequencing Batch Reactor (SBR) system with a more compact footprint. The anticipated footprint size of the facility will be 25 acres, which includes 350' setbacks. The existing wash to the north of the facility site will be used to meet setback requirements.

The minimum design flow for the lift stations is approximately 500 and 800 gpm, which is 125 percent of the PWWF for the respective basins and will provide an additional safety factor. The flow rates provided by the lift station may be larger than the minimum design flow rate in order to provide adequate velocities in the force main. The force mains are sized to provide a velocity between 3 and 7 feet per second (fps) per the APP rules.

ATTACHMENT A

BUILDOUT SUMMARIES

**ATTACHMENT A
SWAN SOUTHLANDS SEWER BASIN STUDY
BUILDOUT SUMMARIES**

Basin A Maximum Buildout

<u>Zoning</u>	<u>Total Acreage</u>	<u>Units</u>
Medium Density	88	502
Medium High Density	73	565
Mixed Use	48	-
School	16	-
Subtotal	225	1,067

Basin B Maximum Buildout

<u>Zoning</u>	<u>Total Acreage</u>	<u>Units</u>
Medium Density	77	423
Low Density	95	372
Mixed Use	73	-
Public Use	10	-
Regional Park	30	-
Subtotal	285	795

Basin C Maximum Buildout

<u>Zoning</u>	<u>Total Acreage</u>	<u>Units</u>
Medium Density	360	2,136
Low Density	184	697
Mixed Use	57	-
School	18	-
Park	19	-
Subtotal	638	2,833

Basin D Maximum Buildout

<u>Zoning</u>	<u>Total Acreage</u>	<u>Units</u>
Medium Density	230	1,388
Medium High Density	33	233
Mixed Use	42	-
Subtotal	305	1,621

Basin E Maximum Buildout

<u>Zoning</u>	<u>Total Acreage</u>	<u>Units</u>
Medium Density	124	711
Medium High Density	51	385
Low Density	68	262
Mixed Use	31	-
School	32	-
Park	15	-
Subtotal	321	1,358

Basin F Maximum Buildout

<u>Zoning</u>	<u>Total Acreage</u>	<u>Units</u>
Medium Density	190	1,103
Low Density	117	453
Mixed Use	98	-
Public Use	10	-
Regional Park	30	-
Subtotal	445	1,556

Total Onsite **2,219** **9,230**

Offsite Basin Maximum Buildout

<u>Zoning</u>	<u>Total Acreage</u>	<u>RAC</u>	<u>Units</u>
Resource Conservation	1,272	0	0
Low Intensity Rural	3,526	0.3	1,058
Master Planning Area	5,699	2.0	11,398
Low Intensity Rural	4,296	0.3	1,289
Medium Intensity Rural	3,224	1.3	4,191
Total Offsite	18,017		17,936

ATTACHMENT B

SEWER BASIN FLOWS TABLE

Southlands Sewer Basin Study Sewer Basin Flows Table

Design Criteria

Residential Occupancy 2.7 Ppl/OU
 Average Daily Flow 100.0 GCPD
 Peak Average Daily Flow 160.0 GPCD
 Peak Average Daily Flow 500.0 GPCD

Wastewater Infiltration 250
 Manning's n 0.013

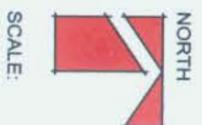
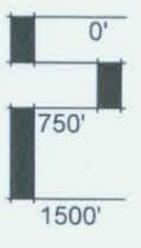
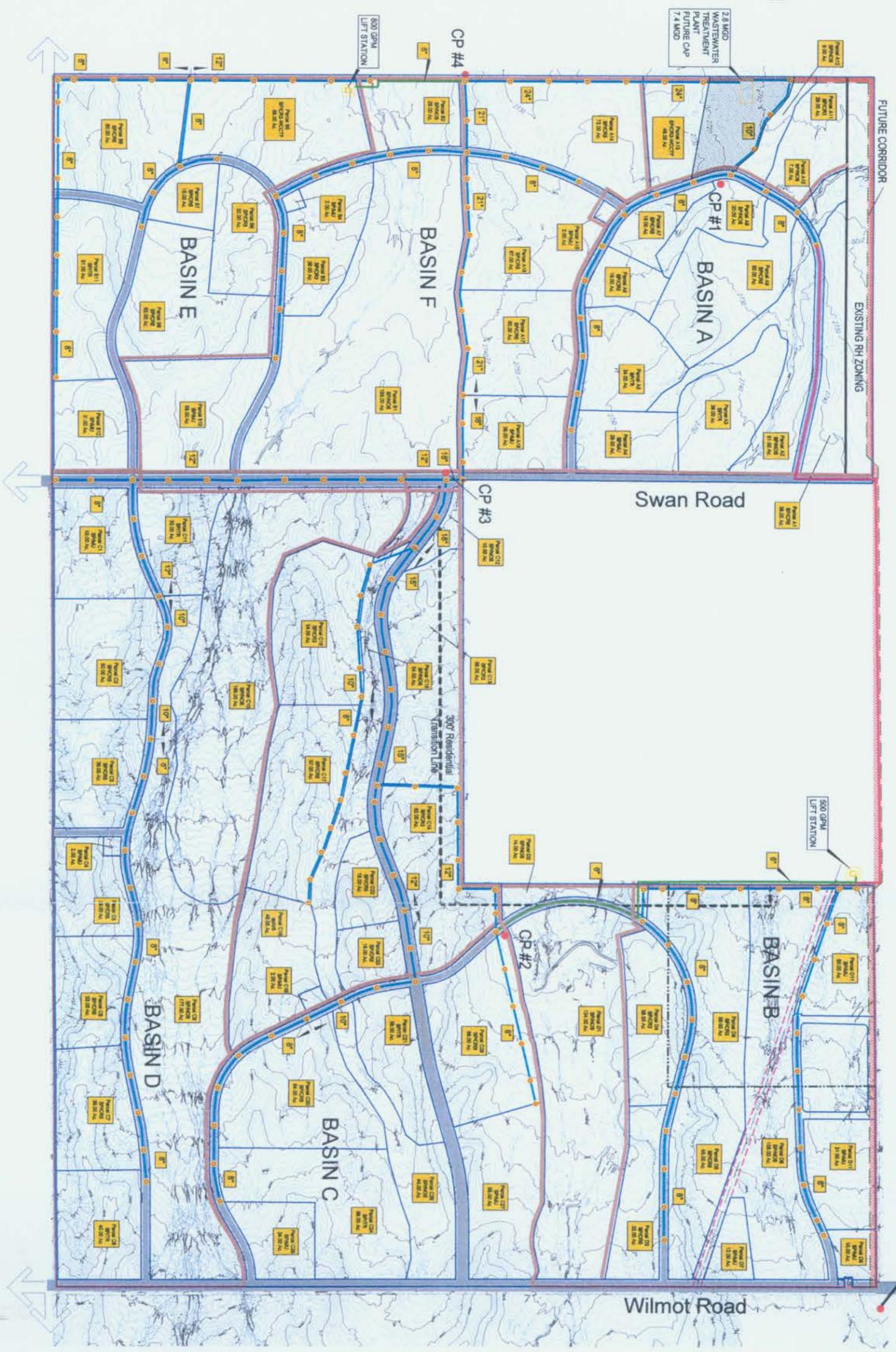
Parcel/road Use/Topographic Use Peak Factor 3

Peak Average Daily Flow 100 GPCD

Peak Average Daily Flow 500 GPCD

Lot #	Sewer Basin	Concentration Point	Service Area (AC)	Residential OU	Area Non-Residential	Population	Residential Peak Factor	Basin BDMF (MGD)	Storm Inflow (MGD)	Basin BDMF (MGD)	Basin BDMF (MGD)	Storm Inflow (MGD)	Basin BDMF (MGD)	Peak Factor	Accum Pip	Accum Pip	Accum Storm Inflow	Accum PDMF (MGD)	Accum PDMF (MGD)	Line Size (in)	Minimum Slope (%)	Capacity	Excess Capacity	100 cfs Capacity	Excess Capacity
A4	A		29.75	0	26.15	0	0	0	0.31	0.34	0	0	0.43	0	0	0.01	0.01	0.04	0.04	8	0.44	0.52	0.48	0.47	0.44
A5	A		34.1	383	0	710	2.5	0.15	0.31	0.19	710	2.5	0.21	0.02	0.02	0.02	0.02	0.23	0.23	3	0.44	0.52	0.28	0.47	0.28
A6	A		15.78	0	15.78	0	0	0.32	0.30	0.33	710	2.5	0.24	0.02	0.02	0.02	0.02	0.26	0.26	3	0.44	0.52	0.25	0.47	0.23
A7	A		18.42	0	16.42	0	0	0.32	0.30	0.33	710	2.5	0.28	0.02	0.02	0.02	0.02	0.28	0.28	3	0.44	0.52	0.24	0.47	0.21
A1	A		37.5	203	0	540	2.8	0.14	0.31	0.15	845	2.8	0.14	0.01	0.01	0.01	0.18	0.18	8	0.44	0.52	0.37	0.47	0.33	
A2	A		28.75	302	0	815	2.48	0.20	0.31	0.21	1084	2.31	0.31	0.02	0.02	0.02	0.32	0.32	8	0.44	0.52	0.19	0.47	0.16	
A8	A		86.3	298	0	897	2.48	0.23	0.31	0.21	2171	2.18	0.47	0.02	0.02	0.02	0.46	0.46	8	0.44	0.52	0.51	0.47	0.05	
D3	B		32	172	0	484	3.32	0.14	0.31	0.15	484	3.02	0.14	0.01	0.01	0.01	0.15	0.15	8	0.44	0.52	0.37	0.47	0.46	
D7	B		118.3	0	118.3	0	0	0.31	0.30	0.32	484	3.02	0.18	0.01	0.01	0.01	0.16	0.16	8	0.44	0.52	0.38	0.47	0.37	
D8	B		44.6	281	0	875	2.51	0.17	0.31	0.18	1142	2.35	0.27	0.02	0.02	0.02	0.30	0.30	8	0.44	0.52	0.21	0.47	0.20	
D4	B		37.88	142	0	383	2.76	0.11	0.31	0.12	1538	2.27	0.38	0.02	0.02	0.02	0.39	0.39	8	0.44	0.52	0.14	0.47	0.12	
D6	B		37.5	230	0	821	2.56	0.18	0.31	0.17	2147	2.19	0.48	0.06	0.06	0.06	0.53	0.53	8	0.44	0.52	0.02	0.47	0.01	
D9	B		10.21	0	10.21	0	0	0.32	0.30	0.32	2147	2.19	0.48	0.06	0.06	0.06	0.53	0.53	10	0.25	0.71	0.18	0.64	0.16	
D10	B		61.23	0	61.23	0	0	0.27	0.32	0.28	2147	2.19	0.48	0.06	0.06	0.06	0.53	0.53	10	0.25	0.71	0.18	0.64	0.16	
D11	B		30.01	0	30.01	0	0	0.30	0.31	0.31	2147	2.19	0.51	0.07	0.07	0.07	0.58	0.58	10	0.25	0.71	0.13	0.64	0.14	
C27	C		55.14	0	55.14	0	0.00	0.08	0.01	0.07	0	0	0.06	0	0	0.31	0.31	0.07	0.07	5	0.44	0.52	0.45	0.47	0.41
C28	C		85.7	370	0	959	2.38	0.34	0.32	0.35	988	2.35	0.39	0.38	0.38	0.33	1.02	1.02	12	0.44	1.52	0.52	1.39	0.40	
C28	C		24.5	130	0	388	2.78	0.10	0.31	0.11	359	2.78	0.10	0.04	0.04	0.04	0.14	0.14	8	0.44	0.52	0.35	0.47	0.27	
C24	C		88.3	571	0	1542	2.27	0.35	0.32	0.37	1901	2.22	0.42	0.06	0.06	0.06	0.48	0.48	8	0.44	0.52	0.34	0.47	0.05	
C20	C		33.5	190	0	513	2.93	0.13	0.31	0.14	2414	2.18	0.82	0.07	0.07	0.07	0.88	0.88	10	0.25	0.71	0.12	0.64	0.15	
C18	C		2.2	0	2.2	0	0.00	0.00	0.00	0.00	2414	2.18	0.82	0.07	0.07	0.07	0.88	0.88	10	0.25	0.71	0.12	0.64	0.12	
C21	C		35.4	189	0	510	2.63	0.13	0.31	0.14	2824	2.11	0.82	0.03	0.03	0.03	0.70	0.70	10	0.25	0.71	0.01	0.64	0.02	
C23	C		18.18	0	18.18	0	0.00	0.30	0.30	0.33	2824	2.11	0.88	0.08	0.08	0.08	0.78	0.78	10	0.25	0.71	0.22	0.64	0.06	
C22	C		19.36	0	19.36	0	0.00	0.31	0.30	0.31	3824	2.11	0.88	0.09	0.09	0.09	0.74	0.74	12	0.25	1.15	0.41	1.55	0.36	
C14	C		81.85	326	0	810	2.56	0.16	0.32	0.17	3534	2.08	0.78	0.10	0.10	0.10	0.87	0.87	12	0.25	1.15	0.28	1.25	0.26	
C16	C		46.38	339	0	916	2.42	0.22	0.31	0.23	915	2.42	0.22	0.01	0.01	0.01	0.23	0.23	8	0.44	0.52	0.28	0.47	0.25	
C17	C		57.33	344	0	929	2.41	0.24	0.31	0.24	1644	2.22	0.42	0.01	0.01	0.01	0.42	0.42	8	0.44	0.52	0.15	0.47	0.05	
C18	C		84.15	217	0	880	2.59	0.18	0.31	0.16	2400	2.16	0.85	0.01	0.01	0.01	0.84	0.84	10	0.25	0.71	0.17	0.64	0.12	
C13	C		87.81	264	0	885	2.81	0.17	0.32	0.19	3188	2.11	0.85	0.02	0.02	0.02	0.84	0.84	12	0.25	1.15	0.04	0.64	0.01	
											7669	1.81	2.32	0.12	0.12	0.12	2.36	2.36	18	0.25	3.40	1.04	3.08	0.84	

Offsite Concentration
Point ADWF
(Approx. 4.8 MGD)

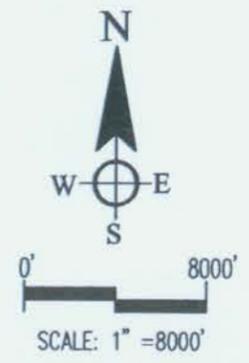
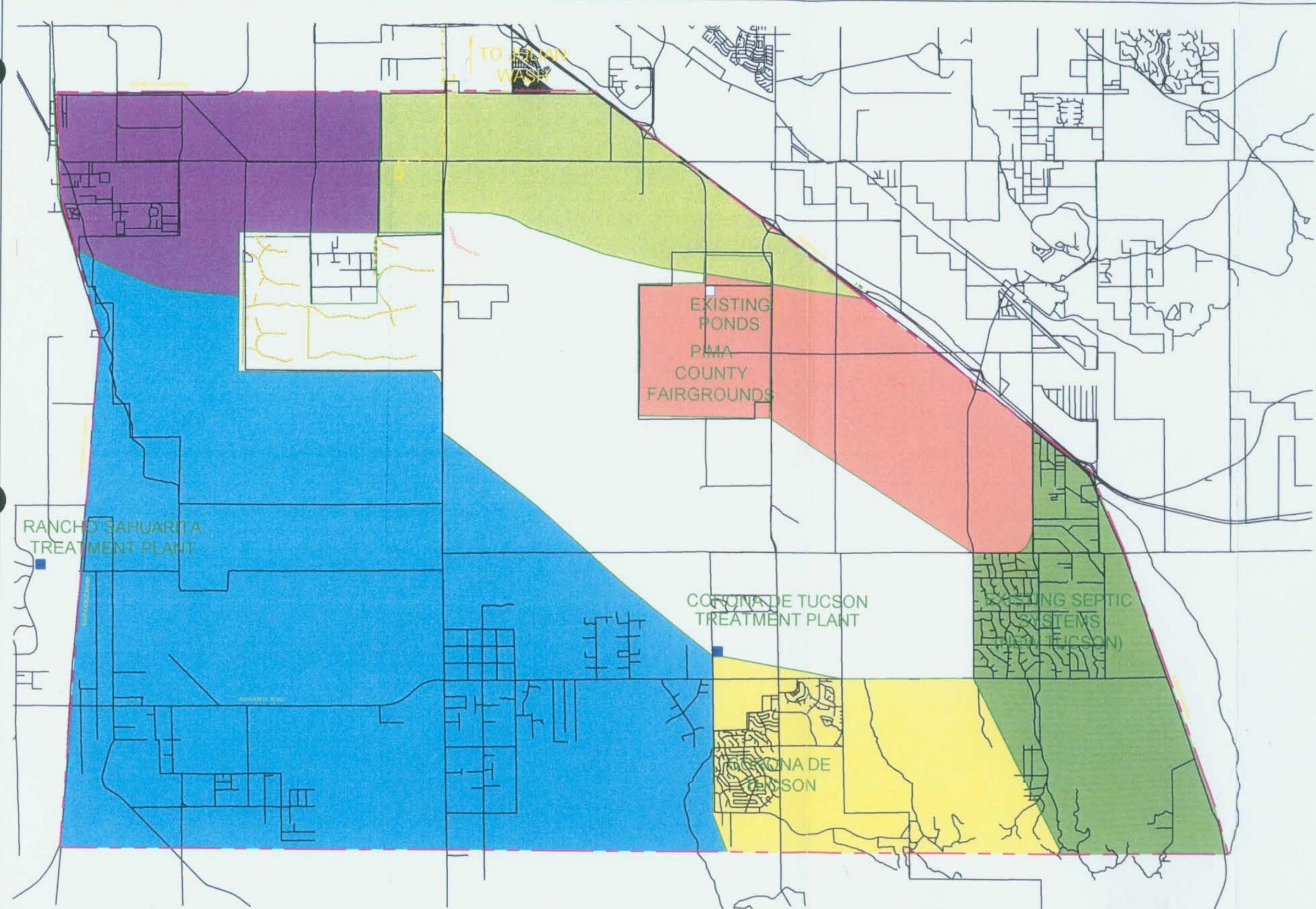


SCALE:

- LEGEND**
- FORCEMAIN AND LIFT STATION
 - GRAVITY SEWER
 - SEWER BASIN BOUNDARY
 - ALTERNATIVE SEWER ALIGNMENT
 - CP #1
 - CP #2
 - CP #3
 - CP #4
 - OFFSITE SEWER CORRIDOR

NOTE:
TO THE MAXIMUM EXTENT FEASIBLE, SEWER
WILL BE LOCATED IN THE PAVED PORTIONS
OF THE STREETS.

SOUTHLANDS
Proposed Sewer
Exhibit 1



- Zone A
- Zone B
- Zone C
- Zone D
- Zone E
- Zone F

RANCHO SAHUARITA
TREATMENT PLANT

CORONA DE TUCSON
TREATMENT PLANT

EXISTING
PONDS
PMA
COUNTY
FAIRGROUNDS

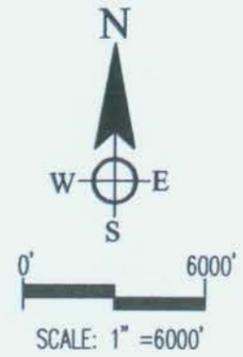
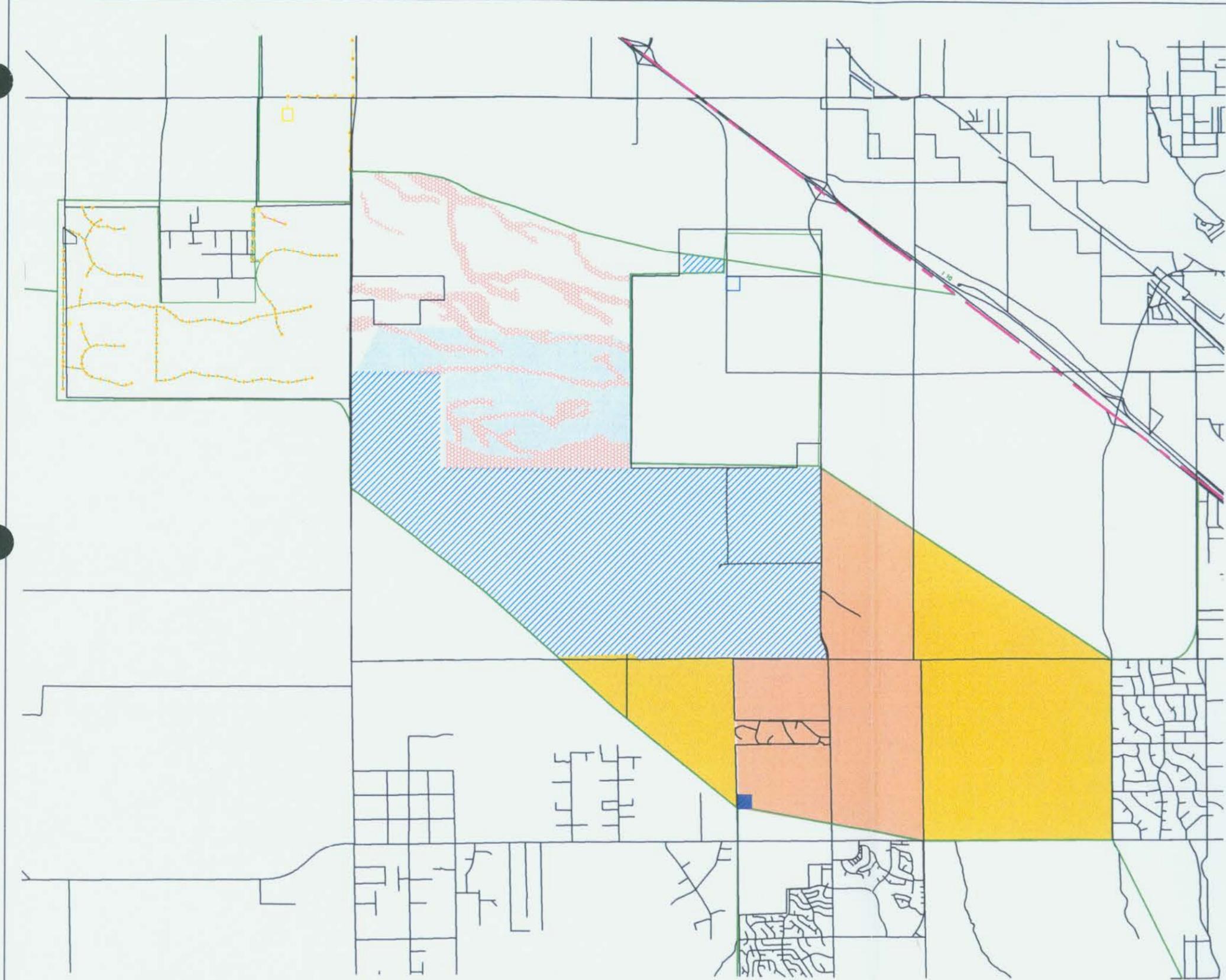
EXISTING SEPTIC
SYSTEMS
(SOUTH TUCSON)

CORONA DE
TUCSON

TO STAN
WASH

WestLand Resources Inc.
Engineering and Environmental Consultants
2343 E. Broadway Blvd., Suite 202
Tucson, Az 85719 (520) 208-9585

SOUTHLANDS
OFFSITE SEWER BASINS
EXHIBIT 2



-  Resource Conservation
Per Rincon Southeast Subregional Plan
-  Low Intensity Rural
Per Rincon Southeast Subregional Plan
-  Master Planning Areas
Per City of Tucson General Plan
-  Pima County Low Intensity Rural
Per Pima County Comprehensive Plan
-  Pima County Medium Intensity Rural
Per Pima County Comprehensive Plan


WestLand Resources Inc.
 Engineering and Environmental Consultants
 2343 E. Broadway Blvd, Suite 202
 Tucson, Az 85719 (520) 206-9585

SOUTHLANDS
 OFFSITE SEWER BASIN PLANNED LAND USE
 EXHIBIT 3

Appendix 3
Sunnyside School District Interim
Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is made and entered into as of the 9th day of March 2004, between the Sunnyside Unified School District ("District"), and Diamond Ventures, Inc. Its assigns or successors in interest (hereinafter collectively referred to as "Owner").

RECITALS

- A. Owner is the owner of the real property located in Pima County described on Exhibit "A" ("Property").
- B. Owner has received comprehensive plan amendment approval from Pima County ("County") in accordance with the current County regulations and has future plans to file an application for rezoning the property under the zoning ordinance for a Specific Planning District for subsequent development as a mixed-use master-planned community.
- C. Owner has agreed that in connection with the development of the Property that provision of school facilities is important to the future residents and as such wishes to make certain voluntary cash contributions for every non-age restricted single family residence constructed on the Property. At the District's discretion, in-kind donations of school sites; capital equipment; certain site improvements; and road and/or utility infrastructure to and along the school sites may be requested instead of the voluntary cash contribution or in some combination of cash and in-kind contributions in an effort to mitigate the impact of the increased student population on the District anticipated from the development of the Property.
- D. Owner understands that the District may adopt resolution as a basis for requesting developer assistance to alleviate the impact of residential development within the district which may be reviewed on an annual basis. The District is also considering up-dating the long-range facilities plan for the District which would guide District growth and infrastructure. As such, the Owner is offering this agreement as the minimum level of voluntary contribution to assure the District of the Owner's commitment. At such time as the District's long-range facilities plan is completed and adopted by resolution, the Owner and District will negotiate a separate agreement, which in no case will be less than the voluntary contributions identified here.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the parties agree as follows:

1. The Owner agrees to the following: Pay, or make provisions to pay to the District, a voluntary cash contribution of Twelve Hundred Dollars (\$1,200.00) per dwelling unit for each non-age restricted unit within a recorded final plat or a reduced roof top fee for all dwellings. The timing of such payment shall be negotiated between Owner and District but in no case will it be later than the issuance of a Certificate of Occupancy for each residence. The Owner and the District shall document by separate agreement what contribution, if any, the Owner shall make for age-restricted and multi-family units.
2. The Owner will designate not less than three elementary school sites of 12-15 acres to be located within the Property at a location mutually agreed upon by the Owner and District. The Owner will designate not less than one middle school site of 24-40 acres to be located within the Property or within the District at a location mutually agreed upon by the Owner and District. The Owner may designate up to one high school site of 45 to 55 acres to be located on the Property or within the District at a location mutually agreed upon by the Owner and District, subject to the confirmation of student generation from the Development sufficient to warrant the need. School site designations will be calculated on a net usable acreage based on campus configuration and educational industry standards acceptable to the District. As part of determining the school sites and designing and constructing the infrastructure around each site, Owner will ensure that the location and construction do not pose undue difficulties or expense to District in school access or construction, and are located away from hazardous or potentially objectionable environments or installations such as high voltage transmission lines, treatment plants or industrial areas. Elementary school sites will be located in residential districts away from areas of high traffic. School sites will be distributed within the development to facilitate pedestrian and bicycle access from anticipated student residential areas. Owner will review school site locations with District to verify suitability prior to filing of Final Plat.
3. The Owner agrees to coordinate with District to locate and phase infrastructure adjacent to the site. Owner will provide the following: public infrastructure and public utilities adjacent to and along the site when the associated subdivision improvements are built. This work shall include: roadway and sidewalk, electric, phone, potable water, sewer, and gas, cable, and fiber (if available within the Property); and to extend utilities to and along the property line of the school site and into the site a distance of no more than 20 feet so that the school can easily connect to such utilities. The infrastructure and utilities shall be sized appropriately to allow the School District to connect to subdivision infrastructure. The District understands that potable water and sewer service is to be negotiated between the District and the provider and Owner has no obligation to provide such service or any such meters or to pay any fees to the provider on behalf of the District.
4. The District agrees to install and maintain all the recreational amenities in the School Site that are normally furnished on school grounds in the Sunnyside

District. The District agrees that all recreational amenities within the School Site will be open and available for public use when not required to support District sanctioned and sponsored activities, including without limitation AIA events; for example ball fields, basketball courts and recreational equipment. In the event the school must be fenced in for security purpose, access shall be provided to the recreational areas.

5. The Owner agrees that no off site water retention will be allowed on school property. The District agrees to provide for School Site retention requirements on site.
6. The District agrees that in the event the Owner deems it necessary, the District will work in good faith with the County in order for the Owner to obtain any County credits that may be available for open space within each School Site.
7. Owner and District agree to record this MOU, putting all future interest holders of the property on notice of the existence of this agreement.
8. All of the provisions hereof shall inure to the benefit of and be binding upon the personal representatives, heirs, successors and assigns of District and Owner. Owner may assign its interest hereunder without the prior written consent of District, provided, however, that Owner's rights and obligations hereunder may only be assigned by a written instrument, recorded in the Recorder's Office of Pima County, Arizona, expressly assigning and an acceptance of the assignment of such rights and obligations. In the event of a complete assignment by Owner of all rights and obligations hereunder, Owner's liability hereunder shall terminate effective upon the acceptance of the assumption of the rights and obligations by Owner's assignee. The Owner shall promptly notify the District of major changes in the identity of the parties associated with the Owner, in joint ventures or partnerships for the purposes of developing the Property or any part thereof, which are known to Owner or its officers; and conveyance of the Property, or any part thereof, to others, except for individual lot conveyances.
9. It is not intended by this MOU to, and nothing contained in this MOU shall, create any partnership, joint venture or other arrangement between District and Owner. No term or provision of this MOU is intended to, or shall, be for the benefit of any person, firm, corporation or other entity not a party hereto (including, without limitation, any broker), and no such party shall have any right or cause of action hereunder.
10. This MOU constitutes the entire MOU between and the reasonable expectations of the parties pertaining to the subject matter hereof. All prior and contemporaneous MOUs, representations and understandings of the parties, oral or written, are hereby superseded and merged herein. No change or addition is to be made to this MOU except by a written MOU

executed by all of the parties.

