



January 16, 2009

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SUBJ: Maricopa County Development Master Plan Amendment Case DMP2008006

On January 14, 2009, the Maricopa County Board of Supervisors (BOS) approved your request for a Development Master Plan Amendment for Hidden Waters Ranch. This site involves approx. 1,314 acres located on the south side of I-10, between 335th Ave. and 351st Ave. alignments (in the Tonopah area) as shown on the attached case map.

Approval is subject to the following stipulations:

- a. Development shall comply with the Development Master Plan document entitled "Hidden Waters Ranch Development Master Plan Major Amendment #1", a bound document, dated revised October 2008 and stamped received October 30, 2008, including the exhibits, maps, and appendices, except as modified by the following stipulations.
- b. Changes to the Hidden Waters Ranch Development Master Plan with regard to use and intensity, or changes to any of the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation by the Maricopa County Planning and Zoning Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, subdivision regulations, and zoning ordinance in effect at the time of application(s) submission. The Maricopa County Planning and Development Department may approve minor changes administratively as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Hidden Waters Ranch Development Master Plan narrative report, maps, and exhibits, or the stipulations of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.
- c. All stipulations of approval shall remain in effect in the event of a change in name of the Hidden Waters Ranch Development Master Plan.
- d. The initial final plat or precise plan for Hidden Waters Ranch Development Master Plan shall be approved by the Board of Supervisors within five (5) years of approval of this development master plan. If the initial final plat has not been approved within this timeframe, this development master plan will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County

Planning and Zoning Commission, to consider revocation of the adopted development master plan. If revoked, all zoning and other entitlement changes approved that are associated with Hidden Waters Ranch Development Master Plan shall also be considered for revocation by the Board of Supervisors, upon recommendation of the Commission, to the previous entitlements.

- e. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this Development Master Plan due to noncompliance with any of the approved stipulations.
- f. Prior to approval of any zone change, the master developer shall enter into a development agreement with Maricopa County. Further, prior to approval of any zone change this development agreement shall be signed by both the master developer and the designated Maricopa County representative(s) and provided to the Maricopa County Planning and Development Department for public record. Public lands included in this DMP that are administered by the Arizona State Land Department (ASLD) are not subject to this requirement. However, no zone change or other entitlement shall occur on public lands included in this DMP that are administered by the ASLD unless a separate development agreement between Maricopa County and the ASLD has been signed and approved by both parties. Should public lands in this DMP that are administered by the ASLD be transferred to a private party(ies), no zone change or other entitlement on such lands will be allowed until a separate development agreement between Maricopa County and the private party(ies) is signed by both the master developer and the designated Maricopa County representative(s) and provided to the Maricopa County Planning and Development Department for public record.
- g. The master developer shall be responsible for the construction of all public and private on-site roads within the Hidden Waters Ranch Development Master Plan. Further, the Hidden Waters Ranch homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and public facilities, washes, parks, roadway median landscaping, landscaping within public rights-of-way, and all pedestrian, bicycle, and multi-use paths.
- h. Prior to approval of each final plat, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identifies and assesses the native vegetation within the development parcels, and which determines the preservation/disposition for each of the selected native vegetation.
- i. Landscaping of all common areas and open spaces, except for identified recreational areas, within Hidden Waters Ranch shall consist of indigenous and near-native plant species of a xeriphytic nature.
- j. Unless waived by the Board of Supervisors at the time of final plat approval, all irrigation water supplied for common/open space areas and lakes over one (1) acre in size shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or Central Arizona Project (CAP) water, within five (5) years after issuance of the first building permit. Interim water for the purposes noted may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. Proof of conversion from groundwater to a renewable water supply shall be provided to the

Maricopa County Planning and Development Department within the three year requirement.

- k. The Hidden Waters Ranch Development Master Plan shall be developed sequentially as depicted on the phasing diagram contained in the Hidden Waters Ranch Development Master Plan narrative report. At its' discretion, the Maricopa County Planning and Development Department may administratively approve changes to the phasing plan.
- l. The total number of residential dwelling units for the Hidden Waters Ranch Development Master Plan shall not exceed 1,535. To help ensure compliance, the cumulative number of dwelling units platted to date, in relation to the identified limit, shall be identified on all plats.
- m. Any development parcel may exceed the total number of dwelling units by up to 5% as long as the subtotal within that area (Area A & Area B) is not exceeded. Changes between 5% and 10% may be processed as an administrative amendment.
- n. The master developer shall submit a written report to the Maricopa County Planning and Zoning Commission outlining the status of the Hidden Waters Ranch Development Master Plan every five years following Board of Supervisors approval. The status report shall discuss development progress, including the total number of units built and platted; locations of areas/parcels under construction, status of infrastructure development, status of non-residential property, progress on how the stipulations of approval are being implemented, and any other information as requested by the Maricopa County Planning and Development Department.
- o. Until annexation of the entire development master plan takes place, the master developer shall notify all future Hidden Waters Ranch Development Master Plan residents that they are not located within an incorporated city or town, and therefore will not be represented by, or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to municipally-managed services such as police, fire, parks, water, wastewater, libraries, and refuse collection. Such notice shall be included on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8 1/2 inch by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC & Rs).
- p. All park facilities shall be completed concurrently with residential development of the respective plat on which the park is shown.
- q. The project shall have one (1) neighborhood park site and not less than five (5) mini-parks a minimum of one-half acre each provided in the general locations identified in Figure 10 - Open Space Master Plan. All parks shall include recreational amenities. In addition, Dedicated Non-Developable Open Space shall be provided in the general locations shown on Figure 10 - Open Space Master Plan for preservation of wash corridors in their natural state. At the time of each preliminary plat submission, the master developer shall include a description of the status of the cumulative open space acreage and park numbers with respect to the requirements of this stipulation. A description of the types of recreational amenities that will be included in the Recreational Open Space and mini-parks shall also be

submitted with all preliminary plats to the Maricopa County Planning and Development Department.

r. Unless otherwise agreed to in writing by the by the Saddle Mountain Unified School District, one (1) school site at a minimum of 16.6 acres shall be reserved for a school at the location identified on the Hidden Waters Ranch land use plan.

s. The following Maricopa County Library District