11. District and Owner shall execute and deliver all such documents and perform all such acts as reasonably requested by the other party from time to time to carry out the matters contemplated by this MOU.
12. All recitals and exhibits attached to this MOU are by this reference incorporated herein.
13. This MOU shall be governed by the laws of the State of Arizona.
14. This MOU may be executed in any number of counterparts. Each such counterpart hereof shall be deemed an original, but all counterparts shall constitute but one MOU.
15. Each of the parties represents and warrants to the other that it is duly formed and validly existing in the state of its formation or pursuant to federal laws and is in good standing in the State of Arizona; that it has full power and authority to enter into and carry out the provisions of this MOU and all documents and instruments contemplated hereunder; that doing so will not violate or be in conflict with any law, rule, regulation or order or any MOU to which it is a party or under which it is bound; that this MOU has been authorized by all necessary action and is the valid and binding obligation of such party.
16. The parties agree that any controversy or claim arising from or relating to this MOU or the breach thereof shall attempt to be settled first by self-imposed negotiation. In the event there remains a dispute then by mediation. In the event the parties are still unable to resolve their differences through the mediation, the Parties hereby agree to within five (5) business days of either party informing the other in writing that there is an impasse, to submit the dispute, or that portion of the dispute that remains unresolved by mediation, to binding arbitration according to the American Arbitration Association, Arbitration Rules for the Real Estate Industry. The Parties further agree that the appointed mediator shall act as the arbitrator of all or any of the disputes not resolved by way of the mediation. Judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

IN WITNESS WHEREOF, the parties have caused this MOU to be executed on the day and year first above written.



DISTRICT:

Sunnyside Unified School District

By: *Paul D. Hays*

Its: Superintendent of Schools

Date: 3/12/04

OWNER:

Diamond Ventures, Inc.

By: *K. Anderson*

Its: Executive V.P.

Date: 3/19/04

Appendix 4

Residential Transition Policy Study

SWAN SOUTHLANDS
Residential Transition Policy Study

March 19, 2004

Prepared By:

115 Michael Marks, AICP
6586 MJM Consulting, Inc.
7002 E. 4th Street
Tucson, Arizona 85710
(520) 885-5021

Prepared for:

Diamond Ventures
Attention: Priscilla Storm
2200 East River Road, Suite
Tucson, Arizona 85718-
(520) 577-0200

THE POLICY BACKGROUND

The Plan Amendments associated with the Swan Southlands master-planned community contain a policy that addresses the land use adjacent to the two abutting residential neighborhoods. Three separate Plan Amendments affected different portions of that master-planned community. Approximately 1921 acres in Sections 12, 13 & 14 of T16S, R14E were the subject of Plan Amendment Co7-03-09 South Wilmot Land Investors, LLC – S. Wilmot Road. Another 640 acres, making up all of Section 15 of T16S, R14E, were the subject of Plan Amendment Co7-03-07, Pima County – Section 15, T16S, R14E S. Swan Road. And, another 633 acres, making up all of Section 10 of T16S, R14E, were the subject of Plan Amendment Co7-03-10, Auriga Properties, Inc., et. al. – S. Swan Road.

The three Plan Amendments shared the same list of 15 Special Area Policies. Policy No. 4 in that list is the RESIDENTIAL TRANSITION POLICY. The official language to that Policy is found in Resolution Nos. 2004-64, 2004-65 and 2004-66, all adopted by the Board of Supervisors on March 16, 2004. That language is as follows:

The purpose of this Policy is to demonstrate an acknowledgement of adjacent single family residences that abut project property boundaries and to create a 300-foot transitional area. This policy shall apply to the western boundary of T16S, R14E, Section 12 and the northern boundary of Section 14. The project shall have a 300-foot transition area between the planned development and the existing abutting residents in Section 11. This 300-foot transition area shall consist of some combination of open space, landscaping, detention and retention features, parks, trails, roads, easements, schools, mixed-use consistent with neighborhood centers, and residences. In addition, constructed elements may be designed to mitigate visual impacts and create an attractive interface. The 300-foot transition area will be designated as a Study Area, with the uses within the Study Area addressed as part of the rezoning and further defined at the time of platting. Informational meetings with residents will be held during the refinement of land uses within the Study Area. No two-story homes shall be constructed within the 300-foot transition area on lots abutting existing single-story residential development in Section 11. The density of development within the transition area shall not exceed three residences per acre on average on the net developable acreage.

The language of the RESIDENTIAL TRANSITION POLICY speaks to the proposed development adjacent to Section 11 of T16S, R14E. Despite the lack of mention to the application of this policy on the development in Section 10 adjacent to Section 3, the intent, during the Plan Amendment adoption process, always was to have this policy apply to the northerly 300 feet of Section 10 of T16S, R14E, as well. Therefore all efforts by the Swan Southlands project team, during the Specific Plan development and the Residential Transition Policy Study processes treated this Policy as if it did apply to both sections referenced above.

THE RESIDENTIAL TRANSITION STUDY PROCESS

The Swan Southlands Plan Amendments were approved by the Board of Supervisors on December 16, 2003. Shortly thereafter work began on the Specific Plan development process. Integral to that process was the preparation of the Land Use Map, and an important element to that was the evaluation and determination of the acceptable land use within the Residential Transition Study Area.

In compliance with the RESIDENTIAL TRANSITION POLICY a series of meetings with residents were held. Three meetings were held, all in the library of the Desert View High School on Valencia Road, near Alvernon Way, a location convenient to the neighbors. At least one week prior to each meeting a notice of that meeting was mailed to the owners of every property within Sections 3 and 11 of T16S, R14E.

The first neighborhood meeting was held on January 28, 2004. There were 14 people in attendance. In preparation for that meeting a form was created which was entitled 'Residential Input Form'. During the meeting a presentation was made to explain the Plan Amendment history, the rezoning process and the Specific Plan process, to discuss the preliminary concepts for the proposed land use, and to focus on the proposed land use within the Residential Transition Study Area. Also, everybody at the meeting was given a copy of the 'Residential Input Form' and asked to fill it out and return it to the project team. A copy of that form, reduced from the original size handed out at the meeting, is enclosed as an attachment to this report.

The 'Residential Input Form' contained lists of different non-residential and different residential land uses. The participant was instructed to identify preferred uses and unwanted uses in each list. Thirteen forms were returned. Eleven of the forms indicated a primary concern regarding the transition areas in Sections 12 and 14, and two of them indicated a primary concern regarding the transition area in Section 10. The choice of residential types was existing zoning, one RAC, two RAC, and three RAC, and when explaining the choices it was explained that the density we were talking about was on the gross acreage. The non-residential uses listed were open space, landscaping buffer of 100 to 150 feet, detention/retention features, public parks, neighborhood private parks, trails, roads/streets, utility easements, schools, mixed use consistent with neighborhood activity center, and walls/fences.

Of the eleven Residential Input Forms concerned with Sections 12 and 14 only five indicated a preference in terms of the type of residential development. The preferences indicated were one for the existing zoning, one for one home per acre, two for two homes per acre, and 1 for 3 homes per acre. The non-residential use preferences were horse trails, walls/fences, landscaping buffer of 100 to 150 feet, public park, schools, and mixed use. At the same time these same forms also indicated a preference against any roadway connection with their neighborhood roads, walls/fences, landscape buffer of 100 to 150 feet, neighborhood private park, trails, utility easements, schools, and mixed use.

The two Residential Input Forms concerned with Section 10 indicated a preference for residential development consistent with the existing zoning and residential

The Swan Southlands Residential Transition Policy Study

development at one RAC. Also horse trails and walls/fences were checked off. Also checked off, but as uses to be avoided, were public parks, neighborhood private park, roads/streets, utility easements, schools, and mixed use. Additionally, one of these participants indicated that three homes per acre should be avoided.

Subsequent to this first neighborhood meeting these results were evaluated. Also the land use planning process proceeded, incorporating these results.

The second neighborhood meeting was held on February 18, 2004. Four people showed up. A preliminary land use plan was displayed. It covered the entire Swan Southlands project, but it highlighted the Residential Transition Areas in Sections 10, 12 and 14. The presentation acknowledged that the maximum density in the Transition Areas would be 3 homes per acre on the net acreage as opposed to the gross acreage, as previously indicated. Also the floodplain areas were identified and it was stated that these floodplain areas would be left natural. There was further discussion on whether these Transition Areas should contain common area strips adjacent to the project boundaries or whether there should be lots butting right up to those boundaries, and whether a special building setback would be preferable. The four participants consisted of two couples, neither of which had attended the first neighborhood meeting. As a result these people were given copies of the Residential Input Forms that they did fill out.

Subsequent to this second neighborhood meeting the land use planning process continued to be refined. The additional input received at this meeting was incorporated into the planning process and into the development of the Specific Plan. Prior to the third neighborhood meeting a letter was sent to all property owners within Sections 3 and 11, and along with that letter was a copy of the Residential Input Form. That letter is enclosed. The purpose of this letter was to solicit additional input prior to completing the planning process. As of the date of this report only one such form was returned.

The third neighborhood meeting was held on March 10, 2004. Five people were in attendance. The land use plan was displayed and was categorized as being what was to be submitted with the Specific Plan rezoning, but still subject to further refinement if necessary. The presentation indicated that the zoning in the Residential Transition Area within Section 10 was going to be limited to the existing RH zoning because of the unique conditions in Section 3, those being that the homes in Section 3 front the subject property and that Singing Cactus Lane, the road used by the residents in Section 3, is along the project boundary affording the residents in Section 3 a special proximity to the subject property. The presentation indicated that the zoning in the Residential Transition Areas within Sections 12 and 14 were going to be limited to 2 ½ RAC on the net developable acreage, that there would be a 50 foot building setback from the project site, and that all homes would be one story. There were numerous questions about the project in general, but very few if any on the residential transition area land use. There did not appear to be any objections or concerns raised regarding that treatment of the Residential Transition Area land use.

THE RESIDENTIAL TRANSITION STUDY OUTCOME

After the third neighborhood meeting, the project planners completed the Specific Plan land use plan using the input received in all three neighborhood meetings. The final land use plan is consistent with the declarations made at the third meeting. The Residential Transition Area within the northerly 300 feet of Section 10 has been left as RH zoning. This will match the development to the north in Section 3. The Residential Transition Areas in Sections 12 and 14 is made up of either Low Density Residential or Natural Open Space. That entire combined transition area is 65.4 acres, with 44.6 acres designated as Low Residential Density and the remaining 20.8 acres designated as Natural Open Space. The Low Density Residential is limited to 2 ½ RAC on those 44.6 net developable acres. Additionally, these Low Density Residential acres will be restricted to a 50 foot setback from the project boundary and be limited to one story construction. Enclosed in this report is a copy of the land use plan with these Residential Transition Areas highlighted.

ATTACHMENTS

Enclosed with this report are the following:

- Two Sunnyside School District Room Rental Agreements
- An invitation to the February 18th and March 10th Neighborhood Meetings
- The Residential Input Form
- Letter dated March 4, 2004 mailed to all nearby property owners.
- Map of the proposed Swan Southland land use, with the Residential Transition Area highlighted.

Appendix 5

Biological Impact Report

The Biological Impact Report has been submitted with this Specific Plan Document under separate cover.

Appendix 6

Recreation Area Plan

The Recreation Area Plan has been submitted with this Specific Plan Document under separate cover.

Appendix 7
Two Letters from South Wilmot Land
Investors to Pima County Planning and
Zoning Commissioners

April 12, 2004

P & Z Commissioner
[Address of Record]

Dear P & Z Commissioner:

South Wilmot Land Investors, LLC has submitted a Specific Plan for an approximately 3,200 acre master-planned community in the southeast area of Pima County. This master-plan combines five sections of land that were approved in the three major comprehensive plan amendments in 2003.

We submitted our Specific Plan Application in March of 2004. Janet Emel is the staff person assigned to coordinate the review of the Specific Plan. The first draft of comments is back from County Staff and we are working on our resubmittal. We expect to have our revised 2nd submittal in by May 15th. Included in this letter is the original table of contents for our Specific Plan, the roster of the firms and individuals of the Specific Plan Team members, and a few selected maps taken from the Application document.

It is exciting to have the opportunity to plan this land parcel. Some inherent challenges are finding the right balance in key areas related to residential types and densities, commercial and neighborhood employment, open space provisions, providing interior circulation with emphasis on bicycle and pedestrian linkages, placement of schools, recreational amenities, and timing of technical reports for directing infrastructure sizing and phasing.

If you are interested, I would like to meet with you and give you an overview of our plans. We are hoping to appear before you at a P & Z Study Session and at the subsequent Public Hearing this summer. Please feel free to get in touch with me: my e-mail is pstorm@diamondven.com, my personal e-mail is stormsolu@yahoo.com, my office phone number is 577-0200, and my mobile phone number is 603-4296.

Very truly yours,

Priscilla Storm, Project Coordinator

cc: Mark Reddie
Mike Marks
Bob Iannarino

May 27, 2004

P & Z Commissioner
[Address of Record]

Dear P & Z Commissioner:

I sent you a letter in April informing you of our submittal of a Specific Plan Application. In that letter I referenced a series of enclosures and neglected to actually enclose them. Included now for your perusal is the table of contents for our Specific Plan, the roster of the firms and individuals of the Specific Plan Team members, a density/intensity table, and a few selected maps taken from the Application document.

If you would like to meet prior to the P & Z Study Session please feel free to get in touch with me: my e-mail is pstorm@diamondvsn.com, my personal e-mail is stormsolu@yahoo.com, my office phone number is 577-0200, and my mobile phone number is 603-4296.

Very truly yours,

Priscilla Storm, Project Coordinator

Appendix 8

Draft Water System Master Plan

DRAFT
SWAN SOUTHLANDS

WATER SYSTEM MASTER PLAN

Prepared for:

DIAMOND VENTURES
2200 E. River, Suite 115
Tucson, AZ 85718
(520) 577-0200

Prepared by:

WESTLAND RESOURCES, INC.
2343 E. Broadway Boulevard, Suite 202
Tucson, Arizona 85719
(520) 206-9585

APRIL 2004
Job No. 498.17 A 8000

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INTRODUCTION 1

PROPOSED SERVICE AREA..... 1

WATER SYSTEM REQUIREMENTS..... 1

 Storage Criteria 2

 Well Source Criteria 3

 Booster Station Criteria..... 3

 Distribution System Criteria 3

INTRODUCTION

The purpose of this master plan is to describe the required water system facilities to serve the proposed Swan Southlands development. This master plan will provide the basis for design of the new facilities. The master plan will discuss the operational method, proposed demands, and proposed facilities for service by a municipal water provider.

PROPOSED SERVICE AREA

This property may be served by either a new municipal water provider or by an extension of the Tucson Water system. This section of the report discusses both options of water service. The proposed service area to be established by a new municipal water provider is located within Sections 10, 12, 13, 14, and 15 of Township 16 South, Range 14 East. The service area slopes toward the northwest, within an elevation range of 2710 to 2845 feet, which will allow the area to be served by a single pressure zone. A typical water system pressure zone covers an elevation range of approximately 100 feet. Lots in the lower end of the zone would require individual pressure reducing valves, as the pressure at these lots would be above the 80 psi maximum pressure requirement.

Water service may also be provided by the Tucson Water municipal water system. The property would be served according to the standard Tucson Water zone boundaries. The development is located within both the Tucson Water E and F zones. The E Zone serves within the elevation range of 2700 to 2805 feet, and is based on a high water elevation of 2897 feet. The F Zone serves within the elevation range of 2805 to 2910, with a high water elevation of 3002. The zone boundary between E and F zones is located through the western portions of sections 12 and 13, with the eastern area in the F zone and the western area within E Zone. For water service purposes, based on the planned layout for the property, the logical location of the actual zone boundary is along the west section line of Sections 12 and 13, with Sections 12 and 13 being within the F Zone and Sections 14, 15, and 10 within the E Zone.

The water system demands developed in this report will be the same for either a stand alone system or the extension of the Tucson Water system. The remainder of the report, including water facility criteria, and system development and layout are for a stand alone new municipal system.

WATER SYSTEM REQUIREMENTS

Demand criteria was estimated to determine the required water system facilities to meet source, storage and booster station requirements. The following are the engineering criteria used to determine the sizing of the various facilities.

Demand Criteria

The demand criteria for the proposed single-family residential units, schools, and mixed/public use areas, and parks in the master plan are based on standard engineering practice for master planning in the Tucson area, most of which is based on usage rates, residency rates, and peaking factors determined from Arizona Department of Water Resources (ADWR) and Tucson Water data. The criteria for the proposed water system are as follows:

- Average number of persons per single-family dwelling unit..... 2.7
- Average daily per unit water usage for residential dwelling unit 125 gallons per day (gpd)
- Average daily per acre water usage for schools..... 1,500 gallons per acre per day (gpad)
- Average daily per acre water usage for mixed/public use 1,000 gpad
- Average daily per acre water usage for parks 500 gpad
- Ratio of peak-day to average-day use 2.0
- Ratio of peak hour to average day 3.5

Proposed System Demands:

The estimated total number of residential units was determined from a density/intensity table as included in the Specific Plan. The high land use density was used to determine the number of residential units. Water usage for the planned schools, parks, and mixed/public use areas was determined based on the acreage dedicated to those areas.

Average Daily Demand (ADD) Single-Family Residential = 9,077 units x 2.7 persons/unit x 125 gallons/person-day = 3,063,488 gpd = 2,127 gpm
 ADD Schools = 61.2 acres x 1,500 gallons/acre-day = 91,800 gpd = 64 gpm
 ADD Mixed/Public Use = 335.1 acres x 1,000 gallons/acre-day = 335,100 gpd = 233 gpm
 ADD Parks = 76.4 acres x 500 gallons/acre-day = 38,200 gpd = 27 gpm
 Total ADD = 3,528,288 = 2,450 gpm
 Peak Daily Demand (PDD) = 2 x ADD = 2 x 2,450 gpm = 4,900 gpm
 Peak Hour Demand (PHD) = 3.5 x ADD = 3.5 x 2,450 gpm = 8,575 gpm

STORAGE CRITERIA

Two water reservoir and booster station sites are anticipated. Providing two separate water plants is preferable due mainly to engineering and operational considerations. Redundancy in water plants is extremely important when serving large populations, to avoid a single major outage of one plant site that can leave a large population without any water service. Also, the sizing of water facilities to serve initial phases usually results in the need to phase facilities over a period of time. The reservoirs are sized

according to ADEQ Engineering Bulletin No. 10 criteria and the Arizona Administrative Code. The total reservoir storage requirement is based on providing a storage volume equal to a minimum of 1.0 times the ADD, plus the additional storage volume required to provide fire flow for the appropriate duration. The required storage capacity for ADD is approximately 3.5 million gallons (MG). Since schools are planned a minimum fire-flow requirement of 1,500 gpm for a two-hour duration is required. The required fire flow is estimated to be 1,500 gpm for a two-hour duration or 180,000 gallons, for a total storage capacity requirement of 3.7 MG. Each of the two water plants will have two 930,000-gallon storage reservoirs.

The placement of the two water plant sites allows for flexibility in development phasing. Depending on where development begins each water plant can serve up to 3,000 units if the appropriate water distribution system is in place. The order in which the water plants are built is irrelevant because they are both sized to serve an equal amount of units.

WELL SOURCE CRITERIA

The total well production (source) requirement for the water system is based on meeting PDD for the service area with the largest well out of service. The required well capacity is equal to PDD or 4,900 gpm. The development would require source water from approximately six 1,000-gpm wells to serve the buildout PDD, which includes an additional emergency back-up well. One well would be located at each reservoir site, the other two would be remote from the reservoir site, with water being delivered into the reservoir via low pressure feed lines.

BOOSTER STATION CRITERIA

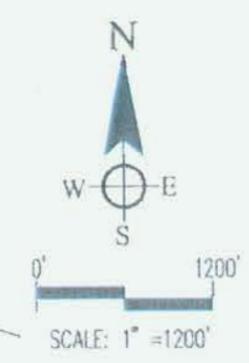
The total booster station capacity requirement is based on providing PHD, or PDD plus fire flow, whichever is larger. For the buildout of the proposed development, the booster station requirement is calculated at 8,580 gpm based on PHD. Each water plant site will have a 4,300 gpm booster station.

DISTRIBUTION SYSTEM CRITERIA

The design criteria for the distribution system is generally to size and arrange the distribution lines to provide the required PDD plus fire flow or PHD, whichever is greater, in accordance with ADEQ requirements. The maximum friction head loss for lines up to and including 8 inches in size is to be 8 feet per 1,000 feet or less. Head loss for lines over 8 inches in size is to be 5 feet per 1,000 feet or less, according to pipe size. New 12-inch pipeline loops will be required to convey PDD plus fire flow through out the development. A 16-inch main will connect Water Plant No. 1 to Water Plant No. 2, to reduce losses because of the distance between the water plants.

In accordance with the requirements described above, infrastructure has been proposed to create the proposed water system. The proposed wells will pump directly into the new 930,000-gallon reservoirs. New booster pump stations at each of the water plant sites will provide PHD into the water system.

Pumping the wells directly into a reservoir increases the efficiency of the well by allowing it to pump for long periods of time to fill the reservoir rather than turning off and on with demand.



LEGEND

- PHASE BOUNDARY
- PROPOSED WATER MAIN
- WELL COLLECTION SYSTEM
- EXISTING PER PREVIOUS PHASE
- PROPOSED BOOSTER STATION
- PROPOSED WELL
- PROPOSED RESERVOIR

WestLand Resources Inc.
 Engineering and Environmental Consultants
 2343 E. Broadway Blvd., Suite 202
 Tucson, Az 85719 (920) 206-9585

SOUTHLANDS
 WATER SYSTEM MASTER PLAN
 EXHIBIT I

W:\PROJECTS\49617\water-plan\water-main-plan-phases E-EXHIBIT.DWG

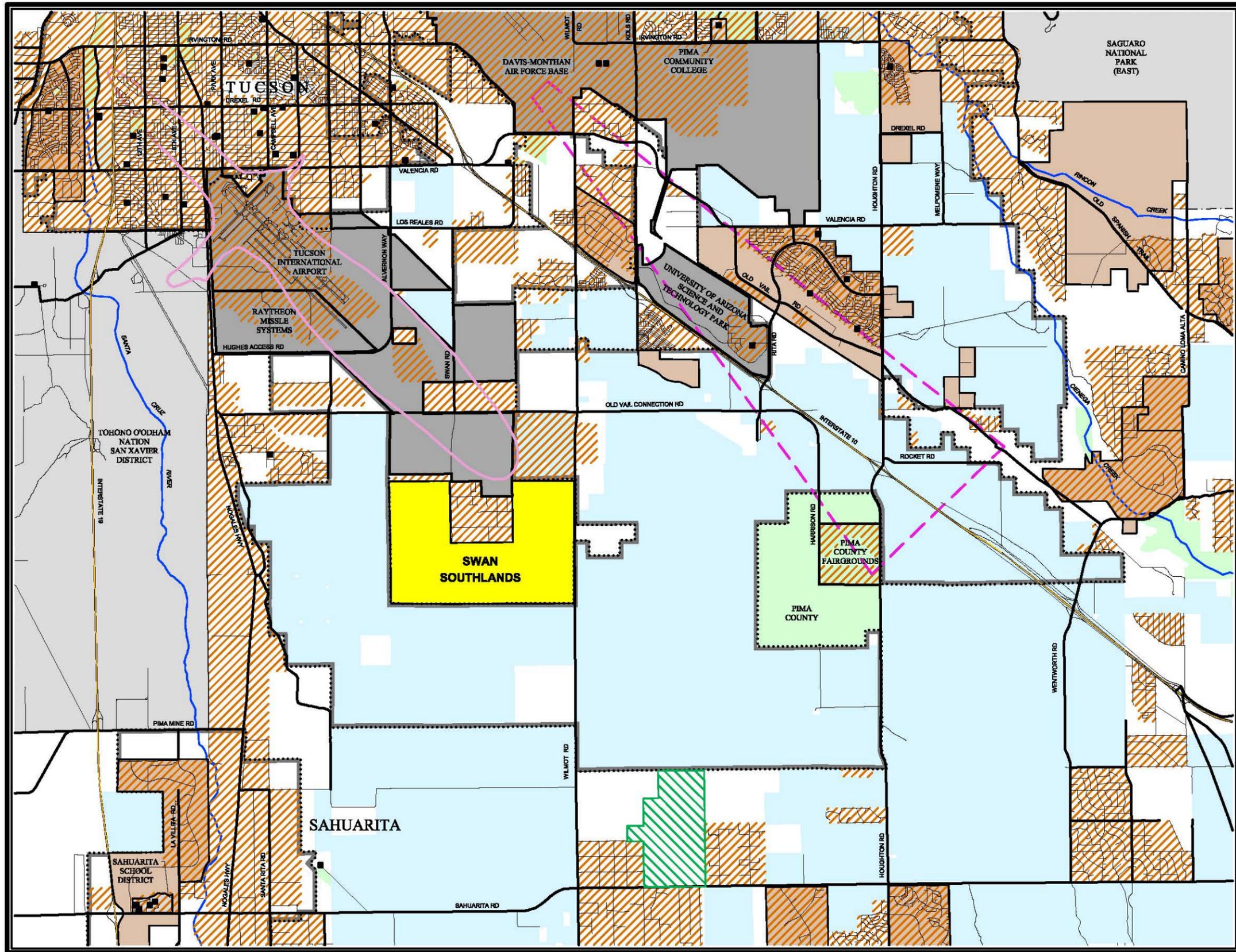
Appendix 9

Regional Context Maps

TUCSON, ARIZONA
SWAN SOUTHLANDS
REGIONAL CONTEXT MAP

0 0.5 1 mile

Digital cartography by Western Mapping Company 2004
 for Diamond Ventures, Inc.
GN 01-101-000204-B148-01
 06-29-04



EXPLANATION

-  developed land
-  master planned community/
residential subdivision
-  major employer
-  state lands
-  other lands
-  existing park
-  BLM land designated for disposal
-  school
-  TIA noise contour (65 LDN)
-  approach/departure zone (50,000 feet)
-  city or town boundary
-  interstate road
-  major road
-  minor road
-  river or wash

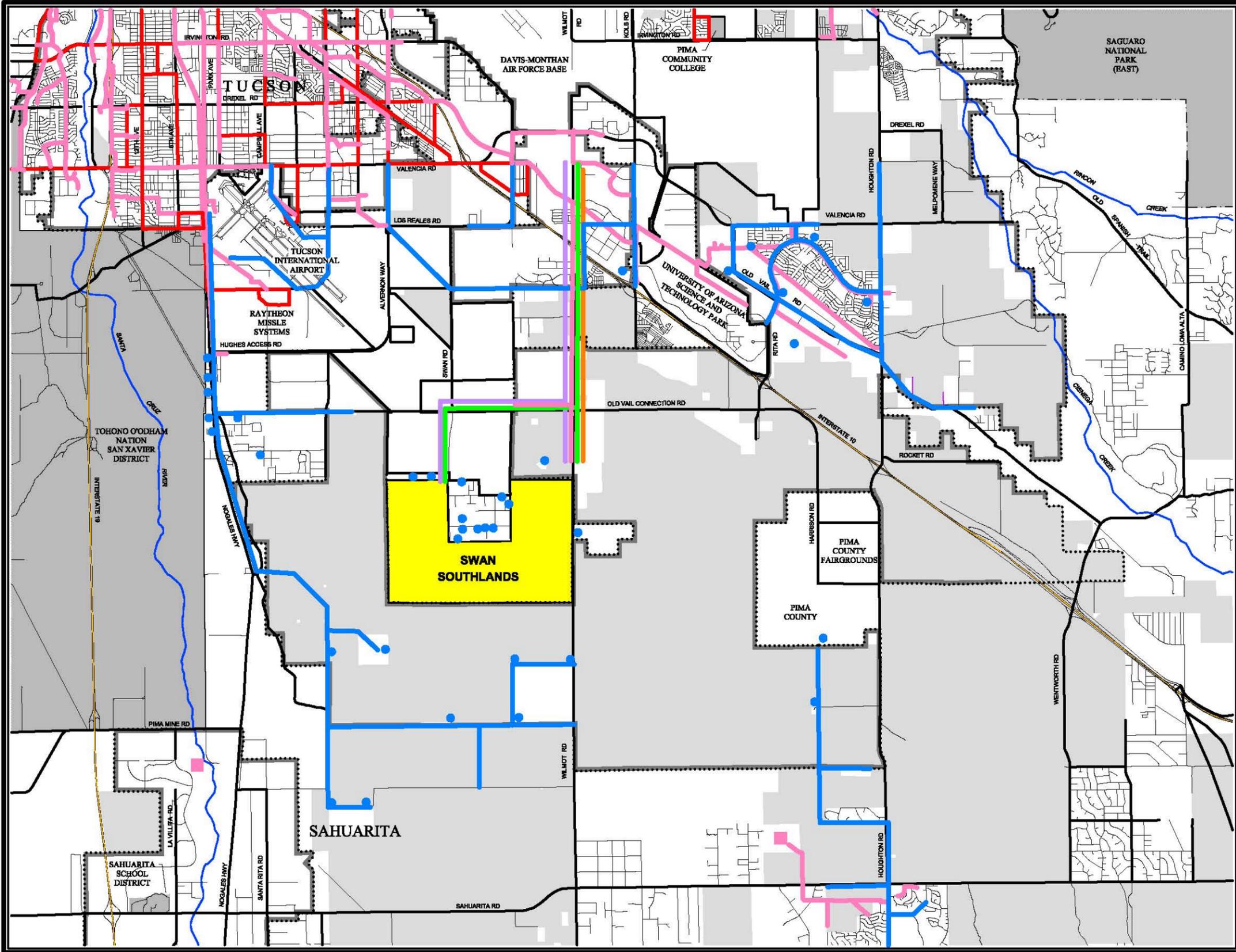
TUCSON, ARIZONA
SWAN SOUTHLANDS
REGIONAL CONTEXT MAP

0 0.5 1 mile
 Digital cartography by Western Mapping Company 2004
 for Diamond Ventures, Inc.
 DW 01-107-00204-0148.01
 05-29-04



EXPLANATION

-  existing electric
-  existing communications
-  existing natural gas
-  existing water
-  existing sewer
-  existing waste water treatment plant
-  existing well
-  existing bus route
-  state lands
-  other lands
-  city or town boundary
-  interstate road
-  major road
-  minor road
-  river or wash



Appendix 10

Conceptual Riparian Restoration Plan

The Conceptual Riparian Restoration Plan has been submitted with this Specific Plan Document under separate cover.

Appendix 11
10-Year Study of Pima Pineapple Cactus
on Swan Southlands:
Survey, Transplant, Monitor, and
Experimental Treatment

**REVISED PROPOSAL FOR
A 10-YEAR STUDY OF PIMA PINEAPPLE CACTUS ON SWAN SOUTHLANDS:
SURVEY, TRANSPLANT, MONITOR, AND EXPERIMENTAL TREATMENT**

Prepared for: South Wilmot Land Investors, LLC
Prepared by: WestLand Resources, Inc.
Date: June 22, 2004
Project No.: 498.14 A 680

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PROPAGATION OF PPC ONSITE	5
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Attachment: PPC 3 Tier Survey Methods Protocol (Roller)

INTRODUCTION

Each of the five sections of land that comprise Swan Southlands has been surveyed at least once for Pima pineapple cactus (PPC). The total number of PPC plants located on Swan Southlands is 163. The distribution and factors contributing to the distribution of this PPC population on Swan Southlands have been discussed (WestLand Resources, 2004). Of the 163 known PPC plants, approximately 30 occur on designated Conservation Areas. The remaining plants will be relocated into designated Conservation Areas or other suitable locations on the property, specifically to the area bounded by the North Fork and South Fork of Flato Wash in the northeast quarter of Section 15, and possibly the area north of the Franco Wash Main Channel (north edge of Section 10).

In this technical memorandum, we provide a specific outline of mitigation activities that will be carried out on behalf of PPC for the survey, transplant, monitoring, experimental treatment, and propagation of these plants.

SURVEY

The entire Project Area has been surveyed once for PPC, and some areas have been surveyed twice. Prior to the initiation of development of each block in Swan Southlands, the block will be comprehensively surveyed using the U.S. Fish & Wildlife Service's recommended protocol for PPC surveys (copy attached). Specifically, we would survey each parcel twice, with one survey comprised of east-west belt transects, the other survey with north-south belt transects. Surveys will be done with crews of three or more people, with people spaced no more than 15 feet apart. Each located plant will be described, tagged with a numbered metal tag, and located using a Global Positioning System.

TRANSPLANT

The plants that have been detected in the original surveys of the subject property that occur in planned development areas will be collected and used in the proposed transplant experiment. Plants detected during subsequent survey efforts will be transplanted to protected open space or other suitable locations using the following protocols as they may be refined and enhanced by the experimental program.

Currently we propose transplanting PPC using the following considerations.

- A. Plants will be transplanted directly (same-day) to their new, final locations; plants will not be "warehoused" out of ground prior to replanting them. This reduces stress on the plants and may ensure that the bacteria and fungi along the rhizosphere of the root have a better chance of surviving transplant.
- B. Plants will be transplanted in the same orientation (with respect to north) as they were in situ. Because the metal numbered tag is affixed to a spine cluster on the north side of the plant, this is easily accomplished.
- C. Plants will be protected from javelinas and jackrabbits after transplant. Both animals frequently dig up the roots of PPC. Recently transplanted plants, if discovered by these foraging animals, are usually uprooted completely. Protection may require an enclosure of hog fencing.
- D. As much of the lateral and deep roots as possible will remain with the plant during transplant; an effort will be made to not excessively bend or abrade these roots.
- E. Immediately after transplant, the soil around the plants will be watered.
- F. Plants will be watered on a regular basis after planting.

LONG-TERM MONITORING OF PPC PLANTS

Experimental PPC transplants will be monitored for a period of 10 years using the protocols described in the following paragraphs.

We plan to monitor growth, stem production, and flower and fruit production according to an earlier Technical Memorandum (WestLand, 2001). Because PPC produce easily counted, discrete numbers of tubercles per stem each year, it is possible to quantify a particular plant's growth rate quickly and objectively. Furthermore, the number of counted tubercles is not immediately influenced like the two often-employed metrics: stem height and diameter. Height and diameter are unreliable metrics simply because of their short-term responses to rain or drought that can obscure actual growth performance. Also, when a PPC plant first begins to senesce or die, it often will produce significantly fewer or no new tubercles during the year or two during which it is dying. The PPC plants are notoriously difficult for collecting good data on flower and fruit production, compared to cacti such as barrel cactus or saguaro, primarily because flowering typically occurs several times during the summer. Fairly good data can be collected later in the season (late August or early September) by counting the number of dried, aborted flowers; aborted buds; and, most importantly, the number of dried perianths that were attached to mature fruits. Counting this kind of evidence provides a much better record of reproduction in one season than can be obtained by observation during the early or late period of reproduction.

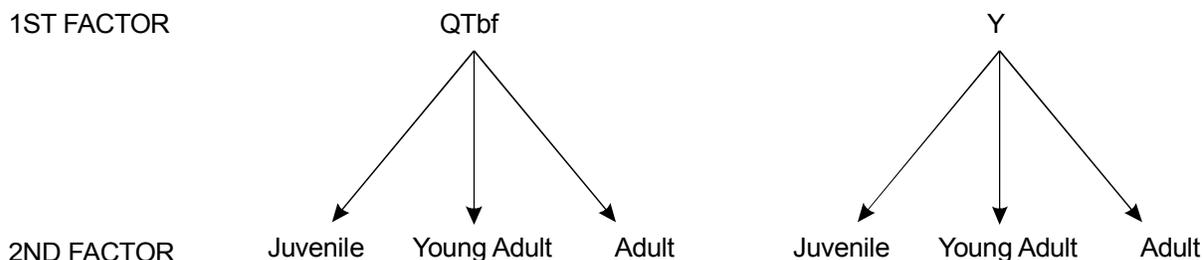
EXPERIMENTAL TREATMENT OF PPC PLANTS

We plan to experimentally test the influence of two factors on growth, survivorship, and fecundity of transplanted PPC plants on site. The two factors will be soil-type and size (~ age) of plant. Specifically, we will be comparing:

1. **Soil type:** Older Pliocene-Pleistocene alluvium (QTbf) vs. young channel terrace alluvium (Y). These are the only two alluvial types on the property. Compared to the acreage of these two types, PPC plants occur disproportionately on the QTbf surface; yet, the soil has a high calcium carbonate level (reducing nutrient availability). Y-type soils (silt soils with a more neutral pH) would appear to be more hospitable to the transplanted plants.
2. **Size of plant:** There is a continuum of sizes of PPC plants on the property. We do not know what effect the size of plant has on survivorship after transplant and with respect to the above factor. For the purposes of this study, three size classes will be compared: 1) pre-flowering juvenile, 2) post-flowering young adult with up to 50 mature tubercles, and 3) adult with greater than 50 mature tubercles.

We plan to test these factors with either a completely randomized design or, if enough secondary stems are available from some of the PPC plants, at least a partial randomized block experimental design. To the extent possible, we plan to set up the experimental design with proportional representation.

The PPC transplanted plants will be subdivided according to the following scheme:



In this scheme, we have six groups ($k=6$). Prior to performing an experiment with an ANOVA analysis, it is desirable to investigate the power of the proposed statistical test. The power of a statistical test is $1 - \beta$, where β is the probability of not rejecting the null hypothesis when it is in fact false and should be rejected. (β is the probability of committing a Type II error.) We can estimate the power of the test if we have an estimate of σ^2 (variability within the k populations), and an estimate of the variability among the populations. From this information we can calculate (using Zar 1996) a quantity called ϕ , which is a parameter of noncentrality. The variability among populations can be expressed in terms of deviations of the k population means, μ , from the overall mean of all populations, μ , and ϕ becomes:

$$\Phi = \sqrt{\frac{n \sum_{i=1}^k (\mu_i - \mu)^2}{ks^2}}$$

s^2 is the sample variance. With an estimated value of ϕ , we can consult a graph of the power of the statistical test as a function of ϕ , for a given sample size and a desired probability ($\alpha = 0.01$ or 0.05). From a consideration of these powers as a function of ϕ graphs, we can see that greater values of ϕ are associated with greater power. Also, ϕ increases with:

1. increased sample size;
2. increased difference among population mean;
3. fewer number of groups, k ;
4. decreased variability within populations.

Power also increases with larger significance levels, α .

In our specific case of comparing growth, fecundity, and survivorship of plants on QTbf versus Y soils, we cannot easily compare differences in population means and variability within populations using data from previous experiments. There are no experiments, per se. This makes an estimate of the power of this test not possible at this time. Anecdotal evidence suggests PPC survive and grow at a notably greater rate on Y surfaces compared to QTbf. We are proposing to use 20 to 30 plants in each treatment group. This treatment size is likely to be sufficiently large to provide a robust (and attainable) sample size for analysis. This

research project will contain an approximately 30-plant experimental control composed of plants not transplanted. .

The experimental treatment of PPC will occur within portions of the protected open space onsite that will be identified upon approval of the initial tentative block platting. The study will occur for 10 years upon the approval of the initial tentative platting.

The performance data for the plants in each treatment will include annual survivorship, annual growth, and if possible, fruit production. The experimental design and the analyses will be done using Zar (1996) and a statistical program (SYSTAT Version 10). Also, for each pair of conditions, we will test the null hypothesis of “no effect.”

There are large areas south of Tucson with geomorphic surfaces similar to those of Swan Southlands (QTbf and Y). Both for Swan Southlands and future development PPC mitigations, the practical value of the outcome of this experimental design is in offering statistically supported recommendations with regard to what major soil types to transplant PPC, and what are the relative success of different age plants after transplant.

PROPAGATION OF PPC ONSITE

We plan to provide onsite nurseries to be used for PPC propagation. Seed from the PPC plants onsite can be planted within the onsite nurseries. Once the propagated PPC have grown out to a late juvenile or early adult age class, they can be transplanted to provide landscaping within common areas onsite. Through these activities anecdotal observations can be made on the propagation of PPC.

REFERENCES

- Roller, P. 1996. Pima Pineapple Cactus 3 Tier Survey Methods. U. S. Fish and Wildlife Service unpublished report. 2 pages.
- WestLand Resources, Inc. 2001. Measurements of Pima Pineapple Cactus. Technical Memorandum (in-house). WestLand Project No. 266.07 A 835.
- WestLand Resources, Inc. 2004. Assessment of density and distribution of Pima Pineapple Cactus at Swan Southlands. Technical Memorandum prepared for Diamond Ventures, Inc. WestLand Project No. 498.14 A 680.
- Zar, J. H. 1996. Biostatistical Analysis. 3rd Ed. Prentice Hall, Upper Saddle River.

PIMA PINEAPPLE CACTUS
3 TIER SURVEY METHODS
12/4/95
6/26/96
Revised: 10/29/96
Patricia Roller

To survey for Pima pineapple cactus (PPC) a specific area should be delineated using clear and accessible boundaries to serve as a perimeter from which to establish belt transects across identified potential habitat. Transects shall be placed across the area by determining the shortest distance between the perimeter boundaries. Coverage or passes ran across each transect can be ran in any direction to achieve the above distance requirement. The number of people conducting the survey can vary. However, a single person should be responsible for covering approximately 4 to 6 m, except persons on the edge who shall cover approximately 2 m. Each lateral boundary of a entire transect can be marked with pin flags or flagging. One edge person can distribute flags or flagging to designate a transect boundary and the other edge person can pick up the previous transect's flags or flagging (Reichenbacher 1990, Roller 1996).

Therefore, if 5 people ran a transect it would be 16 - 24 m in width.

$$\begin{array}{rcl} 3 \times 4 = 12 \text{ m} & & 3 \times 6 = 18 \text{ m} \\ 2 \times 2 = \underline{4 \text{ m}} & & 2 \times 3 = \underline{6 \text{ m}} \\ 16 \text{ m} & & 24 \text{ m} \end{array}$$

Typically, one transect coverage or passage with a crew of 5 people, surveying for 5 hours a day have covered 160 acres or 65 ha in 2 days; repeating each transect would take 4 days.

The particular methodology described above has been used to cover 100% of an area. However, it is highly unlikely that all individuals are found running one coverage or passage across a transect. During a PPC salvage project directed to relocate cacti from a private residential land development; the standard search was conducted by repeating coverage or passages across transects. The objective was to completely remove all PPC from the land area. Repeated searches were ran from varied directions to search at different light angles. After the third search we were still finding up to 100% as many plants as were found initially. No individual PPC were found on the seventh search.

Preliminary surveys document PPC as not occupying drainage bottoms or steep slopes (Phillips et al. 1981, Mills 1991, Ecosphere Environmental Services Inc. 1992). Drainage bottoms comprised of sandy soils or steep, rocky slopes greater than 10% do not have to be surveyed. The delineation of specific land areas which are do not appear to be potential habitat can be determined with the assistance of the U.S. Fish and Wildlife Service.

PPC are well camouflaged within their micro-habitat and general habitat characteristics with cactus health vary across the taxon's range. The thorough, 50 m² surveys found no young individuals and very few older, dying adults in dense Lehmann lovegrass (*Eragrostis lehmanniana*) stands which were comprised of >70% foliar coverage. PPC, generally, occupy open patches, on the tops of

alluvial bajadas with <10% slope in moderately deep sandy loam soils which are often defined as the white-house sandy loam series of the Sonoran desertscrub and desert grassland vegetation types. Healthier PPC populations supporting higher densities, reproduction and greater plant vigor have been characterized in plant communities comprised of mid-sized mesquite trees, half-shrubs, native bunch grasses and scattered succulent species. To increase the probability of effectively finding all PPC within a given area, we recommend repeating the coverage or passages back-over, across a transect until 25% of total number of individuals found on the first coverage or passage are surveyed within the healthier PPC habitat described above.

Upon finding an individual a casual search of the local area which involves approximately a 20 m radius area around it should be conducted to find additional PPC. Sub-adults or small individuals representing younger age classes of PPC should be intensively searched, due to the level of difficulty finding these size classes. Therefore, a random sample of 10 to 20% of the total number of surveyed individuals should be taken to thoroughly search, at ground level, a 50 m² area around adults for seedlings.

In summary the three tier survey protocol for PPC entails three general parts which are all defined above:

- 1) General short distance transects which entail repeated coverage or passages,
- 2) Local area searches within all surveyed individuals,
- 3) Intensive searches within 50 m² random sample of individuals.

Appendix 12
Tucson Airport Authority Disclosure
Statement and Avigation Easement

AIRPORT DISCLOSURE STATEMENT

The undersigned purchaser(s) of a lot in the subdivision known as _____, a Pima County subdivision recorded in Book _____ at Page _____ of Maps and Plats, acknowledges that the property lies in proximity to Tucson International Airport and that the property is subject to aircraft overflight and noise that may be annoying or objectionable to some persons.

Flight patterns within 5 nautical miles of Tucson International Airport (TIA) are controlled by the Federal Aviation Administration (FAA) Air Traffic Control Tower (ATCT) according to rules and guidelines for maintaining aircraft separation. The ATCT at TIA is in operation 24 hours per day. According to FAA rules, except when necessary for takeoff and landing, aircraft may not fly below 1000 ft. above ground level in populated areas.

While air traffic may be generalized into tracks, it is, by nature, dispersed. Aircraft may approach and depart the airports from any number of directions. Flight paths vary depending on a variety of factors including origin/destination, wind conditions and other aircraft in the traffic pattern. As a result, any property in the vicinity of an airport is likely to be subject to aircraft overflight and its impacts to some degree.

As traffic approaches or departs an airport it is lower to the ground, more concentrated and more frequent. The area where air traffic converges as it approaches and departs the airport is represented by the FAA Traffic Pattern Airspace. This area is shown on exhibit A, attached. Lower altitudes and more frequent activity increase the perceived impacts of aircraft on the ground within this area.

The most significant impacts occur within noise contours. Noise contours depict the area where average noise exposure over a 24 hour period is considered "significant" by FAA standards. Measures such as sound insulation of structures and land use planning to exclude noise sensitive uses are required to maintain compatibility within these areas. As explained, aircraft approach and depart the airports on dispersed paths. As a result, a property that is outside established noise contours may still be impacted by the effects of periodic aircraft overflights.

Flight patterns are apt to shift or change over time. Changes in operations may occur due to weather, changes in users, changes in aircraft type, military missions, weather conditions, etc. Similarly, TIA has a master plan that identifies plans for future expansion and development needs. These plans are updated every several years to respond to the needs of the aviation community.

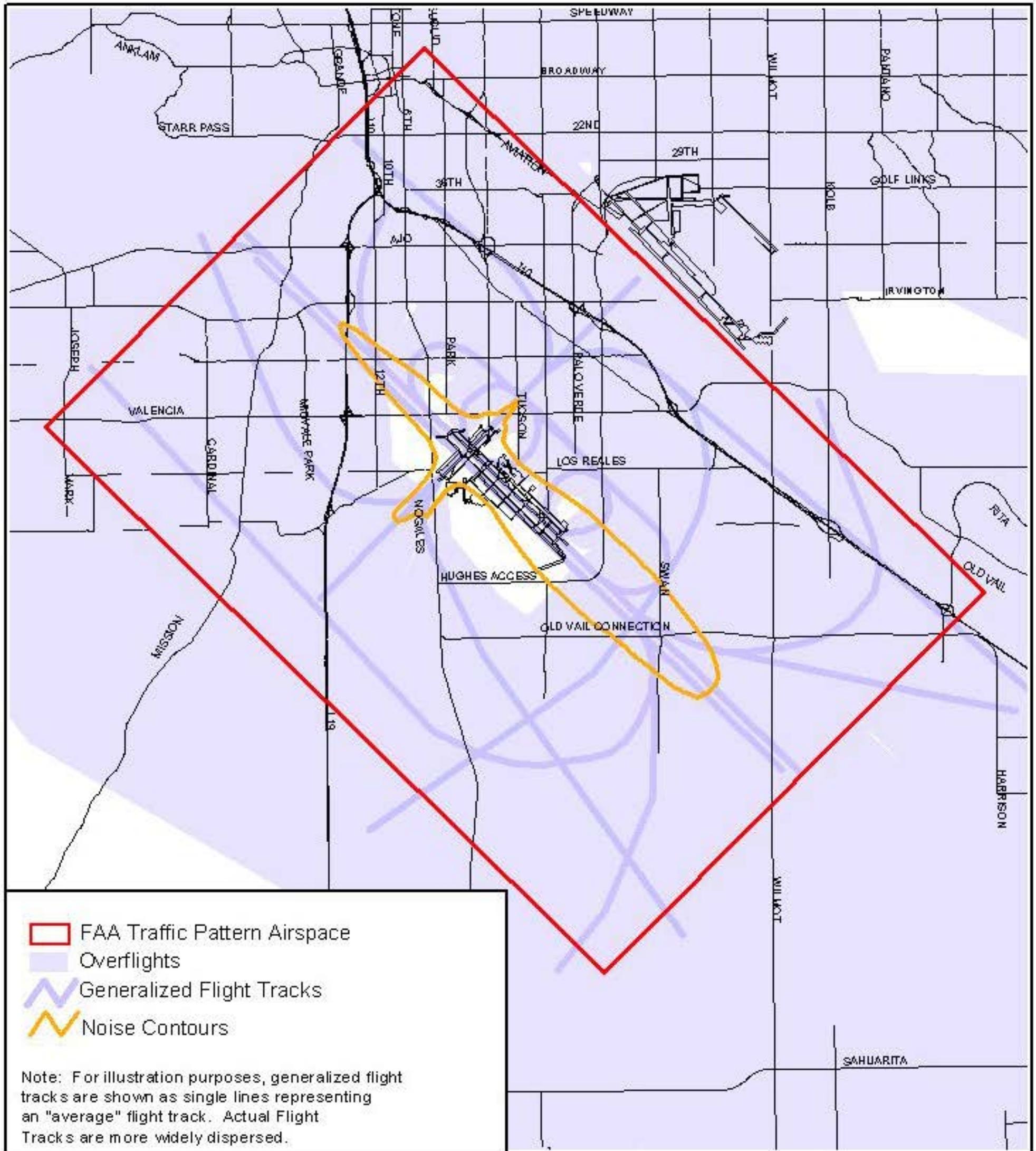
The undersigned acknowledges that the Tucson Airport Authority, the City of Tucson and all persons lawfully using the Airport have the right to operate aircraft in the airspace above and near the property and does not consider that the existence of the airport or use of the airspace above and near the property adversely affects the undersigned.

Dated this _____ day of _____, 20____.

Purchaser _____ Date _____

Purchaser _____ Date _____

Tucson International Airport



DECLARATION OF AVIGATION EASEMENT

THIS DECLARATION OF AVIGATION EASEMENT ("Declaration"), is made this _____ day of _____, 20__ by _____, a(n) _____ ("Declarant").

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 Tucson International Airport (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.

EXHIBIT A

(Legal Description)

Appendix 13
Amended & Restated Swan Southlands Plan
Development Agreement & Resolution
(BOS approved 11/9/10)



W
JANET EMEL
201 N STONE AVE 2ND FL
TUCSON AZ 85701

JANET EMEL
201 N. STONE AVE, 2ND Floor
TUCSON, AZ 85701-1317

When recorded return to:
Pima County
c/o Lori Godoshian
Clerk of the Board
130 W. Congress
Tucson, Arizona 85701

COPY

**AMENDED AND RESTATED
SWAN SOUTHLANDS SPECIFIC PLAN DEVELOPMENT AGREEMENT**

This Agreement, known as the Amended and Restated Swan Southlands Specific Plan Development Agreement (the "Agreement"), is entered into by South Wilmot Land Investors, L.L.C., an Arizona limited liability company ("Developer") and Pima County, a body politic and political subdivision of the State of Arizona (the "County").

RECITALS

A. The Parties hereto are the parties to that certain Swan Southlands Specific Plan Development Agreement by and between Developer and the County recorded on July 19, 2005 in Document No. 20051380080, Official Records of Pima County, Arizona (the "Original Agreement").

B. The Original Agreement concerns approximately 3,083 acres of land located in Sections 10, 12, 13, 14 and 15 of Township 16 South, Range 14 East, in unincorporated Pima County south of the City of Tucson, of which Developer is the master developer.

C. On December 7, 2004 the Pima County Board of Supervisors approved a rezoning (Co23-04-01) of that land, subject to standard and special conditions.

D. On January 4, 2005 the Board adopted Ordinance 2005-2, recorded in Docket 12469 at Page 2439, incorporating the specific plan and the standard and special conditions (the "Specific Plan"). The Specific Plan governs development of the land and requires, among other things, that the Developer provide on-site and off-site infrastructure necessary to support the phased development of the land as a residential and mixed use development, and that the Developer and County enter into a development

agreement to provide for the phasing of that development and construction of the associated infrastructure.

E. Developer and County entered into the Original Agreement to satisfy the above condition. The Original Agreement required the preparation and/or modification of certain plans and studies regarding development of the land, but it also contained relatively detailed information regarding how the development of the land would be phased and precisely what on-site and off-site infrastructure the Developer was required to build in connection with that development.

F. Due to changes in the economy since the Original Agreement was executed, Developer and County both realize that the land will not be developed as quickly as originally anticipated and the that the timing and phasing of such development is uncertain at this time.

G. In addition, Developer has agreed to sell 122 acres of the land, shown on Exhibit B as Parcel D5 ("CCA Parcel"), to an entity that plans to use it to build a private prison facility, a use not permitted in the Specific Plan. In order to accommodate this new use, the Developer requested a modification of the Specific Plan with respect to 391 acres of the Property (Parcels D3, D4 and D5), including the CCA Parcel. On June 15, 2010 the Pima County Board of Supervisors approved the request for a modification (substantial change) of the Specific Plan subject to additional and modified standard and special conditions (the "Modified Specific Plan"), and concurrently with the approval of this Amended and Restated Agreement, the County is entering into a development agreement with respect to the CCA Parcel with the proposed purchaser/developer of that parcel (the "CCA Parcel Development Agreement").

H. Developer has also, since the execution of the Original Agreement, submitted and County has conditionally approved the following plans related to development of the land:

a. Transportation and Financing Plan prepared by Psomas (Job No. 7DIA057103) dated June 2009 (the "Traffic Impact Analysis");

b. Master Watershed and Master Drainage Report prepared by Stantec (File No. 185621272) dated June 2008 (the "Master Drainage Plan");

c. Off-Site and On-Site Basin Study proposal by Westland Resources (File No. 498.25 B 8000) dated August 2009 (the "Overall Watershed Master Plan"); Conceptual Design Report prepared by PERC (File No. 9015-E) dated August 2009; and Effluent Management Plan prepared by Westland Resources dated March 2009, subject to conditions of the November 12, 2009 Development Services Department letter to the Developer (together, the "Wastewater Plan") (note that Figure 1 in the on-site basin study conditional acceptance, attached to the November 12 letter, should be dated August 5, 2009 rather than August 6, 2009)

I. In order to reflect the new plans, deal with the increased uncertainty regarding the phasing of the land's development, and reflect the Modified Specific Plan and the new use for the CCA Parcel, the parties have agreed to enter into this Amended and Restated Development Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises, terms, covenants and conditions set forth herein, the County and Developer agree as follows:

1. Authority/Recitals. Developer and County are entering into this agreement pursuant to Pima County Ordinance 2005-2 and A.R.S. § 11-1101 *et seq.* The Recitals set forth above are hereby incorporated into this agreement as though fully set forth herein.
2. Amendment/Restatement of Original Agreement. This Amended and Restated Swan Southlands Specific Plan Development Agreement (this "Agreement") supersedes and replaces in its entirety the Original Agreement.
3. Property.
 - 3.1. "Property" as used in this Agreement means the land legally described and depicted on Exhibits A and B attached hereto and incorporated by this reference (which includes land in Section 15 that was referred to in the Original Agreement as the "Additional Property" but does not include the CCA Parcel). It is the intent of the parties to permit Developer somewhat more flexibility with respect to the timing and phasing of the Property's development, but still to provide for the orderly development of the Property and the concurrent development of on-site and off-site infrastructure needed for the area.
 - 3.2. CCA Parcel. Developer understands and agrees that if CCA does not acquire the CCA Parcel as required by the CCA Parcel Development Agreement, a separate development agreement approved by the County shall be required prior to submittal of a development plan for Parcel D5, which agreement shall define the required on-site and off-site infrastructure necessary to serve Parcel D5 and any other terms and conditions as agreed to by the County and the owner of parcel D5.
4. Conflicting Provisions. In the event a provision of this Agreement conflicts with the requirements of Ordinance 2005-2, the Modified Specific Plan, or the resolution adopting the Modified Specific Plan the ordinance, resolution and the Modified Specific Plan will control.
5. Obligations of Developer. No building permits shall be issued for an Identity District, Sub-district or Parcel of the Property unless and until Developer timely complies with the requirements of this Agreement.

6. Design and Construction of Transportation Improvements. The Traffic Impact Analysis identifies the transportation improvements, including off-site transportation infrastructure, inclusive of paved pedestrian paths integral to the transportation corridors, reasonably required to address the impacts of the development of the Property, and includes an infrastructure phasing schedule that is tied to the phased development of the Property. Developer shall update the Traffic Impact Analysis each time it submits a master block plat. The updated Traffic Impact Analysis shall also be subject to review and approval by the Pima County Department of Transportation and shall address the impact of development and phasing of construction within the Identity District, Sub-District or Parcel addressed in each master block plat. The updated Traffic Impact Analysis shall be consistent with elements of the County's updated Major Streets and Scenic Routes Plan and the Pima Association of Governments Southeast Area Arterial Study. Notwithstanding the requirements of this Section 6, nothing in this Agreement shall require the Developer to address increased traffic impacts caused by development of land other than the Property.
- 6.1. Design, Construction and Sequencing of Transportation Improvements. At its sole cost and expense, Developer shall design, construct and sequence, or shall arrange for the design, construction and sequencing of the transportation improvements required by the approved Traffic Impact Analysis and updates thereto (the "Transportation Improvements"). Prior to construction, Developer shall submit the design plans for the necessary Transportation Improvements to the department of transportation of the jurisdiction in which the improvements are located (the "Transportation Department"), for review and approval. Plans shall be submitted at 30%, 75%, 90% and 100% completion or as agreed upon by the Transportation Department. Unless otherwise agreed to by the parties in writing, the phasing and the required construction of the Transportation Improvements shall be as set forth in the Traffic Impact Analysis, as it may be updated from time to time.
- 6.2. As-Built Drawings. Upon completion of the Transportation Improvements, or separate and identifiable portions, of the minimum necessary Transportation Improvement described above, Developer shall provide to the County as-built drawings certified by a registered civil engineer that the transportation improvements or such portion, thereof, were constructed in accordance with approved plans.
- 6.3. Inspection and Approval. The Transportation Department shall inspect the Transportation Improvements, or portion thereof as described in Paragraph 6.1 above, and if it determines in its reasonable discretion that the Transportation Improvements were completed in accordance with the approved plans and in compliance with all applicable standards, the Transportation Department shall approve and the jurisdiction shall accept the same.
- 6.4. Dedication of One-Half Right-of-Way. At the time of recordation of, and pursuant to, the Final Block Plat for that portion of the Property that includes

Section 14, Developer shall dedicate to Pima County one-half of the right-of-way for Swan Road within Section 14 of the Property. At the time of recordation of, and pursuant to, the Final Block Plat for that portion of the Property that includes Section 15, Developer shall dedicate to Pima County one-half of the right-of-way for Swan Road within Section 15 of the Property.

- 6.5. Developer's Warranty. Developer shall, at the time of completion of the Transportation Improvements, or such portions thereof, and acceptance thereof by the jurisdiction in which the Transportation Improvements are located, warrant to such jurisdiction that such Transportation Improvements and related drainage improvements will be free from any material defects for a period of two (2) years from the date the jurisdiction accepts the Transportation Improvements.
- 6.6. Funding of Acquisition Expenses. The Parties acknowledge that the County shall be the applicant to acquire necessary rights-of-way from the State of Arizona. To the extent required by law, and with the consent of the incorporated jurisdiction, the County shall also be responsible for the acquisition of private holdings within the boundaries of an incorporated city or town. If Developer is unsuccessful in acquiring necessary rights-of-way from other third party landowners outside the Property, then the County shall, by negotiated acquisition or through its exercise of its powers of eminent domain, acquire all land required for the off-site Transportation Improvements as well as the off-site Wastewater Improvements and Drainage Improvements described below. Developer shall be responsible for all costs of acquisition. If such costs, inclusive of the payment for the land, exceed 120% of the appraised value for such property, County and Developer shall determine the best method of proceeding with the acquisition. In this regard, Developer shall enter into an agreement with the County to provide funding for the required acquisitions in a timely manner. To the extent required by law, Developer shall be entitled to a credit against the transportation related development impact fees levied pursuant to Chapter 19 of the Pima County Code for such acquisition expenses that it has paid to the County.
7. Drainage and Flood Control. The Master Drainage Plan contains a written evaluation of upstream watershed conditions and a determination of the necessary off-site and on-site upstream flood control improvements that are required for development of the Property (the "Drainage Improvements"). No building permits shall be issued for an Identity District, Sub-district or Parcel of the Property until Developer updates the Master Drainage Plan to more specifically identify the phasing and financing of the Drainage Improvements, particularly with respect to any Drainage Improvements that impact or are necessitated by more than one Identity District, Sub-district or Parcel, or are off-site.
 - 7.1. Updates to the Master Drainage Plan. The Master Drainage Plan shall thereafter be updated by Developer with the submittal of each master block plat to reflect

the specific Drainage Improvements required because of the development of the Identity District, Sub-district, or Parcel covered by the master block plat. Any conditions or requirements indicated in the conditional approval of the Master Drainage Plan must be addressed to the satisfaction of the County.

7.2. Construction of Drainage Improvements. No final plat shall be recorded for any portion of the Property unless and until the Pima County Flood Control District adopts that portion of the Master Drainage Plan that impacts the portion of the Property that is the subject of the plat, and unless and until Developer posts development assurances pursuant to Chapter 18.69 of the Pima County Code for the construction of Drainage Improvements required by the Master Drainage Plan to address the development of the platted area. Such improvements shall be designed and constructed in accordance with Pima County Flood Control District Standards and pursuant to plans approved by the Flood Control District, and any approved development plans. Developer shall submit as-built drawings and shall have its engineer certify that Drainage Improvements were constructed in accordance with the approved plans and Flood Control District personnel shall have the right to inspect the completed Drainage Improvements prior to acceptance, consistent with the procedure utilized for the Transportation Improvements as described in Paragraph 6.3 above.

8. Design and Construction of Wastewater Improvements. The Wastewater Plan identifies the wastewater collection and treatment improvements and the effluent distribution system required to serve the Property and includes an infrastructure phasing schedule that is tied to the phased development of the Property (the "Wastewater Improvements"). Developer is required, at its own expense (subject to certain connection credits and/or reimbursements, as described below), to design and build on-site and off-site gravity-conveyance lines and treatment facilities to collect, transport and treat all sewer flows generated by the Property and use/discharge all resulting treated effluent, in compliance with all applicable state, local and federal laws and regulations (the "Wastewater Improvements"), and to provide for oversizing of certain sewer lines for flow-through capacity. The precise phasing of the construction of the Wastewater Improvements will be governed by the Wastewater Plan, which Developer shall update each time it submits a master block plat. The revised Wastewater Plan will be subject to review and approval by the Pima County Regional Wastewater Reclamation Department ("RWRD") and shall address the impact of development and phasing of construction within the Identity District, Sub-District or Parcel addressed in each master block plat and provide for any required flow-through lines. Notwithstanding the requirements of this Section 8, nothing in this Agreement shall require the Developer to address increased wastewater collection and treatment capacity or effluent distribution needs caused by development of land other than the Property, except that certain lines will be oversized to accommodate flow-through capacity.

8.1. Initial Planning and Dedications. Developer must, prior to approval of the first master block plat:

- 8.1.1. Update the Wastewater Plan to address, to the satisfaction of the County, and in a manner consistent with the requirements of this Section, the conditions set forth in the November 12, 2009 letter from County Development Services. Unless otherwise agreed to in writing by RWRD, the updated Wastewater Plan must:
 - 8.1.1.1. Include a phasing plan for the construction and use of interim wastewater treatment facilities to be owned and operated by Developer (such as vault-and-haul and/or package plants) and then a permanent wastewater treatment facility to serve the build-out of the Property (currently estimated to be approximately 1.4 MGD to 1.7 MGD), beginning with a 300,000 GPD permanent treatment facility to be built by Developer in the northwest corner of the Property as shown on Exhibit C, to be thereafter owned and operated by the County, which can be further expanded as necessary as the Property is built out (the "Treatment Facility"). The Treatment Facility, and any expansions, thereto, must be so designed as to generate Class A+ effluent and shall meet the ADEQ standards for Best Available Demonstrated Control Technology ("BADCT").
 - 8.1.1.2. Include a plan for construction and maintenance of a reclaimed water system and sufficient recharge basins such that all effluent from the Property can be reused or disposed of on a continuous basis without discharge to washes except as agreed to by RWRD.
 - 8.1.1.3. Provide for conveyance to the County of sewer easements through the interior of the Property generally as shown on Exhibit C, as the Property is platted and infrastructure is built. The sewer easements need not be precisely as shown on Exhibit C, but must create a regional gravity-flow system for bringing sewage generated on the Property to the Treatment Facility, and for accommodating off-site flow-through.
- 8.1.2. Convey to the County a parcel of land, in the location shown on Exhibit C, approximately 42 acres in size, sufficient for the construction of the Treatment Facility (assuming possible expansion up to 10-million-gallons-per-day capacity), including required buffer areas.
- 8.1.3. Owner will convey to the County a 40-foot wide easement for the construction, installation, repair and replacement of sewer lines and related sewer conveyance facilities along the north and west sides of the Property, generally as shown on Exhibit C, and will dedicate to the public an adjacent 20-foot wide public utility easement.

- 8.1.4. Demonstrate to the County that Developer has obtained from the Tucson Airport Authority an option to purchase a 40-foot wide utility easement through TAA-owned property in Section 2 connecting the two sections of the utility easement on the North side of the Property, to form a continuous east-west easement corridor. Developer will be required to purchase and convey this easement to the County, at no cost, before any building permit will be issued for the Property. If Developer is unsuccessful in acquiring the easement, then the County shall, by negotiated acquisition or through its exercise of its powers of eminent domain, acquire the easement and Developer shall be responsible for all costs of acquisition. If such costs, inclusive of the payment for the land, exceed 120% of the appraised value for such property, County and Developer shall determine the best method of proceeding with the acquisition.
- 8.1.5. Notwithstanding the foregoing or anything else to the contrary in this Section 8, the parties acknowledge that RWRD has agreed to consider, in lieu of a Treatment Facility, a proposed connection to the County's existing regional public system (Old Nogales line) as an alternative method of sewer disposal for the Property. In the event that RWRD approves such an alternative, the requirements herein relating to the Treatment Facility shall no longer be applicable and the Developer shall prepare, for RWRD's review and approval, a revised Wastewater Plan identifying the applicable Wastewater Improvements necessary for the development of the Property based upon such a connection.
- 8.2. Sewer Service Agreement. Developer shall negotiate a separate Master Sewer Service Agreement with the County at the time of the first master block plat, which Master Sewer Service Agreement shall be consistent with this Agreement and shall more specifically identify the design, bid, construction, acceptance, administration, operation, and maintenance requirements for the Wastewater Improvements.
- 8.3. Connection Fees. The Master Sewer Service Agreement shall provide that the County shall charge to each residential or commercial unit on the Property, the then-current connection fee rate for wastewater service, as such fee is established in Pima County Code Chapters 13.20 and as such fee may be adjusted from time to time. Developer shall be entitled to reimbursement from the County by means of credits or reimbursements from such connection fees in an amount equal to the actual costs of the Treatment Facility. Developer shall further be entitled to connection fee credits for the costs of over-sizing gravity sewer lines required by the County for flow-through capacity, to the extent that over-sizing costs exceed the base costs of installing conveyance capacity sufficient to serve development within the Property. The timing and amount of such connection fee reimbursements and credits shall be identified in the Master Sewer Service Agreement.

- 8.3.1. Improvements eligible for credits/reimbursements as set forth above ("Qualifying Improvements at the Treatment Facility") may be constructed through design-bid-build, design-build, or construction manager at risk – type agreements. Developer shall solicit and receive bids for construction of all Qualifying Improvements at the Treatment Facility from at least two qualified, licensed and bonded contractors, three if available, and make such bids available to RWRD for RWRD's recommendation and for Developer's award of contracts or rejection of bids. Developer shall accept the lowest qualified bid. The County shall expeditiously review information submitted by Developer relating to project costs, designs and engineering, and shall not unreasonably object to same. After the bid award, any change orders submitted by the contractor shall be pursuant to established procurement procedures of the County.
- 8.3.2. Upon completion of any Qualifying Improvements at the Treatment Facility, developer shall certify to the County the actual cost and expense incurred in connection with the Qualifying Improvements at the Treatment Facility, including the cost of all engineering, materials, labor, oversight, safety, permitting, bonds or security, inspections, change orders, insurance, and all other reasonable costs (collectively, the "Costs").
- 8.3.3. Upon receipt of ADEQ's "Approval of Construction," regarding a Qualifying Improvement at the Treatment Facility, the County shall reimburse developer on a quarterly basis for the Costs incurred, as provided in this subsection, until such Costs have been fully reimbursed. Such reimbursements shall be payable solely from available revenues derived from County's sewer system, after application of monies required under County's debt instruments. Each quarterly reimbursement shall be due within forty-five (45) days following the close of each calendar quarter and in an amount equal to ninety percent (90%) of the sewer connection fees received by County during the preceding calendar quarter from any land served by the Treatment Facility as expanded. Such reimbursements will bear no interest and neither Developer nor any other party shall have any claim or lien on the County's sewer system revenues, except as provided in the County debt instruments. Nothing in this Agreement shall be construed in a manner that would violate any bond covenants of County's debt instruments. The Developer shall have the right to convey wastewater credits to homebuilders tributary to the Treatment Facility, with appropriate notice to County.
- 8.3.4. The parties acknowledge that the CCA Parcel Development Agreement requires the CCA Parcel owner to pay applicable wastewater connection fees to the County and also requires the CCA Parcel Owner to connect to

the public sewerage system in the Southlands Service Area at such time as such a system is available. The parties agree that nothing in this Agreement or the CCA Parcel Development Agreement shall obligate Developer to construct any capacity or other infrastructure necessary to make such a connection except where flow-through sewers are required to provide sewer access to development outside of the Property.

- 8.4. Use of Effluent. Developer and County shall make every reasonable effort to put to immediate beneficial use all effluent generated within the Property (“Reclaimed Water”). Beneficial uses shall include among other things using the Reclaimed Water to irrigate the Recreational Improvements and Riparian Areas required under Section 9, schools discussed under Section 11, and other public landscaping and shall include riparian corridors, public parks and schools. Developer shall prepare a detailed plan defining how it will put the Reclaimed Water to immediate beneficial use (the “Water Conservation Plan”) prior to the initiation of the design for the Treatment Facility. If the County is the sewer service provider and subject to the terms of County/City of Tucson Intergovernmental Agreement Relating to Effluent entered into in 1979 (and any amendments or addendums thereto), the Sewer Service Agreement shall include a provision granting Developer the first right to use all effluent generated on the Property.
9. Recreation Improvements. Unless otherwise agreed to by the Parties, Developer shall complete the following studies and shall design and construct the following on-site and off-site recreation improvements reasonably required to serve the development of the Property.
 - 9.1. Recreation Plan and Updates. Developer shall, prior to submittal of any subdivision or block plat on the Property, prepare a detailed recreation area plan (the “Recreation Plan”) based upon and consistent with the Swan Southlands Recreation Area Plan that the County approved as part of the Specific Plan. The basis for the Recreation Area Plan shall be 871 square feet of developed recreation area and recreation amenities per single-family residential dwelling. The Recreation Plan shall be subject to the review and approval of the Pima County Natural Resources, Parks and Recreation Department (“NRPR”). The Recreation Plan shall include an infrastructure phasing schedule coordinated with the phased development of the Property. Developer shall update the Recreation Plan as necessary each time it submits a subsequent master block plat, to address the construction of recreational facilities to serve the area being platted, as well as the portion of any recreation facilities serving a larger area (such as trails) that fall within the platted area. The updated Recreation Plan shall also be subject to review and approval by the NRPR.
 - 9.2. Design and Construction of the Recreational Improvements. Subject to the review and approval of NRPR, Developer shall design and construct at its sole

expense or shall cause the design and construction of all public and private recreation related improvements and trails within the Property required by the approved Recreation Plan to serve the residents of the Property (the "Recreation Improvements") on a phased basis. Prior to construction, Developer shall submit the design plans for the required Recreation Improvements to the NRPR for review and approval. Plans shall be submitted at 30%, 75% and 100% completion or as required by NRPR. Generally, the Recreation Improvements shall include on-site public and private trails, on-site private neighborhood parks and recreational amenities, and on-site public community parks and recreational amenities. Developer shall also construct reclaimed water distribution lines as called for in the Water Conservation Plan described in Paragraph 8.4 above to serve these recreational areas. Unless otherwise agreed to by the parties in writing, the phasing and the required construction of the Recreation Improvements shall be as set forth in the Recreation Plan, as may be updated from time to time.

- 9.3. Additional Amenities. Additional private trails and sidewalks shall be constructed within each development block to link elements within blocks to the overall trail system. Developer shall also construct private neighborhood parks generally ranging in size from one to four acres each (unless such other sizes are approved by the County as part of the updated Recreation Plan) in various development blocks which shall be linked to the trail system. The exact locations of these neighborhood parks shall be determined by the updated Recreation Plan and in consultation with NRPRD. Any additional amenities required by this Paragraph shall be included within the 871 square foot set-aside per residential unit requirement of Paragraph 9.1.
- 9.4. As-Built Drawings. Upon completion of the Recreation Improvements, or separate and identifiable portions thereof, Developer shall provide to the County as-built drawings of the Recreation Improvements and shall certify that the Recreation Improvements or such portions thereof were constructed in accordance with the approved plans.
- 9.5. Inspection and Acceptance of Recreation Improvements. NRPRD shall inspect the Recreation Improvements to determine if they have been completed in accordance with approved plans and applicable NRPRD standards. NRPRD shall accept into its maintenance systems those approved Recreation Improvements which it desires to be open to the public. Developer shall maintain all other Recreation Improvements not accepted into NRPRD's maintenance system, or shall cause the same to be maintained by private Homeowners Associations or other legal entities which shall have the ability to enter onto private property to maintain such Recreation Improvements.
- 9.6. Natural Open Space Set-Aside and Restoration of Riparian Areas. Unless otherwise agreed to by the Parties, Developer shall set aside Natural Open Space, complete the following studies and shall undertake the restoration of

certain riparian areas on the Property and shall design and construct the following Riparian Area Improvements on the Property.

- 9.7. Natural Open Space Set-Aside. Pursuant to the Modified Specific Plan, Developer shall set aside 771 acres of Specific Plan Natural Open Space. Of this 771 acres, 8 acres shall be Natural Open Space as defined in Pima County Code Section 18.03.020(O)(2). The remaining 763 acres shall be set aside on a phased basis as "NPPO Natural Open Space" in compliance with the requirements of the natural open space set-aside option under the Pima County Native Plant Preservation Ordinance, Chapter 18.72 of the Pima County Code. "NPPO Natural Open Space" is defined, for purposes of this Agreement, as undisturbed areas that will be maintained and managed through established deed restricted common area or conservation easements, but can include areas that: (1) have prior disturbance due to previous land management practices or access roads but are restored to the level of biological resources of undisturbed land adjacent to the disturbed area; (2) existing natural areas that are enhanced or regenerated through perma-culture /containerized or salvage landscape enhancement and restorative management practices, including use of effluent or other source of irrigation, and planting or seeding of native plant species; (3) are included in the calculations necessary for determining the lighting parameters for the commercial development within the Property, provided that such commercial area boundaries include such Natural Open Space; (4) contain water harvesting features and soil stabilization techniques; and (5) provide for a Pima County Pima Pineapple Cacti Propagation and Transplant Study area. Unless otherwise agreed to by the Parties in writing, the Specific Plan Natural Open Space and the NPPO Natural Open Space set-aside shall be phased as shown in Exhibit D.
- 9.8. Riparian Plan. Developer shall prepare and submit to the Pima County Development Services Department ("Development Services") a detailed Riparian Mitigation and Restoration Plan ("Riparian Plan") which shall be based upon and consistent with the Conceptual Riparian Mitigation and Restoration Plan which the County has approved as part of the Modified Specific Plan. The Riparian Plan shall be subject to the review and approval of Development Services and, for compliance with title 16 requirements, the Director of the Pima County Flood Control District. Developer shall update the Riparian Plan as necessary each time it submits a subsequent master block plat. The updated Riparian Plan shall also be subject to review and approval by the Environmental Planning Manager for Development Services and the Pima County Flood Control District. The Riparian Plan and updates thereto shall address the improvements to affected and adjacent riparian areas including erosion control, soil and bank stabilization, trails, planting of native trees, shrubs, and grasses, and dedication of Natural Open Space within the Identity District, Sub-district or Parcel addressed in each subsequent master block plat (the "Riparian Improvements").

9.9. Riparian Improvements. Developer at its own cost and expense shall design, construct or otherwise implement, on a phased basis, the Riparian Improvements called for in the approved Riparian Plan and those set forth in Exhibit D, attached hereto and incorporated herein by this reference. In addition, to the extent the Riparian Plan requires irrigation, Developer shall install reclaimed water distribution lines as called for in the Water Conservation Plan required by Paragraph 8.4.

10. Affordable Housing.

10.1. Contributions to Housing Trust Fund. In lieu of any inclusive zoning requirements, the parties agree that for each residential unit within the Property, Developer shall make a percentage contribution to the Pima County Housing Trust Fund based upon the fair market value of such residential unit. Such percentage contribution shall be as set forth in Exhibit E and shall be payable for each unit at the time the building permit is issued for such unit. As stated on Exhibit E, the maximum contribution per residential unit shall not exceed \$5,000.00, which maximum contribution amount shall be adjusted annually by the Consumer Price Index. Up to 25% of the contributions made pursuant to this Section 10 shall be designated for down-payment assistance to support new home ownership within the Property and will be made available to Developer upon request by Developer at the time of block or subdivision plat.

10.2. Effect of Ordinance, Overlay or Policy. If the County adopts an ordinance, overlay, or policy after the effective date of this Agreement establishing a per dwelling unit payment to the Pima County Housing Trust Fund, then such ordinance, overlay, or policy shall supersede Paragraph 10.1.

10.3. Prepayment of Funds. At Developer's option, Developer may pre-pay the contribution for some or all of the residential dwelling units.

11. Schools. Developer has entered into a memorandum of understanding ("MOU") dated March 9, 2004, with the Sunnyside Unified School District No. 12 ("District") wherein Developer agrees to pay a voluntary cash contribution of twelve hundred dollars (\$1,200) for each non-age restricted unit no later than the issuance of a Building Permit for each residence. The MOU also provides that the District and Developer may negotiate the donation of in-kind goods and services, which would offset Developer's other obligations contained in the MOU. Developer shall enter into an agreement with the District that provides for the implementation of the MOU and the requirements of this Paragraph. Developer also agrees to donate certain school sites within the Property for the District, which sites shall be subject to the approval of the District, which approval shall not be unreasonably withheld. Prior to submittal of the first block plat, Developer shall submit documentary evidence that Developer and the District have entered into an agreement that is consistent with the requirements of this paragraph and the Modified Specific Plan and that supersedes the MOU.

12. Development Assurances. Prior to, and as a prerequisite to the issuance of final plat approval, Developer shall provide financial assurances which are appropriate and necessary to ensure that installation of both on-site and off-site infrastructure improvements required by this Agreement and the Modified Specific Plan, and which are related to such plats, will be completed ("Infrastructure Assurance"). Developer may elect any one or any combination of the methods for Infrastructure Assurance allowed by Chapter 18.69 of the Pima County Code. Once Developer has provided to County the required Infrastructure Assurances, Developer may, subject to County approval, which approval shall not be unreasonably denied, replace such initial method of Infrastructure Assurance, either in whole or in part, with any of the other methods of Infrastructure Assurance allowed by the Pima County Code. However, such replacement of initial assurances shall be for entire blocks, not portions thereof or noncontiguous lots. Subject to County Approval, which approval shall not be unreasonably denied, Developer may substitute the Infrastructure Assurances provided by it with Infrastructure Assurances provided by the developer of a particular portion of the Property on which the Infrastructure that is the subject of the Infrastructure Assurances will be constructed. Pima County agrees that within fifteen (15) working days from Pima County's approval of the particular completed infrastructure improvements for which Pima County has required and Developer has provided Infrastructure Assurance, Pima County shall release or partially release such Infrastructure Assurance, as may be appropriate under the circumstances. Pima County agrees that releases will be made for completed subdivision improvements, regardless of whether the Infrastructure Assurances for the block plat within which the subdivision is located have been released; provided, however, that Developer has completed to the County's satisfaction those infrastructure improvements, required by the Pima County Code, the Specific Plan, approved block plat and this Agreement, and which are reasonably necessary to serve the development.

13. Phasing of Development

13.1. Phasing in Correspondence with the Specific Plan. The Developer shall develop the Property in a series of phases which shall correspond to the Modified Specific Plan and the Identity Districts established therein. The Property is planned to be phased in the following order of Identity Districts: A-1, A-2, C-1, C-2, C-3, B and D as depicted on Exhibit F. It is anticipated that there will be a series of sub-phases in each Identity District and each phase or sub-phase will include a corresponding infrastructure phasing schedule to be approved by the County as part of the required Plans and master studies required herein.

13.2. Changes to Phasing of Development. Subject to the approval of the County Administrator or his designee, which approval shall not be unreasonably withheld, and notwithstanding the phasing of development and construction of improvements outlined in this Agreement, Developer may modify the timing or sequencing of the development and may develop one or more phases concurrently based on real estate market conditions, industry factors, and

business considerations. However, any such modification shall not occur unless and until the Traffic Impact Analysis, Master Drainage Plan, Wastewater Plan, Recreation Plan, and Riparian Plan have all been updated to reflect and to account for the change in the phasing/sequencing of the development of the Property. Furthermore, Developer shall construct improvements necessary to address the on and off-site impacts of development of a modified phase as required by such Plans. The ultimate size and scope of the improvements necessary for a phase shall be based on the density of the Identity District, Sub-district or Parcel at build-out, and shall consist of those improvements necessary to address the on and off site impacts of the development of the Identity District, Sub-district or Parcel and shall be consistent with the minimum infrastructure improvements set forth in this Agreement.

13.3. Updates to Required Plans. The Transportation Plan, Wastewater Plan, Master Drainage Plan, Recreation Area Plan, Natural Open Space Designation and Riparian Restoration Mitigation Plan, Affordable Housing Plan and any other studies required by the Modified Specific Plan and this Agreement may be updated upon approval of the County and as described in this Agreement, but such updates shall not require a concurrent amendment to this Agreement unless such updates are inconsistent with the text of this Agreement, in which case the parties shall effectuate only those changes as necessary to make the text of this Agreement consistent with such updates.

13.4. Permits for Construction on County Property. Prior to entering onto County Property to construct the improvements required by this Agreement, Developer shall, at its own cost and expense, obtain right-of-way use permits or other access permits which may be conditioned upon Developer's agreement to indemnify, defend and hold the County, its officers, agents and employees harmless from claims arising from Developer's activities on County property or right-of-way, and Developer shall comply with the insurance requirements of said permits.

14. Obligations of the County. The County shall be subject to the following duties, responsibilities and obligations.

14.1. Development Review. The County Agrees that Developer may begin the infrastructure improvements called for in this Agreement (the "Infrastructure Improvements") at any time after this Agreement is executed by the Parties and Recorded in the Office of the Pima County Recorder; provided that Developer has obtained the necessary approvals called for in this Agreement. In order to facilitate Developer's construction of the Infrastructure Improvements, the appropriate department within Pima County shall make all reasonable efforts to review and process the plans for the Infrastructure Improvements and all applications for permits related to the Infrastructure Improvements in an expeditious manner consistent with standard Pima County Plan review procedures. Infrastructure Improvements for the Identity District, Sub-district

or Parcel shall be completed prior to release of assurances for that Identity District, Sub-district or Parcel unless otherwise provided pursuant to Section 12 above. To further expedite County processes, Developer and the County may concur that it is appropriate for the County to retain private, independent consultants to assist Pima County in review and/or inspection processes; provided, however, that such consultants shall take instructions from, be controlled by, and be responsible to, the County and not Developer. Developer shall pay all costs associated with retaining such consultants, and such costs are not eligible for credits or reimbursements of Development Fees.

14.2. Section 404 Permit Application. With respect to the off-site improvements, the County shall be the applicant for the applicable permits required by Section 404 of the Clean Water Act. Developer shall be responsible for preparing the applications for the Section 404 Permits and shall reimburse the County any applicable permit fees.

14.3. License Agreement. Prior to recordation of the first final plat, Pima County shall grant to Developer or the homeowners association a written license agreement to allow Developer to design and construct improvements on public rights-of-way within the Property, including but not limited to landscaping and irrigation, monument signs and other signs, and other related improvements, which improvements shall be subject to review and approval of the Transportation Department. This Agreement does not extend a right to place any amount of a required buffer yard in public road right-of-way. A homeowners association shall be organized with jurisdiction over the Property to maintain such improvements. All monument signs and other signs shall comply with Pima County ordinances. Developer or the homeowners association(s) shall agree to indemnify, defend and hold harmless Pima County from all claims of damages or injury arising from such improvements and shall obtain liability insurance, and make the County an additional insured on such insurance policies, in amounts to be approved by the Pima County Risk Manager, which amounts of insurance shall be reasonably consistent with the policy limits required for similar activities on County right-of-way. The specific liability insurance and indemnification requirements will be addressed in more detail in conjunction with the subsequent licensing agreements entered into between Developer and the County.

15. Development Fee Credits. Developer shall be entitled to credits against any applicable County development fees assessed by County pursuant to A.R.S. § 11-1102 for that portion of off-site transportation improvements designed and constructed by Developer and located within the County's jurisdiction (or within the jurisdiction of an incorporated city or town, provided that the County and the city or town enter into an intergovernmental agreement pursuant to A.R.S § 11-1103) and all of the other on-site and off-site infrastructure designed and constructed pursuant to this Agreement for which a County development fee is assessed. For purposes of this Agreement, "off-site" shall mean improvements that are not located on or

immediately adjacent to the Property. The amount of credit shall not exceed the amount of development impact fees assessed to and collected from the Property pursuant to A.R.S. § 11-1102 for the particular type of infrastructure improvement or land use for which credits or reimbursements are sought. Nothing in this provision shall obligate the County to reimburse or provide credits to Developer from County development fees that have not been generated from development of the Property or to provide credits in the event that the County has either already provided a credit or reimbursement for the infrastructure structure improvement for which the credit is sought or has separately provided consideration for the infrastructure improvement or if the infrastructure improvement has been constructed by the County.

16. Protected Development Right. Pursuant to A.R.S. § 11-1202(F), the Modified Specific Plan as presented and approved at by the Board of Supervisors at the rezoning public hearing is hereby designated a protected development right plan, as such term is defined by A.R.S. § 11-1201. Pima County and Developer acknowledges that granting a protected development right to undertake and complete the development shown on the Modified Specific Plan and permitted under current zoning regulations and under zoning regulations applicable at the commencement of various phases of development will promote reasonable certainty, stability and fairness in the land use planning and regulatory process and secure the reasonable investment backed expectations of Developer. The protected development rights granted by this paragraph are governed by the following:

16.1. Consistency with the Specific Plan. Only development of the Property which is consistent with and in accordance with the Ordinance 2005-2, the Modified Specific Plan and the terms of this Agreement shall be eligible for protection under this Section. Pima County agrees to process any permit applications and shall timely review Developer's plans, specifications, plats and other items that must be approved prior to development the Property under this Agreement.

16.2. Term. Pursuant to A.R.S. § 11-1203(A), Developer's protected development right for all development within the Modified Specific Plan as described herein shall terminate ten (10) years after execution and recording of this Agreement (the "PDR"). If at the conclusion of the ten-year protected development right, the Developer has obtained a release of assurances for any improvements contained on the first master block plat for the Property, then the PDR shall be extended for an additional ten-year term.

16.3. Governing Rules. Under the PDR, the development of the Modified Specific Plan shall be governed by the applicable provisions of the Pima County Zoning Code in effect on the date of execution of this agreement. Developer's protected development rights, as established by this Agreement, precludes the enforcement against the Property of any other legislative or administrative land use regulation by the County or pursuant to an initiated measure that would change, alter, impair, prevent, diminish, delay or otherwise impact the development or use of the Property. Notwithstanding the foregoing, the County may enact the following provisions, and take the following actions, which shall

be applicable to and binding on the development of the property as set forth in Ordinance 2005-2, the Modified Specific Plan and this Agreement:

- 16.3.1. Provisions adopted with the written consent of the affected landowner.
- 16.3.2. On findings, by ordinance or resolution and after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the Property, if uncorrected, would pose a serious threat to the public health, safety and welfare if the project were to proceed as approved pursuant to this Agreement and the Modified Specific Plan.
- 16.3.3. On findings, by ordinance or resolution and after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the County's approval of the Modified Specific Plan or any other plat, plan or permit based on the Modified Specific Plan.
- 16.3.4. On the enactment of a state or federal law or regulation that precludes development as approved in the Modified Specific Plan and pursuant to this Agreement, in which case the governing body of Pima County, after notice and a hearing, may modify the affected provisions, on a finding that the change in state or federal law has a fundamental effect on the protected development rights.
- 16.3.5. The PDR granted by this Agreement does not preclude the enforcement of a subsequently-adopted overlay zoning classification that imposes additional requirements and that do not affect the allowable type or density or use, or the infrastructure to serve same, or ordinances or regulations that are general in nature and that are applicable to all property subject to land use regulation by the County, such as building, fire, plumbing, electrical and mechanical codes. The protected development rights do not preclude, change, or impair the authority of the County to adopt and enforce zoning ordinance provisions governing nonconforming property or uses.
- 16.3.6. Nothing herein shall be construed as diminishing or altering the authority of the County to exercise its eminent domain powers or to adopt or increase development impact fees authorized by A.R.S. Sections 11-1102 and 11-1103 or sanitary sewer user or connection fees authorized by Title 13 of the Pima County Code.
- 16.4. Common Law Vesting. Nothing in this Agreement shall affect the claims of the Parties, if any, regarding the vesting of all or a portion of the Modified Specific Plan as a matter of common law, either during the term of or following termination of this Agreement.

17. General Provisions.

17.1. Binding Effect and Recording. This Agreement shall run with the Property and is binding upon and shall inure to the benefit of the successors, assigns, heirs and personal representatives of Developer and Pima County; provided, however, Developer's rights and obligations hereunder may only be assigned to a person or entity that has acquired the Property or a portion thereof. Upon transfer of all or a portion of the Property by Developer, the new developer shall automatically become the "Developer" hereunder and the Developer shall be released from this Agreement, but only as to the portion of the Property transferred. Upon execution hereof, this Agreement shall be recorded in the Office of the Pima County Recorder for Pima County, Arizona.

17.2. Amendments. This Agreement may be amended, in whole or in part and with respect to all or any portion of the Property, only with the mutual written consent of the parties to this Agreement or by their successors in interest or assigns. The amendment or cancellation shall be recorded in the Office of the Pima County Recorder.

17.3. Effective Date and Term. The effective date of this Agreement (the "Effective Date") is the date the Agreement is signed by all the Parties and is recorded in the Office of the Pima County Recorder. This Agreement expires twenty-five (25) years from the Effective Date, except that any applicable indemnification and insurance requirements required by this Agreement shall continue in full force and effect.

17.4. Authority. The undersigned represent to each other that they have full power and authority to enter into this Agreement, and that all necessary actions have been taken to give full force and effect to this Agreement. The Developer represents and warrants that it is duly formed and validly existing under the laws of the State of Arizona and that it is duly qualified to do business in the State of Arizona and is in good standing under applicable state laws. The Developer and the County warrant to each other that the individuals executing this Agreement on behalf of their respective parties are authorized and empowered to bind the party on whose behalf each individual is signing. The Developer represents to the County that by entering into this Agreement, the Developer has bound the Property and all persons and entities having any legal or equitable interest therein to the terms of this Agreement

17.5. Waiver. No delay in exercising any right or remedy shall constitute a waiver thereof, and no waiver by the County or the Developer of the breach of any covenant of this Agreement shall be construed as a waiver of any preceding or succeeding breach of the same or any other covenant or condition of this Agreement.

17.6. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall

constitute one and the same instrument. The signature pages all attached to a single instrument so that the signatures of all parties may be physically attached to a single document. The signature pages from one or more counterpart may be removed from such counterpart and attached to a single instrument.

- 17.7. Notices. Any notice to be given or served (and any election to be made or delivered) upon any party hereto in connection with this Agreement must be in writing and shall be deemed to have been given and received (or made and delivered) three (3) days after a Certified or Registered letter containing such notice (or selection), properly addressed, with postage prepaid, is deposited in the United States mail; and if given otherwise than by Registered or Certified mail, it shall be deemed to have been given (or made) when delivered to and received by the party to whom it is addressed. Such notice shall be given to the parties at the following addresses:

DEVELOPER

COUNTY

South Wilmot Land Investors, LLC
2200 E. River Rd. #115
Tucson, AZ 85718
Attn: David Goldstein

Pima County Administrator
130 W. Congress
10th Floor
Tucson, AZ 85701-1207

A party may change the address at which the party shall receive notice pursuant to this Agreement by giving written notice of such new address in the same manner as any other notice shall be given in accordance with this section.

- 17.8. Headings. The descriptive headings of the paragraphs of this Agreement are inserted for convenience only, and shall not control or affect the meaning or construction of any of the provisions of this Agreement.
- 17.9. Entire Agreement. This Agreement constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof. All prior and contemporaneous agreements, representations and understandings of the parties, oral or written, are hereby superseded and merged herein. The Parties acknowledge and agree that this Agreement does not replace, supersede or amend the Modified Specific Plan or the conditions of rezoning of the Property.
- 17.10. Exhibits. The exhibits in this Agreement are fully incorporated herein as if set forth at length in the body of this Agreement.
- 17.11. Governing Law. The laws of the State of Arizona shall govern the interpretation and enforcement of this Agreement. The parties agree that venue for any action commenced in connection with this Agreement shall be proper only in a court of competent jurisdiction located in Pima County, Arizona, and the parties hereby waive any right to object to such venue.

- 17.12. Conflict of Interest. This Agreement is subject to the provisions of A.R.S. § 38-511.
- 17.13. No Partnership; Third Parties. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture, agency or other arrangement between the parties hereto. No term or provision of this Agreement is intended to, or shall be for the benefit of any person, firm, organization or corporation and no such other person, firm, organization or corporation to a party hereto shall have any right or cause of action, except as specifically set forth herein.
- 17.14. Representatives, Mediation, Default and Non-Liability.
- 17.14.1. Representatives. To further the cooperation of the parties in implementing this Agreement, the County and the Developer each shall designate and appoint a representative to act as a liaison between the County and its various departments and the Developer. The initial representative for the County (the "County Representative") shall be the County Administrator or his designee and the initial representative for the Developer shall be its project manager, as identified by the Developer from time to time (the "Developer Representative"). The representatives shall be available at all reasonable times to discuss and review the performance of the parties to this Agreement and the development of the Property.
- 17.14.2. Mediation. If a dispute arises out of or relates to this Agreement, or the breach thereof, and if the dispute cannot be settled through negotiation, the parties agree first to try to settle the dispute through mediation before resorting to arbitration, litigation or some other dispute resolution procedure. In the event that the parties cannot agree upon the selection of a mediator within seven (7) calendar days, any of the parties may request the presiding judge of the Superior Court of Pima County to assign a mediator from a list of mediators maintained by the Arizona Municipal Risk Retention Pool.
- 17.14.3. Default. Failure or unreasonable delay by any party to perform any term or provision of this Agreement for a period of thirty (30) business days after written notice thereof from another party shall constitute a default under this Agreement. If the default is of a nature which is not capable of being cured within thirty (30) days, the cure shall be commenced within such period, and diligently pursued to completion. The notice shall specify the nature of the alleged default and the manner in which the default may be satisfactorily cured. In the event of a default hereunder by any party, the non-defaulting party shall be entitled to all remedies at both law and in equity, including, without limitation, specific performance and the right to perform the obligation(s) of which the defaulting

party is in default and to immediately seek reimbursement from the defaulting party of all sums expended in order to cure such default, together with interest on all such sums from the date said sums are expended by the non-defaulting party for the purpose of curing the default to the date such sums are paid in full.

- 17.15. Non-Liability of County and District Officials and Employees. Except for mandamus and other special actions, no member, official or employee of the County shall be personally liable to the Developer, or any successor in interest, in the event of any default or breach by the County or for any amount that may become due to the Developer or successor, or under any obligation under the terms of this Agreement.
- 17.16. Attorney's Fees. If any party brings a legal action either because of a breach of this Agreement or to enforce a provision of this Agreement, the prevailing party will be entitled to reasonable attorneys' fees and court costs.
- 17.17. Sub-agreements. The County and the Developer hereby acknowledge that the development of the Property may be accomplished by the Developer through a series of sales, leases, joint ventures and/or other agreements and arrangements with other experienced developers, investors and owners of real property. In connection therewith, it is anticipated and contemplated by the parties that such developers, investors or owners may desire to negotiate and enter into separate and subordinate development agreements with the County and/or the Developer with respect to infrastructure improvements, uses, plan approvals and other similar matters which may be the subject of separate agreements between such developers, investors and owners and the County and/or the Developer. The parties hereby agree that any and all development agreements entered into with any such developer, investor or owner of any parcels of the Property shall be subordinate in all respects to the terms and conditions of this Agreement and, in the event of any conflict or discrepancy between the provisions of any such development agreement and the terms and conditions of this Agreement, this Agreement shall govern and control.
- 17.18. Further Assurance. Each party agrees to execute such further documents, instruments and other writings and to perform such acts as either party may reasonably request in order to fully effectuate the purpose of this Agreement.
- 17.19. Construction. The terms and provisions of this Agreement represent the results of negotiations between County and Developer, each of which has been represented by counsel of its own choosing, and none of which have acted under any duress or compulsion, whether legal, economic, or otherwise. Consequently, the terms and provisions of this Agreement shall be interpreted and construed in accordance with their usual and customary meanings, and no party shall be deemed to have drafted this Agreement for purposes construing any portion of this Agreement for or against any party.

- 17.20. Severability. If any provision, other than the financing provisions, of this Agreement is declared void or unenforceable, such declaration shall have no effect on those portions of the Agreement not declared void.
- 17.21. Annexation. In the event all or a portion of the Property is annexed by a municipal corporation, Developer's obligations to the County under this Agreement, the Modified Specific Plan and County Ordinances and Codes regarding Wastewater, Transportation, Drainage and Flood Control, Recreation and Riparian Improvements, shall remain in full force and effect. However, Developer's continuing obligation to pay Development Impact Fees authorized under the Pima County Code shall be subject to an agreement between the County, the Developer and the annexing jurisdiction regarding the payment of similar impact fees assessed by the annexing jurisdiction. If such jurisdiction does not assess, or chooses not to assess, a development impact fee for the infrastructure at issue, then, Developer's obligation to pay County Impact Fees under this agreement for such infrastructure improvements shall survive annexation. The remainder of Developer's and County's obligations under this Agreement shall terminate upon annexation.
- 17.22. Termination Upon Sale to End Purchaser or User. This Agreement shall terminate without the execution or recordation of any further document or instrument as to any lot which has been finally subdivided and individually (and not in "bulk") leased (for a period of longer than one year) or sold to the end purchaser or user and thereupon such lot shall be released from and no longer be subject to or burdened by the provisions of this Agreement; provided however, that all of Developer's obligations under this Agreement as they pertain to the lot shall have been satisfied in full.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

2025-01-14 10:00 AM

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

South Wilmot Land Investors, LLC

By: DVI WILMOT INVESTORS, LLC, MANAGER
By: DIAMOND VENTURES, INC., MANAGER

By: [Signature]

Its: VICE PRESIDENT

Pima County

By: [Signature]
Chair, Pima County Board of Supervisors

Date: NOV 09 2010

Attest:

[Signature]
Clerk of the Board

Approved as to form:

[Signature]
Deputy County Attorney
REGINA NASSEN

STATE OF ARIZONA)
) ss
County of Pima)

The foregoing Agreement was acknowledged before me this 23 day of November, 2010, by Chad Kolodisner, the Vice President of South Wilmot Land Investors, LLC, an Arizona limited liability corporation, on behalf of the corporation.

[Signature]
Notary Public

My Commission Expires:
Aug. 30, 2012



0-10000-10100-1

Swan Southlands

Exhibit A – Legal description of Property

Swan Southlands includes the following parcels situated in Township 16 South, Range 14 East, Gila and Salt River Meridian, Pima County, Arizona:

Parcel 1

All of Section 10, EXCEPT the North 325 feet thereof and EXCEPT the East 75 feet thereof.

Parcel 2

All of Section 12, EXCEPT the South 189.39 feet of the North 489.39 feet of the East 115 feet of the Northeast Quarter of the Northeast Quarter of said Section.

Also EXCEPT that portion of the North Half of said Section, more particularly described as follows:

Beginning at the Northeast corner of said Section 12; thence South 0°11'08" East, along the East line of said section, a distance of 300.01 feet; thence South 89°26'24" West a distance of 115.00 feet; thence South 0°11'08" East, a distance of 189.39 feet; thence North 89°26'24" East a distance of 115.00 feet to a point on the East line of said section; thence South 0°11'08" East, along the East line of said section, a distance of 1,777.13 feet, to a point on the North line of an easement for electric transmission lines per State Contract 65-000050; thence North 71°45'08" West, along said North easement line, a distance of 3,220.39 feet; thence North 0°00'17" East a distance of 1,228.32 feet to a point on the North line of said Section 12; thence North 89°26'27" East, along said North line, a distance of 408.85 feet to the North Quarter Corner of said Section; thence continuing along said North line, North 89°26'24" East a distance of 2642.29 feet to the point of beginning at the Northeast corner of said Section 12 (this excepted parcel contains 122.00 acres, more or less)

All of Section 13

All of Section 14

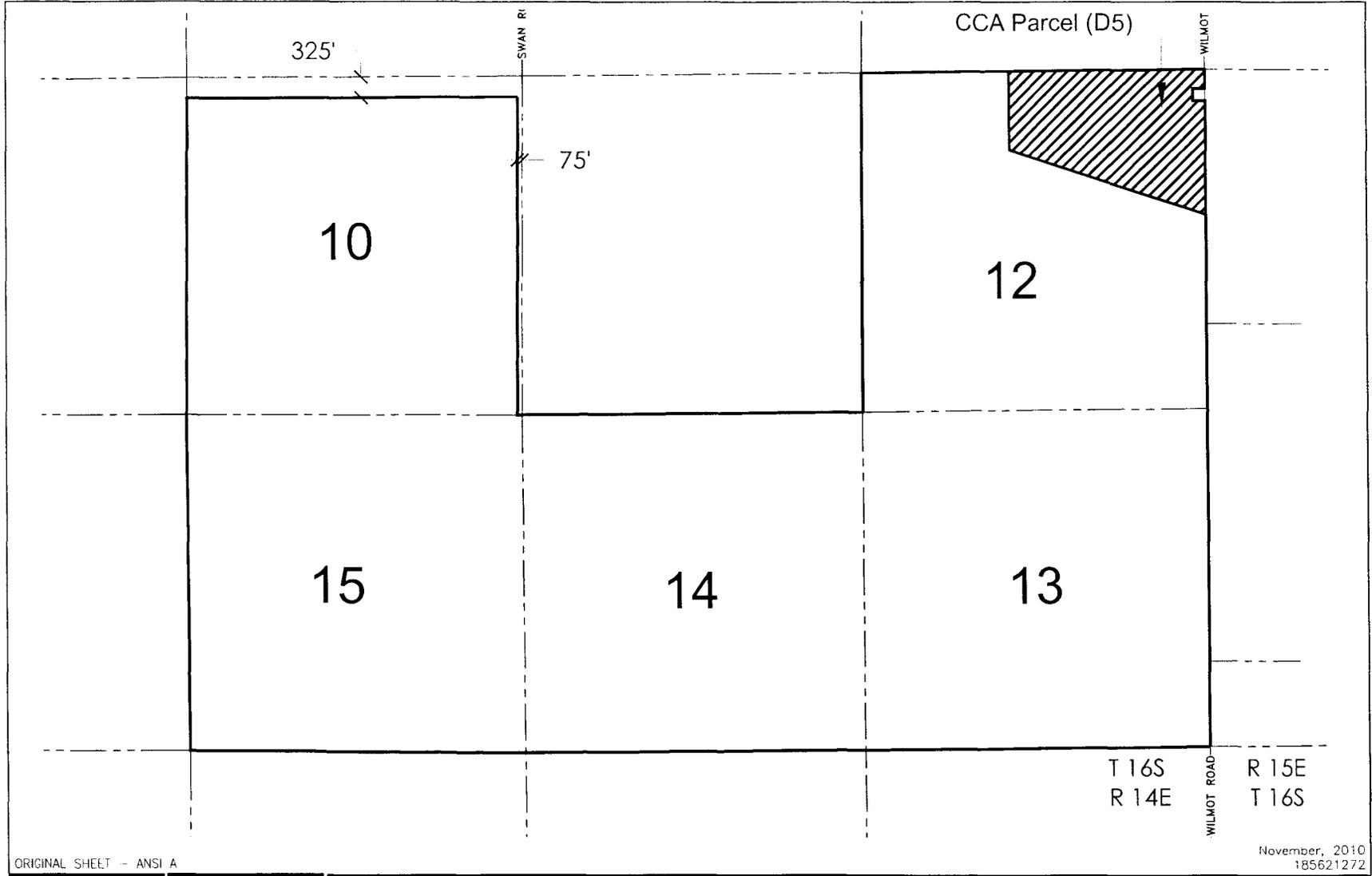
EXCEPT any portions of said Sections 12 and 13 lying within Wilmot Road, as shown in Book 8 of Road Maps at Page 42.

Parcel 3

All of Section 15.

2025-01-14 10:10:10

V:\52856\active\185621272\civil\drawing\exh\Development Agreement\Exhibit B_20101103.dwg
2010/11/03 8:47 AM By: Wright, James



Stantec

Stantec

201 N. Bonita Ave.
Tucson, AZ
85745

Tel. 520.750.7474
Fax. 520.750.7470
www.stantec.com



SCALE: 1"=2250'

Client/Project

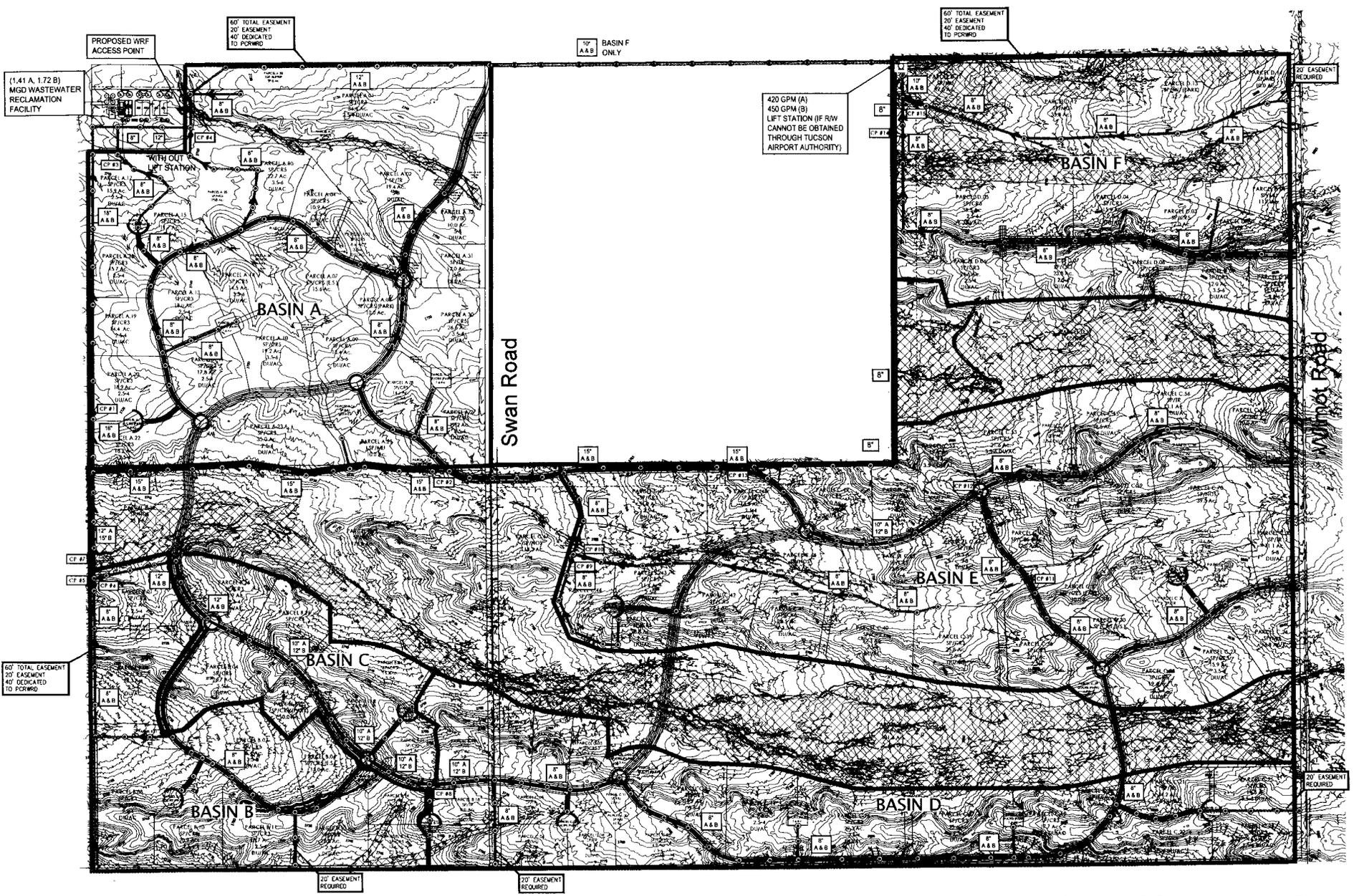
South Wilmot Land Investors, L.L.C.
Swan Southlands
Pima County, Arizona

Figure No.

Exhibit B

Title

Map of Property



60' TOTAL EASEMENT
20' EASEMENT
40' DEDICATED
TO PORWID

(1.41 A, 1.72 B)
MGD WASTEWATER
RECLAMATION
FACILITY

420 GPM (A)
450 GPM (B)
LIFT STATION (IF ROW
CANNOT BE OBTAINED
THROUGH TUCSON
AIRPORT AUTHORITY)

10' A&B
BASIN F
ONLY

60' TOTAL EASEMENT
20' EASEMENT
40' DEDICATED
TO PORWID

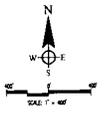
20' EASEMENT
REQUIRED

20' EASEMENT
REQUIRED

20' EASEMENT
REQUIRED

20' EASEMENT
REQUIRED

- LEGEND**
- FORCE MAIN AND LIFT STATION
 - GRAVITY SEWER
 - DIRECTION OF FLOW
 - 100-YEAR FLOODPLAIN
 - 75 GPCD AVERAGE
 - 85 GPCD AVERAGE
 - CONCENTRATION POINT



WestLand Resources, Inc.
1100 N. 17th Street, Suite 100
Tucson, AZ 85710
Phone: 520-325-1100
Fax: 520-325-1101
www.westlandresources.com

SWAN SOUTHLANDS

Proposed Infrastructure Sewer

(Prepared From Exhibit 1 of the Approved Onsite Sewer Basin Study)

Exhibit C

November 2, 2010

Natural Open Space Designation and Riparian Restoration Mitigation Plan

Exhibit D

Swan Southlands

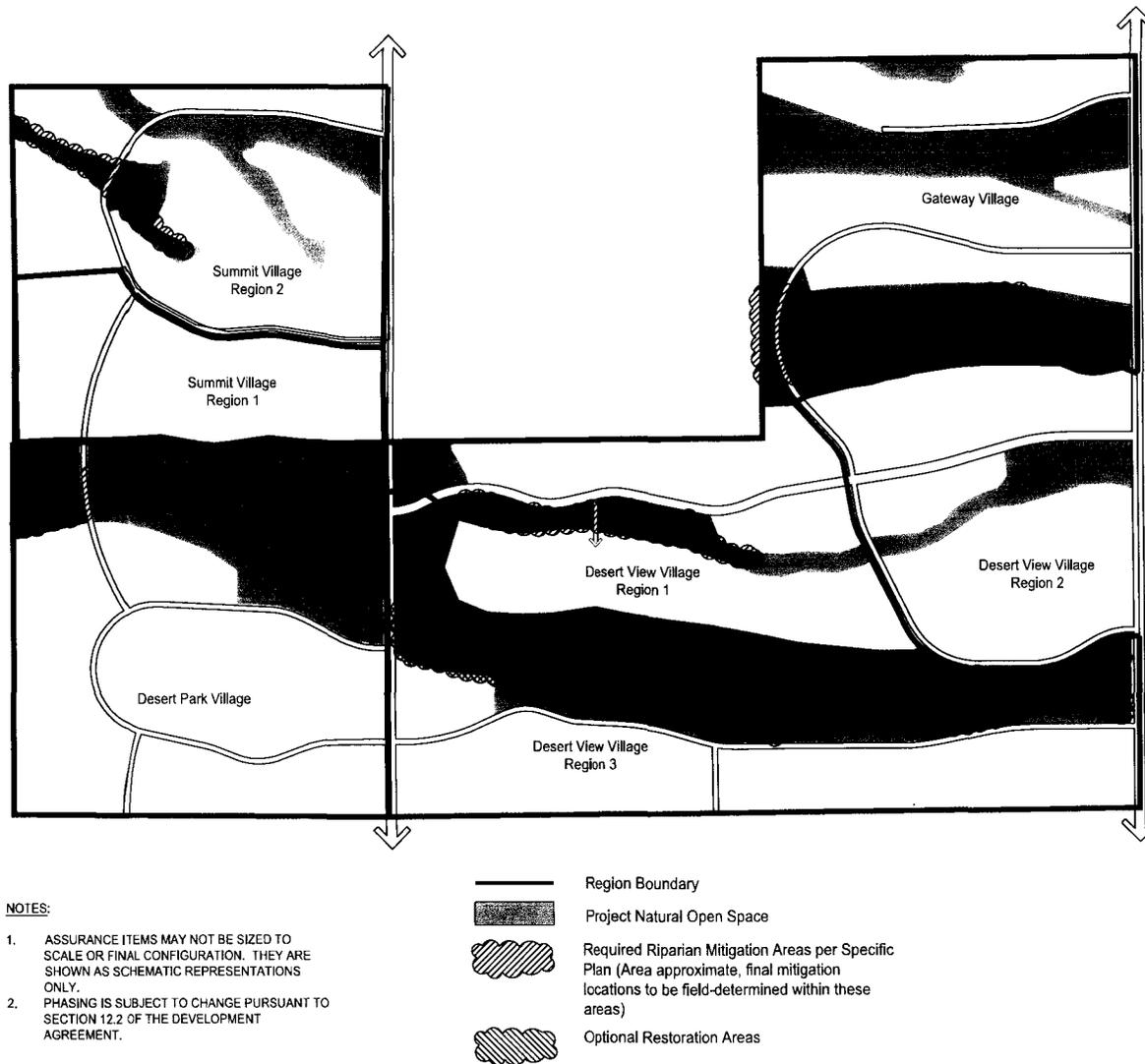
Located in Sections 10, 12, 13, 14 & 15
Township 16 South, Range 14 East

KEYNOTES

Identify District/ Region	Approximate Project Natural Open Space Area	Project Natural Open Space Designation and Riparian Restoration**
Summit Village Region 1 (Parcels A14, A15A, A15B, A16 A17, A18)	0 acre	<ul style="list-style-type: none"> Riparian restoration and mitigation to offset Project Riparian Area impacts in this region will be implemented during the construction of Summit Village Region 2 (see below) to ensure the availability of necessary infrastructure.* Natural open space dedication and/or conservation easement per the Specific Plan.
Summit Village Region 2 (Parcels A1 through A13)	77.6 acres	<ul style="list-style-type: none"> Existing xeroriparian habitats in the western portions of Area A will be enhanced with plantings of 300 native trees and large shrubs. These plantings will occur in an approximately 10-acre portion of Area A, adding on average 30 trees per acre.* Natural open space dedication and/or conservation easement per the Specific Plan.
Desert Park Village (Parcels B1 through B12)	222 acres	<ul style="list-style-type: none"> Existing xeroriparian habitats in the western portions of Area B will be enhanced with plantings of 670 native trees and shrubs. These plantings will occur in an approximately 11-acre portion of Area B, adding on average 55 trees and shrubs per acre.* Natural open space dedication and/or conservation easement per the Specific Plan.
Desert View Village Region 1 (Parcels C12 through C19A, C22, C23)	65.6 acres	<ul style="list-style-type: none"> Approximately 37 acres of Habitat Enhancement will be implemented in Areas E, F, and G at the start of the first phase of development in Desert View Village.* In Area E, 17 acres of Creosote/Mesquite/Acacia Habitat will be enhanced using 500 native trees and large shrubs. In Area F, approximately 10 acres of Degraded/Desertified habitats will be enhanced using 800 native trees and large shrubs. 600 trees and large shrubs will be planted in 10 acres of Degraded/Desertified Habitats in Area G. Natural open space dedication and/or conservation easement per the Specific Plan.
Desert View Village Region 2 (Parcels C19B through C28)	36.3 acres	<ul style="list-style-type: none"> Riparian restoration and mitigation for this region will be implemented as provided for in Desert View Village Region 1 (see above).* Natural open space dedication and/or conservation easement per the Specific Plan.
Desert View Village Region 3 (Parcels C1 through C11)	319.7 acres	<ul style="list-style-type: none"> Erosion Control BMPs (i.e., erosion control socks, silt fencing, haybales, etc.) will be placed at selected locations in Area C to control lateral erosion and desertification processes. Other restoration options as outlined in WestLand Resources, Inc. 2004 may be implemented in Areas C and D. Natural open space dedication and/or conservation easement per the Specific Plan.
Gateway Village (Parcels D1 through D11)	245.6 acres	<ul style="list-style-type: none"> Approximately four acres of Degraded/Desertified habitat in Area G will be enhanced using 250 native trees and large shrubs.* Natural open space dedication and/or conservation easement per the Specific Plan.

*Alternatively, if infrastructure necessary to support planned restoration and mitigation efforts within an Identity District are not in place, a bond, or some other equivalent guarantee acceptable to Pima County, will be posted for 115 percent of the estimated restoration costs for that Identity District. The adequacy of the bond or equivalent guarantee will be reviewed annually.

** PERFORMANCE CRITERIA - The performance criteria established for mitigation areas will comply with the conditions of the rezoning approval.



**EXHIBIT E
Contribution Schedule:**

Pima County Housing Commission Affordable Housing Fee for New Home Sales Contribution Schedule			
SALES PRICE AT CLOSING	CONTRIBUTION FACTOR	PER ROOFTOP DOLLAR AMOUNT	
		Low	High
\$0 - \$184,999	0.00%	\$0	\$0
\$185,000 - \$249,999	0.25%	\$462.50	\$625
\$250,000 - \$349,999	0.50%	\$1,250	\$1,750
\$350,000 - \$499,999	0.75%	\$2,625	\$3,750
\$500,000 and over	1.00%	\$5,000	\$5,000 Cap

200902 140102

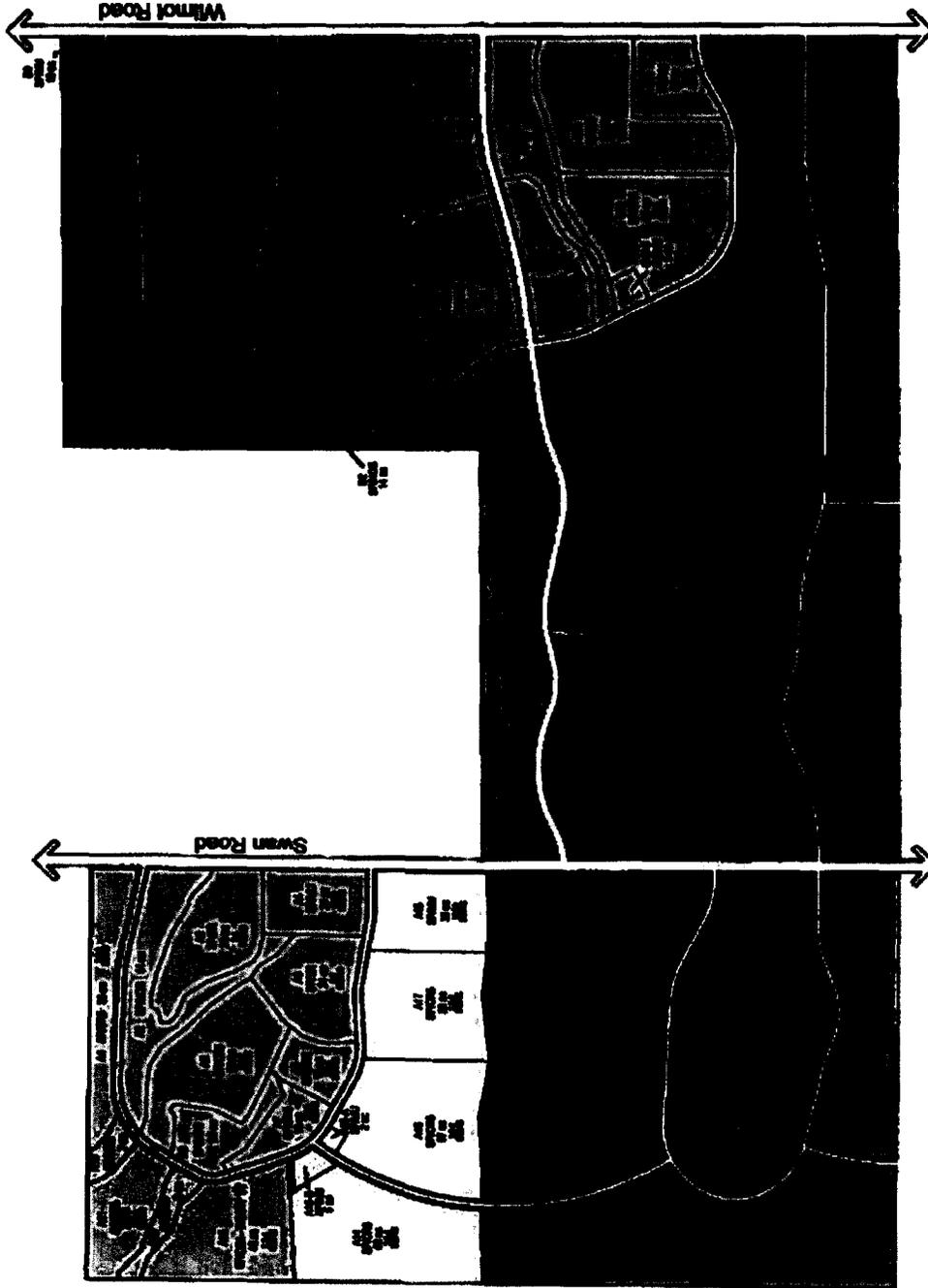
Swan Southlands
Pima County, Arizona

Exhibit F
Identify Sub-District
Development Plan

Legend

Identify District/Sub-District

- A1: Summit Village
- A2: Summit Village
- B: Desert Park
- C1: Desert View 1
- C2: Desert View 2
- C3: Desert View 3
- D: Gateway Village



Over 15-1504
Lead Desk
District No. 10

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: JSH
DEPUTY RECORDER
0497 PE-2



DOCKET: 13951
PAGE: 585
NO. OF PAGES: 2
SEQUENCE: 20102350202
12/08/2010
RES 11:53
MAIL
AMOUNT PAID \$ 10.00

W
JANET EMEL
201 N STONE AVE 2ND FL
TUCSON AZ 85701

RESOLUTION 2010- 280

A RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED SWAN SOUTHLANDS SPECIFIC PLAN DEVELOPMENT AGREEMENT BETWEEN PIMA COUNTY AND SOUTH WILMOT LAND INVESTORS, LLC.

WHEREAS, Pima County may, pursuant to A.R.S. § 11-1101, enter into development agreements relating to property located in unincorporated Pima County; and

WHEREAS, the County previously entered into a development agreement with South Wilmot Land Investors, LLC ("Developer") with respect to a residential, commercial, mixed use and industrial development (Swan Southlands Specific Plan) on property within unincorporated Pima County which, among other things, addressed the phased development of the property along with construction of necessary public infrastructure; and

WHEREAS, the development schedule contemplated in the development agreement cannot be met because of the current state of the economy; and

WHEREAS, the Developer has entered into an agreement to sell parcel D5 of the property to another entity, and has in connection with that contemplated sale obtained a modification of the Swan Southlands Specific Plan, which contemplates a separate agreement with the new owner of this parcel of property; and

WHEREAS, because of these changed circumstances, the Developer has asked to amend the agreement in certain respects; and

WHEREAS, the Board of Supervisors has concluded that the development of the subject property, under the terms set forth in the proposed Amended and Restated Swan Southlands Specific Plan Development Agreement and the Modified Swan Southlands Specific Plan and Resolution, will be a benefit for the residents of Pima County;

UNOFFICIAL COPY

COPY

Appendix 14
Swan Southlands Specific Plan
Approved Ordinance No. 2005~2

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: D_K
DEPUTY RECORDER
7864 PE1



TICKET: 12469
PAGE: 2439
NO. OF PAGES: 16
SEQUENCE: 20050100768
01/14/2005
ORDIN 14:32
PICKUP
AMOUNT PAID \$ 0.00

P0230
PIMA CO CLERK OF THE BOARD
PICKUP

ORDINANCE NO. 2005-2

1
2
3
4 AN ORDINANCE OF THE PIMA COUNTY BOARD OF SUPERVISORS; RELATING
5 TO ZONING; REZONING 3200 ACRES FROM RH TO SP (SPECIFIC PLANS, SWAN
6 SOUTHLANDS SPECIFIC PLAN) LOCATED GENERALLY BETWEEN S. SWAN AND
7 WILMOT ROADS, APPROXIMATELY ONE MILE SOUTH OF OLD VAIL
8 CONNECTION ROAD; AND AMENDING PIMA COUNTY ZONING MAPS 188, 189,
9 247 AND 248.

10
11
12 *The Pima County Board of Supervisors finds and declares that:*

- 13
14 1. On March 23, 2004, the owners of 3200 acres (the "Specific Plan") applied for
15 a rezoning from RH to SP; and
16
17 2. On December 7, 2004, the Pima County Board of Supervisors approved the Swan
18 Southlands Specific Plan (the "Specific Plan"), which rezoned the property. The
19 Specific Plan is incorporated in attached Exhibit A (which has not been recorded
20 but may be viewed at the office of the Pima County Development Services
21 Department - Planning Division).

22
23 *Now, therefore, be it ordained by the Pima County Board of Supervisors:*

24
25 **Section 1.** That the Specific Plan is hereby adopted, subject to the following conditions:

- 26
27 1. Not more than 60 days after the Board of Supervisors approves the Specific Plan, the
28 Developer shall submit to the Planning Official the specific plan document, including any
29 necessary revisions of the specific plan document, and the specific plan text and
30 exhibits in an electronic format acceptable to the Planning Division.
31
32 2. Recording of a covenant holding Pima County harmless in the event of flooding.
33
34 3. Recording of the necessary development related covenants as determined appropriate
35 by the various County agencies.
36
37 4. Provision of development related assurances as required by the appropriate agencies.
38
39 5. Prior to the preparation of the development related covenants and any required
40 dedication, a title report (current to within 60 days) evidencing ownership of the
41 property shall be submitted to the Department of Transportation, Real Property Division.

16

- 1 6. There shall be no subdividing or lot splitting without the written approval of the Board
2 of Supervisors.
3
- 4 7. In the event of a conflict between two or more requirements in this specific plan, or
5 conflicts between the requirements of this specific plan and another Pima County
6 regulation not listed in Section 18.90.050B3, the more restrictive requirement shall
7 apply.
8
- 9 8. Adherence to the specific plan document and preliminary development plan as approved
10 at the public hearing. Developer shall enter into a development agreement with Pima
11 County, which shall: 1) define the required on-site and off-site infrastructure to serve the
12 development of the specific plan area, and 2) provide, among other things, an
13 infrastructure phasing schedule coordinated with the phased development of the specific
14 plan area. If the development agreement becomes inconsistent with the requirements
15 of a study called for by these rezoning conditions (or an update to such study) the
16 developer shall provide an appropriate amendment to the development agreement
17 necessitated by the results of such study or update. Said amendment to be reviewed
18 and approved by the County. Developer shall generally meet the requirements of the
19 County Administrator's December 2, 2004 letter to the developer's representative.
20
- 21 9. This specific plan shall adhere to all applicable Pima County regulations that are not
22 explicitly addressed within this specific plan. Design guidelines shall be used only when
23 not in conflict with County regulations.
24
- 25 10. A good faith effort shall be made to use approximately 25 percent of the revenues raised
26 from the implementation of the affordable housing policy of the Swan Southlands
27 Specific Plan project to meet the goals of the affordable housing policy within the
28 project.
29
- 30 11. At the request of Pima County, a separate agreement pertaining to the respective
31 responsibilities of the Specific Plan petitioner or their successor(s) and the County will
32 be entered into as it relates to the 640 acres of Pima County owned property that is
33 contained within the specific plan boundaries. Nothing in this condition shall affect the
34 timing or implementation of development in the remainder of the specific plan site
35 (Sections 10, 12, 13, 14).
36
- 37 12. Block Subdivision Plats:
38
- 39 A. Prior to the issuance of any permits, this specific plan is subject to the approval
40 of a block subdivision plat for each of the Identity Districts or sub-districts (Summit
41 Village A1, A2, Desert Park B, Desert View C1, C2, C3, Gateway Village D) as
42 shown in the Specific Plan. Subsequent site development requires submittal of
43 subdivision plats or development plans prepared in accordance with the block
44 subdivision plat for the applicable Identity District or sub-district. Each block
45 subdivision plat shall make all dedications (including roads, sewer, drainage, trails
46 and open space) and identify necessary improvements and provide a design and
47 construction phasing plan tied to replatting of specific blocks.

- 1 A. The Swan Southlands Specific Plan and development standards shall meet the
2 regulatory requirements of *Title 16* of the Pima County Code, and all subsequent
3 amendments to this ordinance by the Pima County Board of Supervisors. *Title 16*
4 specifies the regulatory requirements for floodplain management, flood control,
5 erosion control, and riparian habitat.
6
- 7 B. An Overall Watershed Master Plan shall be developed with the District for
8 floodplain management information, flood control infrastructure, riparian habitat
9 mitigation planning and funding mechanisms for off site flood control
10 improvements, provided the improvements are necessary to protect developed
11 property within the Specific Plan from flood damage, and shall be submitted to and
12 subject to approval by the Pima County Flood Control District Board of Directors.
13 The segment of the Watershed Master Plan that impact Swan Southlands must
14 be adopted prior to recording any final plats for Swan Southlands.
15
- 16 C. A detailed Master Drainage Study for the entire Swan Southland Specific Plan area
17 is required for the first block subdivision plat. The Master Drainage Study will be
18 a detailed hydrologic and hydraulic analysis for the watershed affecting any of the
19 property in the specific plan area, and shall include, but is not limited to, major
20 offsite drainage areas impacting all blocks studied by detailed methods like HEC-1,
21 use of 1-foot contour intervals for floodplain modeling by HEC-2 or HEC-RAS that
22 will produce accurate floodplains affecting planned encroachment areas, sediment
23 transport and erosion hazard setback analysis including bank protected areas,
24 opportunities for regional detention to reduce onsite detention, identify Section
25 404 jurisdictional waters and impacts, identify drainage infrastructure needs and
26 funding mechanisms, public maintenance concerns, and private drainage
27 maintenance by the future homeowners association.
28
- 29 D. Floodplain and riparian habitat encroachments shall be fully addressed in the
30 Master Drainage Study. Impacts for floodplain and riparian encroachments should
31 be minimized by alternatives explained in the Master Drainage Study.
32
- 33 E. A Riparian Mitigation Plan, as required by *Title 16* of the Pima County Code, also
34 shall be included in the Master Drainage Study. The plan should evaluate,
35 prioritize and identify floodplains and riparian habitats that are to be protected;
36 impacts of necessary flood control improvements for public health, safety and
37 welfare; and provide a habitat mitigation plan to address impacts as well as
38 restoration plans. The Riparian Mitigation Plan shall be subject to approval by the
39 Flood Control District.
40
- 41 16. Wastewater Management Department requirements:
42
- 43 A. Refer to Condition 27A.
44
- 45 B. The owner/developer shall fund, design and construct all necessary public and
46 private sanitary sewerage collection, conveyance and treatment facilities required
47 to serve the rezoning area, and provide conveyance capacity and service (flow

1 through) to all the naturally occurring up-gradient properties identified in a basin
2 study prepared by the owner/developer. Specific facility construction requirements
3 will be documented in a master sewer service agreement executed prior to
4 submittal of a final plat. Final alignments for flow through and flow through
5 conveyance capacity will be established at the time of review of the tentative plat,
6 development plan, sewer construction plan or request for building permit.
7

8 C. The owner /developer shall time all development within the rezoning area to
9 coincide with the availability of treatment and conveyance capacity.
10

11 D. No more than 90 days before submitting any tentative plat, development plan,
12 sewer improvement plan or request for building permit for review, the owner /
13 developer shall obtain written documentation that sanitary sewerage treatment
14 and conveyance capacity for the proposed development will be available when
15 needed to serve the development.
16

17 E. The owner/developer shall complete the construction of necessary public and/or
18 private sewerage facilities, obtain necessary discharge authorizations (approvals
19 of construction) from the Arizona or Pima County Department of Environmental
20 Quality, and convey title to facilities that may be owned and maintained by Pima
21 County.
22

23 F. As specified in the Master Sewer Service Agreement, the owner /developer shall
24 connect development within the specific plan area to the sanitary sewer system
25 at the location and in the manner specified.
26

27 G. The wastewater treatment facility sites are to be sized and located such that they
28 will accommodate future expansion to treat flows from upstream areas within the
29 basin as identified in the basin study. The owner/developer shall provide
30 sufficient, but not less than 10 acres of, land within the rezoning area to
31 accommodate expansion of treatment facilities to the full projected build out of the
32 rezoning area plus the upstream tributary areas in accordance with the Master
33 Sewer Service Agreement.
34

35 H. In accordance with the Arizona Department of Environmental Quality, disclosure
36 statements are to be provided to all buyers of property adjacent to the wastewater
37 treatment facilities acknowledging their presence and identifying them as 24 hour
38 facilities with the potential for occasional noise and odor.
39

40 17. Department of Environmental Quality requirement: On-site disposal systems are not
41 proposed to serve this development, and a geologic report that demonstrates feasibility
42 has not been developed, therefore all improvements shall be connected to an approved
43 sewer system pursuant to ADEQ requirements.
44

45 18. Natural Resources, Parks and Recreation Department requirements:
46

- 1 A. Passive recreation activities including trails shall be located adjacent to project
2 open space and NPPO set-aside areas to allow for continuity of riparian habitat and
3 restoration of disturbed habit as needed. Should an environmentally sensitive trail
4 alignment or public utility constitute a minor intrusion, as determined by the
5 Planning Official, into the already designated 30 percent NPPO set-aside, a request
6 may be made to the Planning Official who may consider the merits of the trail
7 alignment upon recommendation from the Design Review Committee. Acceptance
8 of a minor intrusion would not necessitate a revision or an amendment to the
9 Specific Plan.
10
- 11 B. Based upon target densities, the developer(s) shall designate and dedicate to the
12 public or create as common area a minimum of 202.88 acres based on 871 square
13 feet per single family unit of developed public and/or private parkland for
14 community parks, neighborhood parks, public and private trails, and joint use
15 public facilities. Developer shall designate the public and private parkland
16 commensurate with the densities of the development. In no case shall the
17 dedication or creation as common area of the public and private parkland be less
18 than the amount required for the minimum densities.
19
- 20 C. Pima County Natural Resources, Parks and Recreation (NRPR) shall maintain public
21 parks greater than 10 acres in size and public trails developed within the
22 boundaries of the Specific Plan.
23
- 24 D. Within each residential development parcel per Table 3, page 71 of the Specific
25 Plan, the developer shall construct and maintain a minimum of one recreation
26 area/park. An approved Recreation Area Plan (RAP) is required for each
27 development parcel prior to tentative plat approval.
28
- 29 E. Interactive recreation elements along trails may include benches, par course
30 stations, tables, grills, ramadas, water fountains, bicycle racks, and directional and
31 educational information signage, subject to the approval of NRPR staff; these
32 public easements shall be shown on a trails plan and approved by staff prior to any
33 subdivision plat approval.
34
- 35 F. Street sections of interior loop roads and the east/west minor arterial roadway
36 shall include a six-foot sidewalk, a 10-foot paved pathway and two bicycle lanes.
37
- 38 G. The developer shall submit trail corridor locations subject to approval by NRPR
39 staff prior to any plat approval; the trails shall provide connectivity/linkage to all
40 areas of the project and to regional trail system (if applicable).
41
- 42 19. Cultural Resources requirements:
43
- 44 A. Avoidance and preservation in place of all National Register eligible cultural
45 resources shall be the first consideration in all cases. Where avoidance is not
46 possible, all required cultural resources mitigation studies shall be conducted and
47 reported on by Identity District or sub-district.

- 1 B. A mitigation plan and plan of work shall be developed for each Identity District or
2 sub-district that contains cultural resources. In the event that an archaeological
3 site spans more than Identity District or sub-district, a single plan of work shall be
4 prepared and implemented for the entire archaeological site.
5
6 C. All work shall be conducted by an archaeologist permitted by the Arizona State
7 Museum, or a registered architect, as appropriate.
8
9 D. All plans shall be submitted to the Pima County Cultural Resources Office for
10 approval prior to implementation and all reports shall be submitted to this office
11 for review after the required field studies are completed.
12

13 20. Tucson Airport Authority:
14

- 15 A. Prior to subdividing the property, the owner shall record an Avigation Easement
16 and Disclosure Statement approved by the Tucson Airport Authority. A copy of
17 the executed Avigation Easement(s) shall be provided to TAA.
18
19 B. In Section 12 (*within Identity District D - Gateway Village*), Noise attenuation
20 measures will be provided for all construction as stipulated in the Uniform Building
21 Code, Chapter 35, Section 3501, Sound Transmission Control.
22
23 C. Applies to the Specific Plan site: The applicant shall work with TAA to ensure that
24 the plans for the proposed development are compatible with the operations and
25 master plan for Tucson International Airport.
26

27 21. The Final Conceptual Riparian Restoration Plan necessary for compliance with Special
28 Area Policy #2 of the plan amendment cases CO7-03-07, CO7-03-09, and CO7-03-10
29 shall be submitted to and subject to approval by the Development Services
30 Environmental Planning Manager and the Flood Control District prior to the approval of
31 the first tentative block subdivision plat. The Final Conceptual Riparian Restoration Plan
32 shall identify success criteria, where appropriate, for riparian areas to be mitigated with
33 additional containerized or salvaged plantings; establish the specifics of a monitoring
34 program; and a reporting schedule. Any riparian restoration activities proposed
35 subsequent to the approval of the Final Conceptual Riparian Restoration Plan shall also
36 be submitted to and approved by the Development Services Environmental Planning
37 Manager and the Flood Control District prior to implementation.
38

39 22. The Final Conceptual Riparian Restoration Plan shall identify specific measures to
40 control sheet erosion within protected portions of the South Fork of the Flato Drainage
41 in Section 14. These efforts to control sheet erosion shall commence in conjunction
42 with the Swan Road improvements along the west boundary of Section 14.
43

44 23. Prior to the approval of the first tentative block subdivision plat, the final location of
45 those utility crossings and trail alignments and other recreation amenities that will be
46 located in or across Project Riparian Areas as identified in the Specific Plan shall be
47 determined by review and subject to approval by representatives from the Flood Control

1 District, the Natural Resources, Parks, and Recreation Department, and Development
2 Services Environmental Planning Manager.

3
4 24. Pima pineapple cactus (PPC):

5
6 A. The Final 10-Year Study: Pima pineapple cactus (PPC) will be submitted to and
7 approved by the Development Services Environmental Planning Manager prior to
8 the approval of the first tentative block subdivision plat. This study will include,
9 but may not be limited to, identification of the different transplant methodologies
10 to be evaluated, descriptions of propagation methods, disclosure of the location(s)
11 of the transplant research sites and propagation nurseries, description of
12 monitoring and reporting protocols, and disclosure of the disposition of Pima
13 pineapple cactus (PPC) produced by any successful propagation.

14
15 B. The Final 10-Year Study of Pima pineapple cactus (PPC) will commence prior to,
16 but no later than the approval of the first tentative block subdivision plat.

17
18 C. Prior to the approval of the each tentative subdivision plat, the appropriate project
19 area will be surveyed for Pima pineapple cactus (PPC) according to the survey
20 methodology described in the approved Final 10-year Study Plan. Each Pima
21 pineapple cactus located will be identified and transplanted into suitable habitat
22 areas within the project area. The original location of each PPC will be
23 documented with Global Positioning System coordinates (or the equivalent).

24
25 25. When landscaping bufferyards are required for single-family residential subdivisions and
26 are adjacent to public streets, they shall be placed in common areas, not within
27 individual residential lots.

28
29 26. When a block plat is submitted prior to any development in Section 12, the developer
30 will have to review that plat with the Department of Corrections and/or prison staff and
31 provide Pima County with documentation that such review has occurred.

32
33 27. Water:

34 A. If a hydrological study of projected declines in water levels due to the operation
35 of the proposed well or wells is required pursuant to AAC R12-15-830, the
36 developer shall provide one copy to Development Services, one copy to the
37 Department of Wastewater Management, and one copy to the Water Resources
38 Division of the Flood Control District at the same time copies are provided by or
39 to Arizona Department of Water Resources (ADWR). The Wastewater
40 Management Department and Water Resources Division of the Flood Control
41 District shall notify well owners in the area. Development Services shall make
42 available a copy of the study for public review. The applicant shall follow the
43 ADWR Well Spacing and Impact Rules according T12-15-830, and observe any
44 revisions.

45
46 B. The project will use City of Tucson Water or an acceptable municipal, private, or
47 formed district alternative as its water delivery provider.

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1 C. Water Conservation:
2

3 1) An overall water conservation plan describing water conservation measures
4 which will be offered for the specific plan site is required for review and approval
5 by Pima County Development Services Department in consultation with the water
6 resources staff of the Flood Control District prior to a master block plat approval.
7

8 2) The plan will provide a commercial, residential, common area, and public water
9 conservation program and implementation strategy.
10

11 3) The plan will address:
12

- 13 a) stormwater management;
- 14 b) reuse of treated wastewater;
- 15 c) community education program;
- 16 d) homeowner association CCR's and design guidelines;
- 17 e) exterior use of the latest advancements in water conservation
18 measures to minimize potable water use including but not limited to:
19 irrigation systems, drought tolerant plant material, grading plans, turf
20 limitations, and recreational water use restrictions;
- 21 f) subject to ADEQ criteria, interior use of latest advancements in water
22 conservation measures to minimize potable water use including but not
23 limited to: low water use appliances, and plumbing systems.
24

25 4) A more detailed water conservation plan, consistent with the overall plan, shall
26 be submitted for review and approval by Pima County Development Services
27 Department in consultation with the water resources staff of the Flood Control
28 District with each tentative plat.
29

30 D. The immediate direct and beneficial reuse of any reclaimed water generated from
31 the treatment facility that will either be constructed and operated by the
32 owner/developer or Pima County will be required, provided the source water
33 entering the wastewater treatment facility is not of Tucson Water. The reclaimed
34 water should first be utilized to irrigate landscaping, parks and school turf areas
35 within the development area.
36

37 28. The City of Tucson Transportation Planning and/or Urban Planning and Design
38 Transportation Administrator shall be included as a reviewing agency for any Swan/
39 Southlands Specific Plan transportation issues and/or plans. The city's comments shall
40 be considered in the process of reviewing studies, reports, and/or subdivision plats,
41 however, they may not hold up processing of a proposed action and Pima County shall
42 retain sole authority over approval.
43

44 29. Upon concurrence with the school district, developer shall either dedicate school sites
45 as depicted in the Specific Plan or alternate sites within the specific plan area
46 acceptable to the school district. In addition, developer shall submit evidence of a

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PASSED AND ADOPTED by the Board of Supervisors of Pima County, Arizona, this

FOURTH day of JANUARY, 2005.

Sharon Brunson
Chair, Board of Supervisors

Date: JAN 04 2005

ATTEST:

Lori Goddard
Clerk, Board of Supervisors

APPROVED AS TO FORM:

[Signature]
Civil Deputy County Attorney

[Signature]
Executive Secretary, Pima County
Planning and Zoning Commission

COPIES 10/16/04

219 21

ATTACHMENT A
TO
SWAN SOUTHLANDS SPECIFIC PLAN

**Attachment A is the Swan Southlands Specific Plan document
approved by the Pima County Board of Supervisors
on December 7, 2004.**

**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**

ATTACHMENT B
TO
SWAN SOUTHLANDS SPECIFIC PLAN

Legal Description:

The north half of Section 10, Township 16 South, Range 14 East, Gila and Salt River Base and Meridian, Pima County, Arizona, EXCEPT the East 75 feet and north 325 feet thereof.

Lots 1 thru 8 inclusive of survey entitled SUNSET FARMS, according to Book 27 of Surveys, page 61, records of Pima County, Arizona, situated within the South half of Section 10, Township 16 South, Range 14 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

All of Section 12, EXCEPT the South 189.39 feet of the North 489.39 feet of the East 115 feet of the Northeast Quarter of the Northeast Quarter.

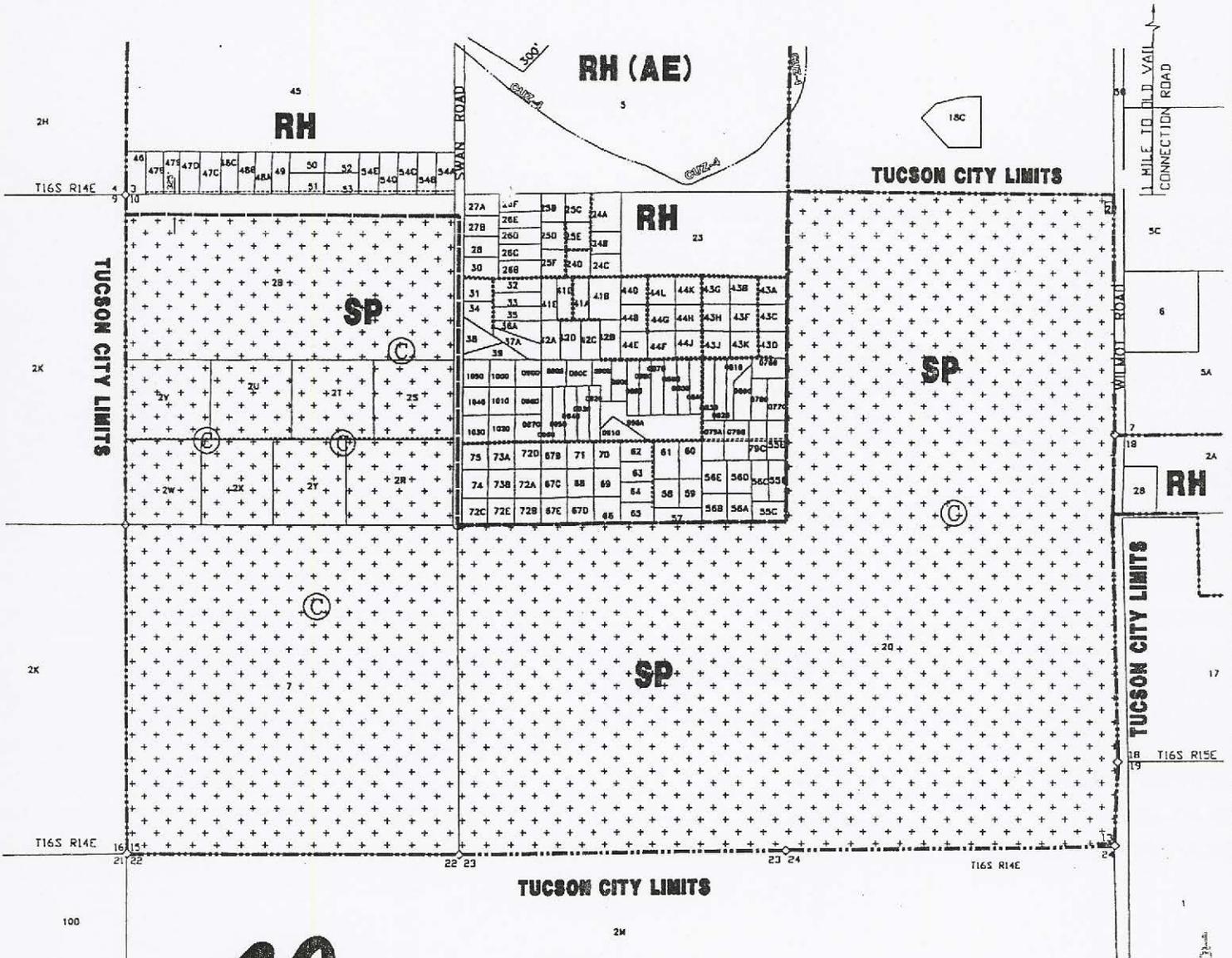
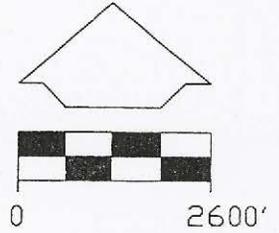
All of Sections 13 and 14 in Township 16 South, Range 14 East, Gila and Salt River Base and Meridian, Pima County, Arizona, EXCEPT any portion thereof within Wilmot Road as shown in Book 8 of Road Maps at page 42.

ATTACHMENT C
TO
SWAN SOUTHLANDS SPECIFIC PLAN

EXHIBIT "A"

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

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



Handwritten signature

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

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

C023-04-01
 C07-00-20
 303-09-002Q, 002R,
 002S, 002T, 002U,
 002V, 002W, 002X,
 002Y, 0070, &
 PTN OF 303-09-002B

Appendix 15
CCA Development Agreement & Resolution
(BOS approved 11/9/10)

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: JSH
DEPUTY RECORDER
0497 PE-2



DOCKET: 13951
PAGE: 594
NO. OF PAGES: 19
SEQUENCE: 20102350208
12/08/2010
AG 11:59
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W
JANET EMEL
201 N STONE AVE 2ND FL
TUCSON AZ 85701

Tucson, AZ 85701-1317

DEVELOPMENT AGREEMENT

between

PIMA COUNTY,

and

CCA PROPERTIES OF ARIZONA, LLC

Dated November 9th, 2010

COPY

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") has been made and entered into as of the 9th day of November, 2010 (the "Effective Date") between PIMA COUNTY (the "County"), a body politic and political subdivision duly organized and validly existing under the Constitution and laws of the State of Arizona, and CCA PROPERTIES OF ARIZONA, LLC, a Tennessee limited liability company ("Owner").

RECITALS

A. The Swan Southlands Specific Plan, Co23-04-01 ("Specific Plan") was adopted by Pima County on January 4, 2005, by Ordinance 2005-02, and covers approximately 3,083 acres of real property located in unincorporated Pima County (the "Specific Plan Area") that is owned and controlled by SOUTH WILMOT LAND INVESTORS, L.L.C., an Arizona limited liability company ("Seller").

B. In connection with adoption of the Specific Plan, the County and Seller entered into that certain Swan Southlands Specific Plan Development Agreement recorded on July 19, 2005 in Document No. 20051380080, Official Records of Pima County, Arizona (the "Original Development Agreement"), addressing on-site and off-site infrastructure for, and phasing of the development of, the Specific Plan Area.

C. Seller and Owner have entered into a Purchase and Sale Agreement effective April 19, 2010 (the "PSA") under which Seller has agreed to sell, and Owner has agreed to purchase, under the stated terms and conditions, approximately one hundred twenty two (122) acres of real property known as Parcel D5 of the Specific Plan Area, which is legally described and depicted on Exhibit A attached to this Agreement (the "Site").

D. Owner intends to plan, design, construct and operate an integrated correctional facility (the "Facility") on the Site. The construction and development of the Facility, the constructing and securing of the necessary infrastructure, and the operation of the Facility are collectively referred to herein as the "Project."

E. In order to permit development of the Facility on the Site, the County on June 15, 2010, approved a modification of the Specific Plan, subject to approved standard and special conditions (the "Modified Specific Plan"). The Modified Specific Plan alters some of the conditions to which Parcels D3, D4, and D5 of the Specific Plan Area (a 391-acre area that includes the Site) are subject.

F. County and Seller are, at the same time this Agreement is being approved, approving that certain Amended and Restated Swan Southlands Specific Plan Development Agreement (the "Amended Original Development Agreement") that, among other things, removes the Site from the scope of the Original Development Agreement. Within the Amended Original Development Agreement, Seller and County have agreed that if Owner does not acquire parcel D5, then a separate development agreement approved by the County shall be required prior to submittal of a development plan for Parcel D5, which agreement shall

define the required on-site and off-site infrastructure necessary to serve Parcel D5 and any other terms and conditions as agreed to by the County and the owner of parcel D5.

G. County and Owner are at the same time entering into this separate and independent Agreement to provide for on-site and off-site infrastructure necessary to support the development of the Facility on the Site.

NOW, THEREFORE, in consideration of the representations, covenants and agreements contained herein, the parties hereto agree as follows:

AGREEMENT

1. GENERAL PRELIMINARY MATTERS

- 1.1. Authorization. Owner and County are entering into this Agreement pursuant to the Modified Specific Plan and A.R.S. Section 11-1101 *et seq.*
- 1.2. Recitals. The recitals set forth above are incorporated into this Agreement as though fully set forth herein.
- 1.3. Purchase Contingency. Notwithstanding anything to the contrary contained herein, this Agreement shall be contingent on Owner acquiring the Site. If conveyance of the Site to Owner has not closed on or prior to December 31, 2011, this Agreement shall terminate and be of no further force and effect on that date.
- 1.4. Zoning. In the event of any inconsistency between the Modified Specific Plan and this Agreement, the provisions of the Modified Specific Plan will control over the terms of this Agreement. The County represents and warrants that it has followed the legally prescribed procedures under State and County statutes and ordinances to modify the zoning of the Site to allow the Facility on the Site in accordance with the Modified Specific Plan. The County agrees to cooperate reasonably in processing, in a timely manner, any approvals of issuance of future permits, plans, plats, or otherwise as may be necessary in order to allow for the development to be constructed in general conformance with the Modified Specific Plan.
- 1.5. Right of Way. County affirms that One Hundred Fifty (150) feet or other such sufficient County-controlled right of way exists for construction of the Road Improvements and Sewer Line, as each term is defined below.

2. WILMOT ROAD.

- 2.1. Wilmot Road Construction. The County intends to design and construct a thirty-six foot (36') wide two-lane paved road from the end of the existing pavement for Wilmot Road to the proposed access point for the Facility in accordance with the Pima County Standard Typical Section for a 2-Lane Road (Rural) (the "Wilmot Road Improvements"). The timing of the County's construction of the Wilmot Road Improvements is unknown at this time. Owner needs the Wilmot Road Improvements

to be completed in order to operate the Facility. Owner shall therefore have the right to construct the Wilmot Road Improvements itself, in order to ensure timely completion.

2.2. At or prior to the first submittal of the development plan for the Facility, the Owner shall advise the County in writing of its intent to proceed with construction of the Facility and shall advise the County of the date the Wilmot Road Improvements must be completed in order for the Owner to meet its contractual obligations with Owner's customer prior to opening and operating the Facility (Completion Date). Within thirty (30) days of receipt of said notice County shall advise the Owner of its ability to construct the Wilmot Road Improvements and meet the Completion Date based on its then current schedule. If the County notifies the Owner that the County will not be able to construct Wilmot Road and meet the Completion Date, the owner may decide to construct the Wilmot Road Improvements itself and shall so inform the County of its intent. If the County notifies the Owner that the County can meet the Completion Date, then the County shall diligently pursue the improvements to completion in order to meet the Completion Date.

2.3. If Owner exercises its right pursuant to subsections 2.1 and 2.2 to construct the Wilmot Road Improvements, such construction shall be performed in accordance with the Pima County Standard Typical Section for a 2-Lane Road (Rural) and subject to inspection and acceptance by the County, and according to any plans and specifications at that time developed by County or prepared by the Owner and reviewed and approved by the County. Inspection and acceptance of the Wilmot Road Improvements will be done according to normal Pima County procedures. Upon acceptance of the Wilmot Road Improvements by the County, the County shall maintain the Road Improvements at the County's sole cost and expense.

2.4. Transportation Impact Fees, Credits, and Reimbursement

2.4.1. If County constructs the Wilmot Road Improvements pursuant to subsections 2.1 and 2.2, then Owner will pay County transportation impact fees at the rate in effect at the time the fees are paid.

2.4.2. If Owner constructs the Wilmot Road Improvements pursuant to subsections 2.1 and 2.2, then Owner will receive a credit against the County transportation impact fees applicable to the project for Owner's cost of such construction. Owner agrees that any impact fee credits that may be applicable pursuant to this Section shall not exceed the total amount of the transportation impact fees applicable to the Site.

2.4.3. If Owner constructs the Wilmot Road Improvements, the County further agrees to reimburse Owner for Owner's costs incurred in constructing said improvements to the extent such costs exceed any available credit against Owner's transportation impact fees. Owner shall keep full and detailed accounts of all amounts paid for construction of the Wilmot Road Improvements and shall submit invoices for such construction costs (the "Invoices") to the

Owner and dedicated to the County for acceptance as public infrastructure as provided in Section 3.2.3 below.

- 3.2.2. Issuance of an Authorization to Construct and Discharge falls under the authority of the Pima County Department of Environmental Quality ("PDEQ"). In addition, provisions for odor and corrosion control must be provided by Owner at the private pump station and at the point of the private force main discharge into the private gravity sewer, using County's best management practices.
 - 3.2.3. The development and construction of the sewerage system on the Site will follow the typical RWRD and PDEQ submittal, approval and permitting processes. Required submittal documents for this process include a Preliminary Sewer Layout for the proposed private and public conveyance systems, Sewer Improvement Plans for both private and public sewers, Flow management Plan, a Type III Capacity Request and Letter, a Sewer Service Agreement, Pump Station Agreement and Construction Permits. The Sewer Service Agreement will be consistent with this Agreement and will more specifically identify the design, bid, construction, assurance mechanisms, and acceptance requirements for the wastewater improvements to be built by Owner.
- 3.3. If Owner constructs the Facility and connects to the RRSA Sewerage System as provided in Section 3.2 above, and the SSA Sewerage System is subsequently completed and operating, then Owner will abandon the pump station and connect the Facility to the SSA Sewerage System. Any obligation of the Owner pursuant to this Agreement to connect to the SSA Sewerage System shall be effective only when an SSA Sewerage System gravity main has been constructed that abuts the Site's property boundary.
 - 3.4. Owner will convey to the County a 40-foot wide easement for the construction, installation, repair and replacement of sewer lines and related sewer conveyance facilities, along with an easement for access thereto, and will dedicate to the public an adjacent 20-foot wide public utility easement.
 - 3.5. Connection Fees shall be paid per PCC 13.20.045 (J) and Fixture Unit Equivalents (FUE) will be assessed as either residential or commercial at their respective rates per the County code. If the Facility is built so as to use community toilets, showers and sinks for the inmates then those FUEs would be assessed at the commercial rate. If the Facility is built with individual cells with an individual toilet and sink in each cell then those FUEs would be assessed at the residential rate. All other FUEs within the facility will be charged at the commercial rate.
 - 3.5.1. No discounts or credits will be provided for the construction of the private pump station and private force main/gravity sewer.

- 3.5.2. If Owner pays connection fees to connects to the RRSA Sewerage System, Owner will not be required to pay County any connection fees for later connection of the same fixture units to the SSA Sewerage System as required by Section 3.3, above.
- 3.6. Discharges. Discharges must be in compliance with Pima County Code 13.36 and RWRD requires measurement and reporting of all wastewater flows from the Facility either from wastewater metering or from water use data.
 - 3.6.1. A permit with RWRD Industrial Waste Control will be required for the discharge of industrial waste into the public sewerage system.
 - 3.6.2. Owner must provide a written procedure that allows RWRD employees to gain access for inspections and monitoring of wastewater discharges.
- 3.7. Pursuant to Pima County Code Chapter 13.20.020, "Public sanitary sewerage system" means the system owned by Pima County including all gravity sanitary sewer mains; wastewater pumping systems; treatment and disposal facilities; and all appurtenances required to collect, transport, treat, store, reclaim, discharge or recharge the liquid and solid phases of wastewater."

4. STORM WATER

County acknowledges that County and Seller have agreed upon a solution to address relocation of the "wash" area located within the Site in order to allow Owner to develop the Facility, as shown on Exhibit B. Owner agrees that relocation of the wash will be designed and performed in compliance with the County's applicable requirements. Owner also agrees that all construction activity related to the sewerage system shall fully comply with all federal, state, and local stormwater laws and that Owner shall be responsible for final stabilization of all public sewer disturbance areas regardless of whether the public portion of the sewer has been transferred to the County.

5. TERM OF AGREEMENT

Term. Unless earlier terminated in accordance with the terms herein, the provisions of this Agreement shall be effective as of the Effective Date and shall continue in full force for a period of ten (10) years following the Effective Date and shall run with the land and be binding on the successors-in-interest hereto. Owner and the County agree that the term of this Agreement may be extended through an agreement in writing signed by both parties to this Agreement.

6. REPRESENTATIONS AND WARRANTIES

6.1. Representations, Warranties and Covenants of Owner. Owner represents and warrants as follows:

- 6.1.1. This Agreement constitutes the legal, valid, and binding obligations of Owner, enforceable in accordance with its terms, except insofar as enforcement may be

- 7.4.2. On findings, by ordinance or resolution and after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the Site, if uncorrected, would pose a serious threat to the public health, safety and welfare if the project were to proceed as approved pursuant to this Agreement and the Modified Specific Plan.
- 7.4.3. On findings, by ordinance or resolution and after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the County's approval of the Modified Specific Plan or any other plat, plan or permit based on the Modified Specific Plan.
- 7.4.4. On the enactment of a state or federal law or regulation that precludes development as approved in the Modified Specific Plan and pursuant to this Agreement, in which case the governing body of Pima County, after notice and a hearing, may modify the affected provisions, on a finding that the change in state or federal law has a fundamental effect on the protected development rights.
- 7.4.5. The PDR granted by this Agreement does not preclude the enforcement of a subsequently-adopted overlay zoning classification that imposes additional requirements and that do not affect the allowable type or density or use, or the infrastructure to serve same, or ordinances or regulations that are general in nature and that are applicable to all property subject to land use regulation by the County, such as building, fire, plumbing, electrical and mechanical codes. The protected development rights do not preclude, change, or impair the authority of the County to adopt and enforce zoning ordinance provisions governing nonconforming property or uses.
- 7.4.6. Nothing herein shall be construed as diminishing or altering the authority of the County to exercise its eminent domain powers or to adopt or increase development impact fees authorized by A.R.S. Sections 11-1102 and 11-1103 or sanitary sewer user or connection fees authorized by Title 13 of the Pima County Code.
- 7.4.7. Common Law Vesting. Nothing in this Agreement shall affect the claims of the Parties, if any, regarding the vesting of all or a portion of the Specific Plan as a matter of common law, either during the term of or following termination of this Agreement.

8. DEFAULT; DISPUTE RESOLUTION; FORCE MAJEURE

8.1. Default.

- 8.1.1. Default; Remedies. Failure or unreasonable delay by any party to perform any term or provision of this Agreement for a period of ten (10) days after written notice thereof from the other party shall constitute a default under this

Agreement. If the default is of a nature which is capable of being cured within ten (10) days, the cure shall be commenced within such period, and diligently pursued to completion. The notice shall specify the nature of the alleged default and the manner in which the default may be satisfactorily cured. In the event of a default hereunder by any party which is not cured during the applicable cure period, the non-defaulting party shall be entitled to all remedies at both law and in equity, including, without limitation, specific performance.

- 8.1.2. Dispute Resolution. To further the cooperation of the parties in implementing this Agreement, the County and the Owner each shall designate and appoint a representative to act as a liaison between the County and its various departments and the Owner. The initial representative for the County (the "County Representative") shall be the Pima County Administrator and the initial representative for the Owner shall be its project manager, as identified by the Owner from time to time (the "Owner Representative"). The representatives shall be available at all reasonable times to discuss and review the performance of the parties and the development of the Site.
- 8.1.3. Mediation. If a dispute arises out of or relates to this Agreement, or the breach thereof, and if the dispute cannot be settled through negotiations, the parties agree first to try to settle the dispute through mediation before resorting to arbitration, litigation or some other dispute procedure. In the event that the parties cannot agree upon the selection of a mediator within seven (7) days, either party may request the Presiding Judge of the Pima County Superior Court to assign a mediator from a list of mediators maintained by the Arizona Municipal Risk Retention Pool. If the mediation procedure set forth above does not resolve a dispute, the party shall have the right to seek injunctive relief or mandamus or any other remedy available at law or in equity in a court of competent jurisdiction.
- 8.1.4. Waiver. No delay in exercising any right or remedy shall constitute a waiver thereof, and no waiver by the County or the Owner of the breach of any covenant of this Agreement shall be construed as a waiver of any preceding or succeeding breach of the same or any other covenant or condition of this Agreement.
- 8.1.5. Attorneys' Fees. If any legal proceeding is initiated by any party hereto (or their successor(s)) with respect to this Agreement, the prevailing party shall be entitled to recover, in addition to any other relief to which it is entitled, including its cost of suit incurred in connection with such legal proceeding, and its reasonable attorneys fees.
- 8.1.6. Force Majeure. Except as otherwise provided herein, neither the County nor Owner shall be considered in default in their obligations to be performed hereunder if delay in the performance of such obligations is due to unforeseeable causes beyond its control and without its fault, including but not

limited to, acts of God or of the public enemy, acts of terrorism, acts of the Federal or state government, acts or delays of the other party, fires, floods, unusually severe weather, epidemics, freight embargoes, unavailability of materials, strikes or delays of contractors, subcontractors or materialmen due to any of such causes, it being the purpose and intent of this Section 7.04 that in the event of the occurrence of any such enforced delay, the time or times for performance of such obligations shall be extended for the period of the enforced delay; provided, however, that the party seeking the benefit of the provisions of this section shall within fourteen (14) days after the beginning of such enforced delay, notify the other parties in writing thereof and of the cause thereof and of the duration thereof, or, if a continuing delay and cause, the estimated duration thereof, and if the delay is continuing on the date of notification, within thirty (30) days after the end of the delay, notify the other party in writing of the duration of the delay.

9. MISCELLANEOUS.

- 9.1. Owner may assign its rights and obligations under this Agreement to any other entity that is directly or indirectly controlled by or is under common control with Owner with the consent of the County, which consent shall not be unreasonably withheld, conditioned, or delayed. The County shall not assign this Agreement or its rights and obligations hereunder without the prior written consent of Owner.
- 9.2. In the event of a complete assignment by Owner of all rights and obligations of Owner consented to by the County, Owner's liability hereunder shall terminate effective upon the complete assumption of all rights and obligations by Owner's assignee. Nothing in this Agreement shall operate to restrict the Owner's ability to assign any of its rights and obligations under this Agreement to those entities that acquire the Site.
- 9.3. No Personal Liability. No such covenant, obligation or agreement shall be deemed to be a covenant, obligation or agreement of any present or future member, officer, agent or officer, or employee of the County in other than their official County position or of any individual person who is an officer, member, manager, director or shareholder of Owner or other owner other than in such capacity as an officer, member, manager, director or shareholder, and neither the members of the County Board of Supervisors nor any County official executing this Agreement, nor any individual person executing this Agreement on behalf of Owner shall be liable personally by reason of the covenants, obligations or agreements of the County or Owner contained in this Agreement.
- 9.4. Counterparts. This Agreement may be signed in several counterparts, each of which shall be an original but all of which shall constitute but one and the same instrument.

- 9.5. Notice. Any notice or communication between the parties required or permitted to be given under this Agreement shall be deemed sufficiently given if delivered personally, via overnight delivery by nationally recognized overnight courier, or mailed by U.S. registered or certified mail, return receipt requested, which shall be deemed delivered when either the return receipt is signed or refused, and addressed as follows:

Notices to the County:

Pima County Administrator
130 W. Congress, 10th Floor
Tucson AZ 85701-1207
E-mail - CHH@pima.gov

Notices to Owner:

CCA Properties of Arizona, LLC
10 Burton Hills Blvd.
Nashville, TN 37215
Attn: Frank Betancourt
Email – Frank.Betancourt@cca.com

With Copy to:

Reno & Cavanaugh, PLLC
424 Church St, Ste 1750
Nashville, TN 37219
Attn: Hannah K.V. Cassidy, Esq.
Email – hcassidy@renocavanaugh.com

- 9.6. The parties entitled to notice, including any assignees of this Agreement, may be changed by sending notice to the other parties of the name and address of the individual thereafter entitled to notice under this Agreement.
- 9.7. Captions. The captions and headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.
- 9.8. Governing Law. This Agreement shall be governed exclusively by and construed in accordance with the laws of the State of Arizona without regard to its conflict of law provisions that would cause the application of the laws of another jurisdiction.
- 9.9. Complete Agreement. All negotiations, considerations, representations and understandings between the parties as to the subject matter of this Agreement, are incorporated herein and may be modified or altered only by an agreement in writing signed by both parties to this Agreement.

9.15. This Contract is subject to cancellation for conflict of interest pursuant to ARS § 38-511, the pertinent provisions of which are incorporated into this Contract by reference.

(SIGNATURES ON FOLLOWING PAGE)

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates written above:

Pima County

By [Signature]
Chair, Pima County Board of Supervisors

Date: NOV 09 2010

Attest:

[Signature]
Clerk of the Board

Approved as to form:

[Signature]
Deputy County Attorney
REGINA NASSEN

CCA PROPERTIES OF ARIZONA, LLC, a Tennessee limited liability company

[Signature]
By: Frank Betancourt

Its: V.P. of Real Estate _____

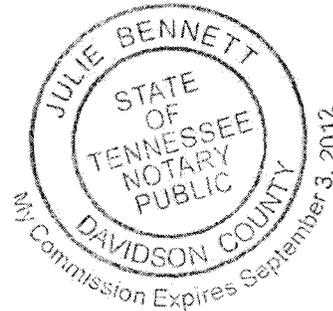
STATE OF Tennessee)
County of Davidson) ss.

The foregoing Development Agreement for was acknowledged before me this 24th day of November, 2010, by Frank Betancourt, V.P. of Real Estate of CCA PROPERTIES OF ARIZONA, LLC, an Tennessee limited liability company, and being authorized to do so, executed the foregoing instrument on behalf of the company for the purposes therein stated.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature]
Notary Public

My Commission Expires: 9-3-12



002012 11/11/10

EXHIBITS

The following exhibits are attached hereto and incorporated herein by this reference:

Exhibit A- Site Description

Exhibit B- Stormwater – "Wash" Relocation

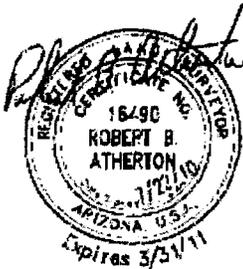
EXHIBIT 'A'

TUCSON, AZ VERANO SITE

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF SECTION 12, TOWNSHIP 15 SOUTH, RANGE 14 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12 SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, THENCE SOUTH 00°11'08" EAST ALONG THE EAST LINE OF SAID SECTION 12 A DISTANCE OF 330.01 FEET. THENCE SOUTH 89°26'24" WEST A DISTANCE OF 115.00 FEET. THENCE SOUTH 00°11'09" EAST A DISTANCE OF 189.39 FEET; THENCE NORTH 89°26'24" EAST A DISTANCE OF 115.00 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 12; THENCE SOUTH 00°11'08" EAST ALONG THE EAST SECTION LINE OF SAID SECTION 12 A DISTANCE OF 1,772.13 FEET TO A POINT ON THE NORTH LINE OF AN EASEMENT FOR ELECTRIC TRANSMISSION LINES PER STATE CONTRACT 85-000050; THENCE NORTH 71°45'08" WEST ALONG SAID NORTH LINE A DISTANCE OF 1,270.19 FEET. THENCE NORTH 00°00'17" EAST A DISTANCE OF 1226.32 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 12; THENCE NORTH 89°26'27" EAST ALONG SAID NORTH SECTION LINE A DISTANCE OF 108.85 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 12; THENCE CONTINUING ALONG SAID NORTH SECTION LINE NORTH 89°26'24" EAST A DISTANCE OF 2,842.29 FEET TO THE NORTHEAST CORNER OF SAID SECTION 12 SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED.

SAID PARCEL CONTAINS 129.00 ACRES, MORE OR LESS.



ATHERTON ENGINEERING INC.
Civil Engineers and Land Surveyors

1935 E. MEADOWBROOK AVE., PHOENIX, AZ 85014-4291
(602) 970-7311 • FAX (602) 970-1962

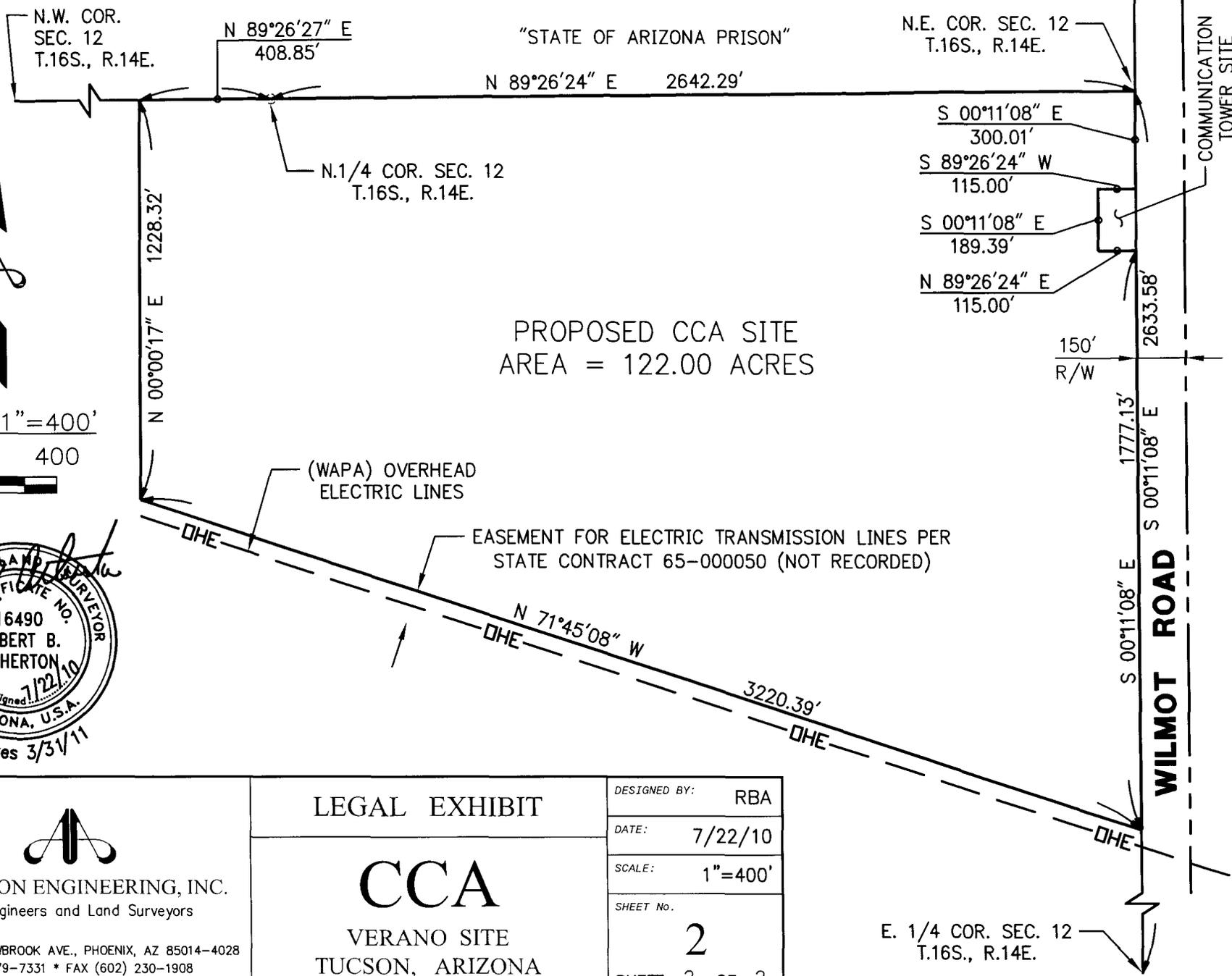
LEGAL DESCRIPTION

CCA
VERANO SITE
TUCSON, ARIZONA

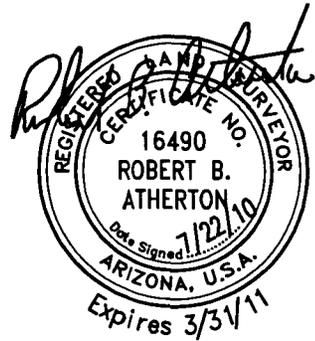
DESIGNED BY:	RBA
DATE:	1/22/09
SCALE:	N/A
SHEET NO.:	1
SHEET	1 OF 2

DRAWING NUMBER

EXHIBIT "A"



SCALE: 1"=400'



LEGAL EXHIBIT

CCA

VERANO SITE
TUCSON, ARIZONA

DESIGNED BY:	RBA
DATE:	7/22/10
SCALE:	1"=400'
SHEET No.	2
SHEET	2 OF 2

ATHERTON ENGINEERING, INC.
Civil Engineers and Land Surveyors
1203 E. MEADOWBROOK AVE., PHOENIX, AZ 85014-4028
(602) 279-7331 * FAX (602) 230-1908

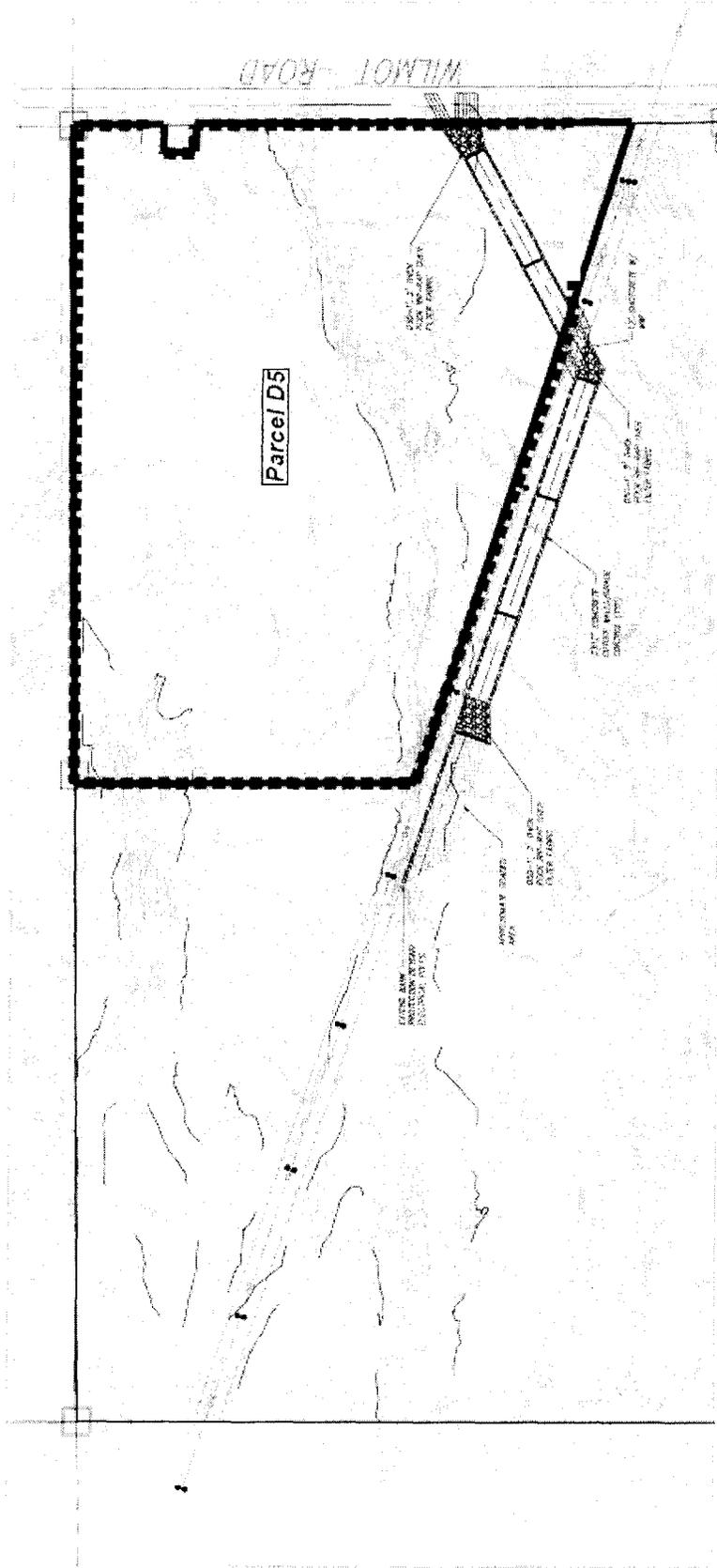
E. 1/4 COR. SEC. 12
T.16S., R.14E.

Exhibit "B"
Storm Water Wash Relocation

Section 12 - Proposed Channel Alignment



LEGEND
 PROPOSED CHANNEL ALIGNMENT
 EXISTING CHANNEL ALIGNMENT
 PROPERTY BOUNDARY
 EASEMENT



PLEASE NOTE: THIS PLAN IS A GRAPHICAL REPRESENTATION OF PROPOSED WORKS AND IS NOT MEANT TO BE A SUBSTITUTE FOR THE ENGINEER'S PROFESSIONAL JUDGMENT AND DESIGN. THE ENGINEER'S PROFESSIONAL JUDGMENT SHALL BE THE FINAL AUTHORITY IN ALL MATTERS.



F. ANN RODRIGUEZ, RECORDER
RECORDED BY: JSH
DEPUTY RECORDER
0497 PE-2



DOCKET: 13951
PAGE: 613
NO. OF PAGES: 2
SEQUENCE: 20102350209
RES 12/08/2010 11:59
MAIL
AMOUNT PAID \$ 10.00

W
JANET EMEL
201 N STONE AVE 2ND FL
TUCSON AZ 85701

RESOLUTION 2010- 281

**A RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS
APPROVING AND AUTHORIZING THE EXECUTION OF A
DEVELOPMENT AGREEMENT BETWEEN PIMA COUNTY AND CCA
PROPERTIES OF ARIZONA, LLC.**

WHEREAS, Pima County may, pursuant to A.R.S. § 11-1101, enter into development agreements relating to property located in unincorporated Pima County; and

WHEREAS, CCA Properties of Arizona, LLC ("Owner") is planning a correctional facility on property within unincorporated Pima County and wishes to enter into an agreement with the County to deal with matters such as the funding and construction of various infrastructure improvements; and

WHEREAS, the Board of Supervisors has concluded that the development of the subject property, under the terms set forth in the proposed Development Agreement and the Modified Swan Southlands Specific Plan, will be an economic benefit for the residents of Pima County;

NOW, THEREFORE, UPON MOTION DULY MADE, SECONDED AND CARRIED, BE IT RESOLVED THAT:

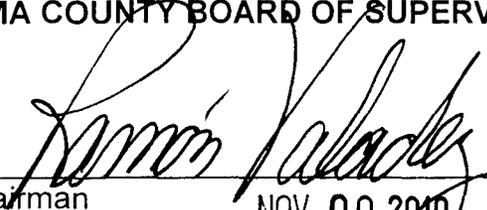
1. The Development Agreement between Pima County and CCA Properties of Arizona, LLC, as presented to the Board on this date, is hereby approved.
2. The Chairman of the Board is hereby authorized and directed to sign the Development Agreement for the Pima County Board of Supervisors.
3. The various officers and employees of Pima County are hereby authorized and directed to perform all acts necessary and desirable to give effect to this Resolution and the development agreement.

COPY

12/08/2010 11:59

PASSED, ADOPTED AND APPROVED this 9th day of November 2010.

PIMA COUNTY BOARD OF SUPERVISORS:



Chairman
NOV 09 2010

ATTEST:



Clerk Board of Supervisors

APPROVED AS TO FORM:



Deputy County Attorney
REGINA NASSEN

4-10104 2510-14

Appendix 16
Modification of Identity District “D” Resolution



SEQUENCE:	20110690880
NO. PAGES:	307
RES	03/10/2011
	18:00
PICK UP	
AMOUNT PAID:	\$0.00

RESOLUTION 2011- 38

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING IN CASE Co23-04-01 SWAN SOUTHLANDS SPECIFIC PLAN LOCATED GENERALLY BETWEEN S. SWAN ROAD AND WILMOT ROAD AND APPROXIMATELY ONE MILE SOUTH OF OLD VAIL CONNECTION ROAD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 1 OF ORDINANCE NO. 2005-2 AND AMENDING SWAN SOUTHLANDS SPECIFIC PLAN.

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

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

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

WHEREAS, on April 5, 2010 the owner(s) of approximately 391 acres (as shown on the map attached hereto as EXHIBIT B) applied for a modification (substantial change) of the specific plan and the specific plan (rezoning) conditions and restrictions;

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

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

NOW, THEREFORE, BE IT RESOLVED, that

Section 1.

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

1. Not more than 60 days after the Board of Supervisors approves the Specific Plan, the Developer shall submit to the Planning Official the specific plan document, including any necessary revisions of the specific plan document, and the specific plan text and exhibits in an electronic format acceptable to the Planning Division.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies with the exception that if a single Development Plan and a separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.
6. There shall be no subdividing or lot splitting without the written approval of the Board of Supervisors with the exception that if a single Development Plan and a separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility. For Parcels D3, D4, and D5 (the 391-acre modification area) an exception may be made for minor adjustments to lot lines that do not affect infrastructure layout.
7. In the event of a conflict between two or more requirements in this specific plan, or conflicts between the requirements of this specific plan and another Pima County regulation not listed in Section 18.90.050B3, the more restrictive requirement shall apply.
8. Adherence to the specific plan document and preliminary development plan as approved at the public hearing.

A. With the exception of Parcels D3, D4, and D5 (the 391-acre modification area): Developer shall enter into a development agreement with Pima County, which shall: 1) define the required on-site and off-site infrastructure to serve the development of the specific plan area, and 2) provide, among other things, an infrastructure phasing schedule coordinated with the phased development of the specific plan area. If the

development agreement becomes inconsistent with the requirements of a study called for by these rezoning conditions (or an update to such study) the developer shall provide an appropriate amendment to the development agreement necessitated by the results of such study or update. Said amendment to be reviewed and approved by the County. Developer shall generally meet the requirements of the County Administrator's December 2, 2004 letter to the developer's representative.

B. A separate development agreement approved by the Board of Supervisors shall be required prior to submittal of a development plan for Parcel D5 for the correctional facility. A separate development agreement, or amendment to the existing Swan Southlands development agreement, approved by the Board of Supervisors shall be required prior to submittal of a plat for Parcels D3 and D4. The development agreements, or an amendment to the existing development agreement, shall define the required on-site and off-site infrastructure to serve the applicable site and include other requirements as determined by Pima County.

9. This specific plan shall adhere to all applicable Pima County regulations that are not explicitly addressed within this specific plan. Design guidelines shall be used only when not in conflict with County regulations.

10. A good faith effort shall be made to use approximately 25 percent of the revenues raised from the implementation of the affordable housing policy of the Swan Southlands Specific Plan project to meet the goals of the affordable housing policy within the project.

11. At the request of Pima County, a separate agreement pertaining to the respective responsibilities of the Specific Plan petitioner or their successor(s) and the County will be entered into as it relates to the 640 acres of Pima County owned property that is contained within the specific plan boundaries. Nothing in this condition shall affect the timing or implementation of development in the remainder of the specific plan site (Sections 10, 12, 13, 14).

12. Block Subdivision Plats:

A. Prior to the issuance of any permits, this specific plan is subject to the approval of a block subdivision plat for each of the Identity Districts or sub-districts (Summit Village A1, A2, Desert Park B, Desert View C1, C2, C3, Gateway Village D) as shown in the Specific Plan. Subsequent site development requires submittal of subdivision plats or development plans prepared in accordance with the block subdivision plat for the applicable Identity District or sub-district. Each block subdivision plat shall make all dedications (including roads, sewer, drainage, trails and open space) and identify necessary improvements and provide a design and construction phasing plan tied to replatting of specific blocks. An exception may be made to this condition for Parcel D5 if a single Development Plan and a separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility.

B. Upon submittal of the first block subdivision plat per the applicable Identity District or sub-district, the studies, reports, information required by these specific plan conditions and the specific plan document itself, shall be provided for review and approval of the applicable Pima County department or departments. An exception may be made to this condition for Parcel D5 if a single Development Plan and separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility; the required studies, reports, information shall be submitted at the time of the development plan.

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

14. Department of Transportation requirements:

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

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

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

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

E. Provision of a continuous connection roadway, between the western and eastern edges of the specific plan boundary to provide an access corridor along the northern boundary of Section 10 and Section 12, for potential use as regional access as determined by the required TIA and the final requirements of Condition 14B. There shall be no direct access from individual single-family, residential lots onto interior loop collector roadways or connection roadways within the Specific Plan.

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

15. Flood Control District requirements:

A. The Swan Southlands Specific Plan and development standards shall meet the regulatory requirements of *Title 16* of the Pima County Code, and all subsequent amendments to this ordinance by the Pima County Board of Supervisors. *Title 16* specifies the regulatory requirements for floodplain management, flood control, erosion control, and riparian habitat.

B. An Overall Watershed Master Plan shall be developed with the District for floodplain management information, flood control infrastructure, riparian habitat mitigation planning and funding mechanisms for off site flood control improvements, provided the improvements are necessary to protect developed property within the Specific Plan from flood damage, and shall be submitted to and subject to approval by the Pima County Flood Control District Board of Directors. The segment of the Watershed Master Plan that impacts Swan Southlands must be adopted prior to recording any final plats for Swan Southlands.

C. A detailed Master Drainage Study for the entire Swan Southland Specific Plan area is required for the first block subdivision plat. The Master Drainage Study will be a detailed hydrologic and hydraulic analysis for the watershed affecting any of the property in the specific plan area, and shall include, but is not limited to, major offsite drainage areas impacting all blocks studied by detailed methods like HEC-1, use of 1-foot contour intervals for floodplain modeling by HEC-2 or HEC-RAS that will produce accurate floodplains affecting planned encroachment areas, sediment transport and erosion hazard setback analysis including bank protected areas, opportunities for regional detention to reduce onsite detention, identify Section 404 jurisdictional waters and impacts, identify drainage infrastructure needs and funding mechanisms, public maintenance concerns, and private drainage maintenance by the future homeowners association.

D. Floodplain and riparian habitat encroachments shall be fully addressed in the Master Drainage Study. Impacts for floodplain and riparian encroachments should be minimized by alternatives explained in the Master Drainage Study.

E. A Riparian Mitigation Plan, as required by *Title 16* of the Pima County Code, also shall be included in the Master Drainage Study. The plan should evaluate, prioritize and identify floodplains and riparian habitats that are to be protected; impacts of necessary flood control improvements for public health, safety and welfare; and provide a habitat mitigation plan to address impacts as well as restoration plans. The Riparian Mitigation Plan shall be subject to approval by the Flood Control District.

F. For Parcels D3, D4, and D5 (the 391-acre modification site): The developer shall prepare a hydrology study for Franco and Flato Wash systems, for approval by Pima County Flood Control District. Limits of encroachment and any other proposed modifications of the floodplains shall be determined through analysis of hydrology, hydraulics, and floodplain mapping. No adverse impacts to flood or erosion risk shall occur upon adjacent properties as measured by flood peaks, flood stage, flood velocity, overbank storage, erosion and sedimentation. Any proposed modifications shall maintain or restore the connection between interdependent components of river systems on the property: channel, overbank floodplain, distributary flow zones, and riparian vegetation. Roadway Drainage improvements to Wilmot Road shall be addressed during this phase of the development.

16. Wastewater Management Department requirements:

A. Refer to Condition 27A.

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

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

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

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

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

G. The wastewater treatment facility sites are to be sized and located such that they will accommodate future expansion to treat flows from upstream areas within the basin as identified in the basin study. The owner/developer shall provide sufficient,

but not less than 10 acres of, land within the rezoning area to accommodate expansion of treatment facilities to the full projected build out of the rezoning area plus the upstream tributary areas in accordance with the Master Sewer Service Agreement. This condition is not applicable to Parcel D5 for the correctional facility.

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

I. For the 120 acres (Parcel D5) for the correctional facility: No person shall construe any action by Pima County as a commitment to provide sewer service to any new development within the plan amendment area until Pima County executes an agreement with the owner / developer to that effect. By accepting this specific plan amendment, the owner / developer acknowledges that adequate treatment and conveyance capacity to accommodate this plan amendment in the downstream public sewerage system may not be available when new development within the plan amendment area is to occur, unless it is provided by the owner / developer and other affected parties.

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

18. Natural Resources, Parks and Recreation Department requirements:

A. Passive recreation activities including trails shall be located adjacent to project open space and NPPO set-aside areas to allow for continuity of riparian habitat and restoration of disturbed habit as needed. Should an environmentally sensitive trail alignment or public utility constitute a minor intrusion, as determined by the Planning Official, into the already designated 30 percent NPPO set-aside, a request may be made to the Planning Official who may consider the merits of the trail alignment upon recommendation from the Design Review Committee. Acceptance of a minor intrusion would not necessitate a revision or an amendment to the Specific Plan.

B. Based upon target densities, the developer(s) shall designate and dedicate to the public or create as common area a minimum of 202.88 acres based on 871 square feet per single family unit of developed public and/or private parkland for community parks, neighborhood parks, public and private trails, and joint use public facilities. Developer shall designate the public and private parkland commensurate with the densities of the development. In no case shall the dedication or creation as common area of the public and private parkland be less than the amount required for the minimum densities.

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

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

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

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

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

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

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

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

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

19. Cultural Resources requirements:

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

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

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

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

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

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

1) Development within the plan amendment area will potentially affect cultural resources, especially archaeological sites. Standard cultural resources requirements for rezoning and grading are the minimum required. Where significant cultural resources are found, avoidance through development design, open space set-asides, and conservation easements are the preferred mitigation strategies; although when not possible to implement conservation strategies, other mitigation measures shall apply.

2) A cultural resources mitigation plan, detailing strategies that include testing, documentation, data recovery, preservation, protection, analysis, reporting, and curation for the management of all Register-eligible sites shall be submitted to the Office of Cultural Resources & Historic Preservation for review and approval. The State Historic Preservation Office may also be consulted for review and approval. The cultural resources mitigation work will be conducted by a State permitted archaeologist, or registered architect, as appropriate. This work shall be completed and approved prior to issuance of a grading permit and any ground-disturbing construction activities.

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

20. Tucson Airport Authority:

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

1) Prior to subdividing the property, the owner shall record an Avigation Easement and Disclosure Statement approved by the Tucson Airport Authority. A copy of the executed Avigation Easement(s) shall be provided to TAA.

2) In Section 12 (*within Identity District D - Gateway Village*), Noise attenuation measures will be provided for all construction as stipulated in the Uniform Building Code, Chapter 35, Section 3501, Sound Transmission Control.

3) Applies to the Specific Plan site: The applicant shall work with TAA to ensure that the plans for the proposed development are compatible with the operations and master plan for Tucson International Airport.

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

1) The developers of any residential development shall provide disclosure statements in all sales contracts, public reports, and the recorded covenants. The specific language for inclusion in the disclosure statements shall be coordinated with the Tucson Airport Authority (TAA). Provisions for additional notification and disclosure mechanisms, including potential acknowledgment of airspace rights, shall be defined and coordinated with TAA.

2) In Section 12, Noise attenuation measures for any residential development will be provided for all construction as stipulated in the Uniform Building Code, Chapter 35, Section 3501, Sound Transmission Control or the building code adopted by Pima County at the time of site plan or tentative plat approval, whichever provides the greater level of noise attenuation.

3) The Northwest quarter of Section 12 will be the subject of a special study to determine land uses and densities that are compatible with airport operations only if residential development is proposed. The applicant will work with TAA to ensure the plans for the proposed development are compatible with the operations and master plan for Tucson International Airport.

4) Any non-residential development of the northern 391-acres of Section 12 (more specifically identified by Co7-10-01) shall meet the following two requirements:

a) That prior to the County's approval of the first development plan, site plan or plat for any portion of the subject area, the property owner shall record an avigation easement.

b) That the sponsor of any development or construction activity within 20,000 feet of Tucson International Airport, that exceeds a 100:1 surface from any point on any of TIA's runways, shall send one executed form set of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office. Copies of the form and electronic submittal are available at: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp/>

21. With the exception of Parcels D3 and D5: The Final Conceptual Riparian Restoration Plan necessary for compliance with Special Area Policy #2 of the plan amendment cases CO7-03-07, CO7-03-09, and CO7-03-10 shall be submitted to and subject to approval by the Development Services Environmental Planning Manager and the Flood Control District prior to the approval of the first tentative block subdivision plat. The Final Conceptual Riparian Restoration Plan shall identify success criteria, where appropriate, for riparian areas to be mitigated with additional

containerized or salvaged plantings; establish the specifics of a monitoring program; and a reporting schedule. Any riparian restoration activities proposed subsequent to the approval of the Final Conceptual Riparian Restoration Plan shall also be submitted to and approved by the Development Services Environmental Planning Manager and the Flood Control District prior to implementation.

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

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

24. Pima pineapple cactus (PPC):

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

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

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

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

B. For Parcels D3, D4, and D5 (the 391-acre modification site): Using the survey protocols established in the approved Swan Southlands Specific Plan Appendix 11 - Preliminary 10-Year PPC Study and prior to the approval of each development plan within the amendment area, the appropriate project area will be surveyed for Pima

pineapple cactus (PPC). If PPC can not be preserved-in-place, they will be transplanted according to transplant protocols established in the approved Swan Southlands Specific Plan Appendix 11 - Preliminary 10-Year PPC Study and re-located to protected open space or other suitable locations within District D. The original location of each PPC, as well as its transplant location, will be documented with Global Positioning System coordinates (or the equivalent). Every year for ten (10) years, an annual status report will be provided that summarizes the survivorship and reproduction of transplanted PPC. This report is to be incorporated into the Specific Plan Annual Implementation Monitoring Report for the Swan Southlands Specific Plan submitted to Development Services Department.

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

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

27. Water:

A. If a hydrological study of projected declines in water levels due to the operation of the proposed well or wells is required pursuant to AAC R12-15-830, the developer shall provide one copy to Development Services, one copy to the Department of Wastewater Management, and one copy to the Water Resources Division of the Flood Control District at the same time copies are provided by or to Arizona Department of Water Resources (ADWR). The Wastewater Management Department and Water Resources Division of the Flood Control District shall notify well owners in the area. Development Services shall make available a copy of the study for public review. The applicant shall follow the ADWR Well Spacing and Impact Rules according T12-15-830, and observe any revisions.

B. The project will use City of Tucson Water or an acceptable municipal, private, or formed district alternative as its water delivery provider.

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

Water Conservation:

1) An overall water conservation plan describing water conservation measures which will be offered for the specific plan site is required for review and approval by Pima County Development Services Department in consultation with the water resources staff of the Flood Control District prior to a master block plat approval.

2) The plan will provide a commercial, residential, common area, and public water conservation program and implementation strategy.

3) The plan will address:

- a) stormwater management;
- b) reuse of treated wastewater;
- c) community education program;
- d) homeowner association CCR's and design guidelines;
- e) exterior use of the latest advancements in water conservation measures to minimize potable water use including but not limited to: irrigation systems, drought tolerant plant material, grading plans, turf limitations, and recreational water use restrictions;
- f) subject to ADEQ criteria, interior use of latest advancements in water conservation measures to minimize potable water use including but not limited to: low water use appliances, and plumbing systems.

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

D. For Parcels D3 and D5:

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

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

2) In the future, if sewer line connections are provided, the 5,000 bed prison and the other areas included in this modification may connect to the Swan Southlands Wastewater Treatment Facility to allow for reuse and recharge of

effluent within the Swan Southlands area, subject to terms of the agreement with the Pima County Regional Wastewater Reclamation Department.

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

28. The City of Tucson Transportation Planning and/or Urban Planning and Design Transportation Administrator shall be included as a reviewing agency for any Swan/Southlands Specific Plan transportation issues and/or plans. The city's comments shall be considered in the process of reviewing studies, reports, and/or subdivision plats, however, they may not hold up processing of a proposed action and Pima County shall retain sole authority over approval.
29. Upon concurrence with the school district, developer shall either dedicate school sites as depicted in the Specific Plan or alternate sites within the specific plan area acceptable to the school district. In addition, developer shall submit evidence of a signed agreement with the school district superseding the March 9, 2004 memorandum of understanding, prior to submittal of the first block plat.
30. A minimum of 95 percent of the viable riparian areas shall be preserved. For the purposes of this condition, preservation of viable riparian areas shall be measured by percentage of vegetative canopy cover.
31. For Parcels D3 and D4: A minimum 500 feet open space buffer along the west boundary as shown on the preliminary development plan shall be provided if Parcel D3 is developed for permitted industrial uses, other than a correctional facility for which Condition 33D applies. The buffer shall be shown on any applicable development plan or plat.
32. For Parcel D5: The operations of a prison facility and the security level of inmates housed therein shall adhere to the restrictions and prohibitions on prisons included in Title 41, Arizona Revised Statutes. The security level of inmates housed at the prison facility shall be less than Maximum level (based on the Arizona Department of Correction's Custody Levels, or equivalent). The facility shall be accredited by the American Correctional Association (ACA) within 2 years of it receiving its first inmates and shall house inmates in those facilities in a manner determined appropriate by ACA.
33. For Parcel D3:
 - A. Of the permitted industrial uses, the uses that are equivalent to the CI-2 zone of the Pima County Zoning Code are allowed on the east half of Parcel D3 (the west boundary being an approximate distance of 2,400 feet from Wilmot Road).

B. Of the permitted industrial uses, the uses that are equivalent to the CI-1 zone of the Zoning Code are allowed throughout Parcel D3, with the exception of condition 33D below.

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

D. Any proposal to locate a correctional facility in Parcel D3 shall be subject to the following requirements:

1) Approval of a Type III Conditional Use permit;

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

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

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

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

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

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

Section 4. This Resolution shall become effective upon adoption.

RESOLVED by the Board of Supervisors of Pima County, Arizona. on this

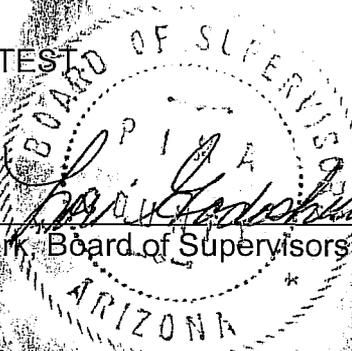
1st day of March, 2011,



Chairman, Board of Supervisors

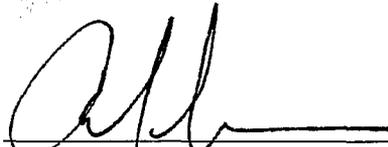
MAR 01 2011

ATTEST



Clerk, Board of Supervisors

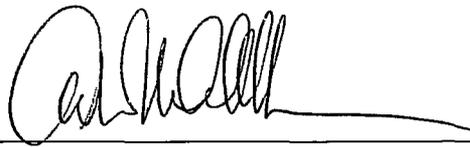
APPROVED AS TO FORM:



Civil Deputy County Attorney

ANDREW FLAGG

APPROVED:

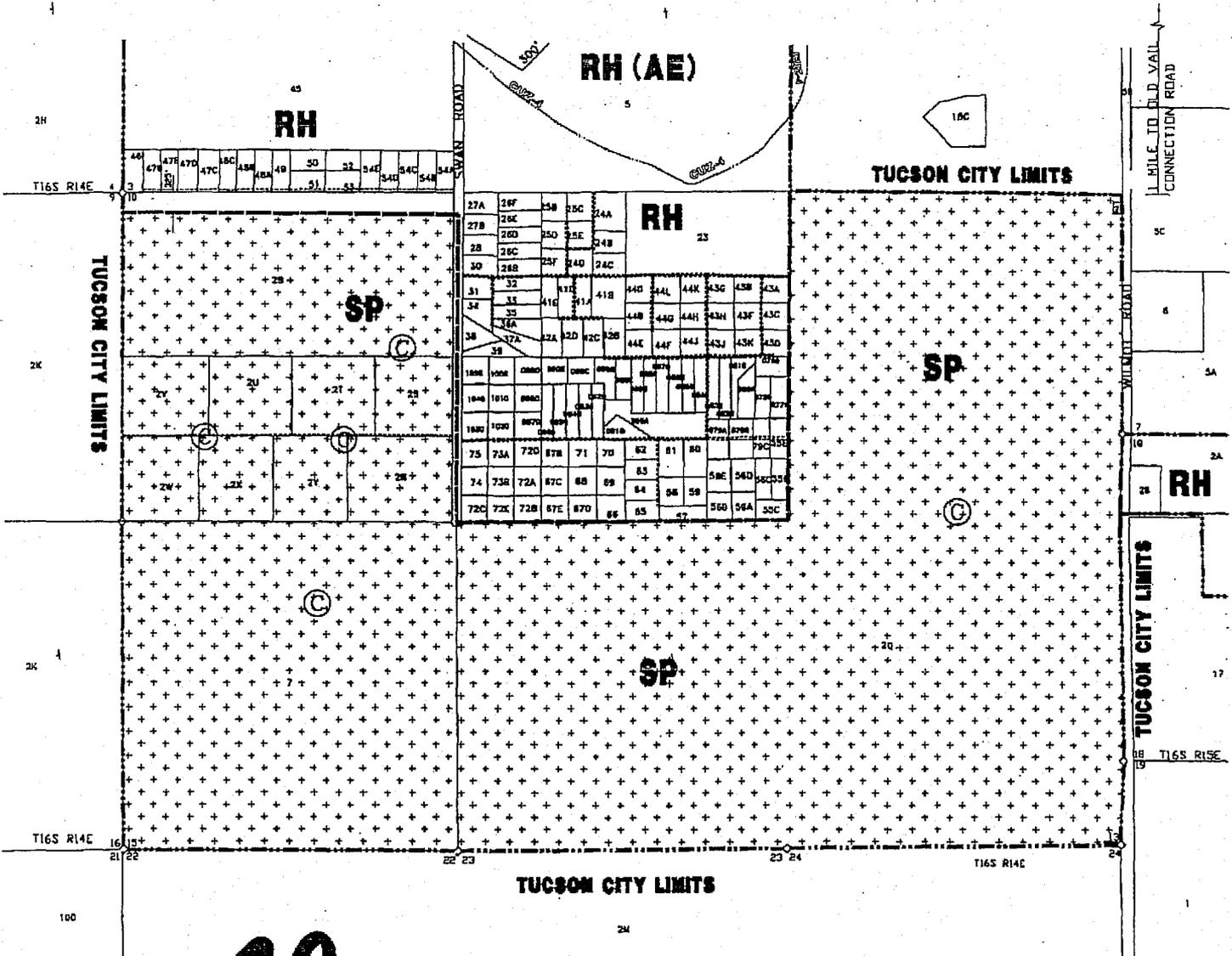
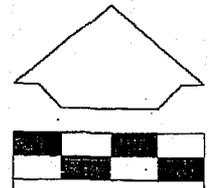


Executive Secretary
Planning and Zoning Commission

EXHIBIT A

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

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



Handwritten signature

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

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

C023-04-01
 C07-00-20
 303-09-002Q, 002R,
 002S, 002T, 002U,
 002V, 002W, 002X,
 002Y, 0070, &
 PTN OF 303-09-002B

PIMA COUNTY

EXHIBIT C

SOUTH WILMOT LAND INVESTORS, LLC

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

May 12, 2010

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

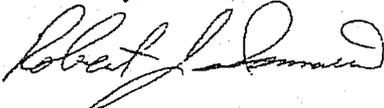
Subject: C023-04-01 Swan Southlands Specific Plan Modification

Dear Arlan:

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

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

Sincerely,



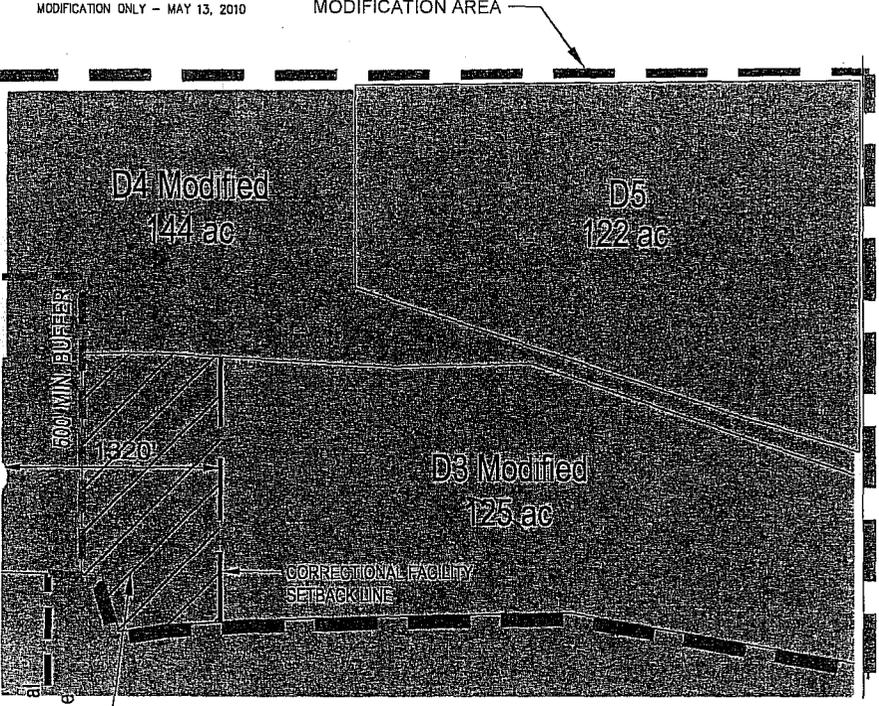
Robert J. Iannarino
Project Manager

RI:f

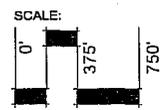
"Identity District D Modification"

Figure 14R with Option 1 for Parcel D3
Preliminary Development Plan

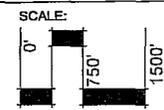
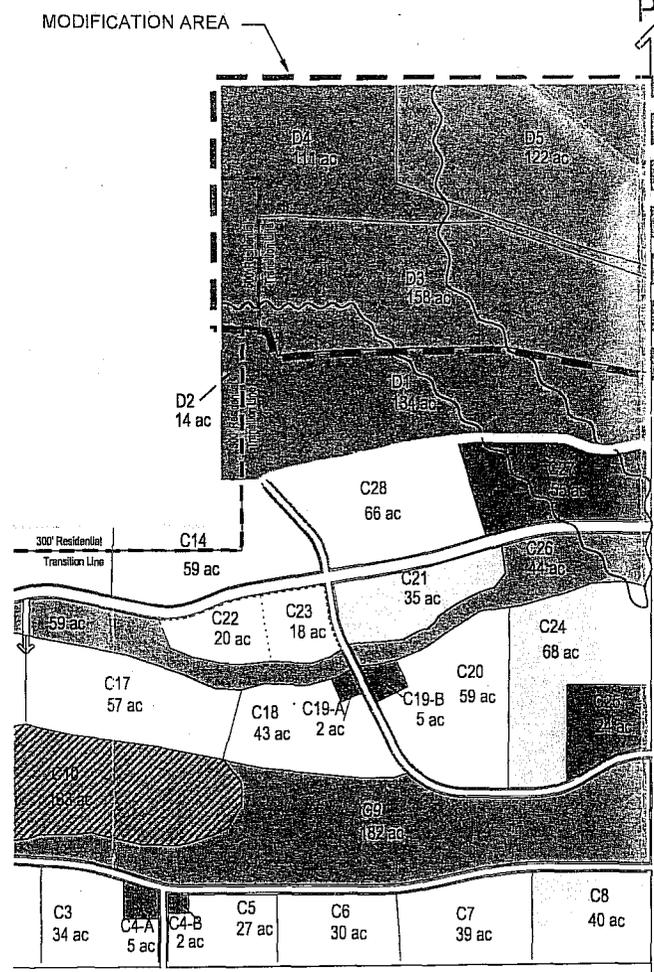
ATHERTON ENGINEERING, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
1203 E. MEADOWBROOK AVE. PHOENIX, AZ 85014-4028
(602) 278-7331 • FAX (602) 230-1908
MODIFICATION ONLY - MAY 13, 2010



HATCH AREA = 33 ACRES



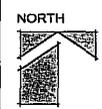
Option 1 Modification
if correctional facility use on Parcel D3,
then subject to Type 3 Conditional Use
Permit and add 33-acre open space buffer
(to existing 500' buffer)



Current Modification

LEGEND

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



WestLand Resources Inc.
Engineering and Environmental Consultants
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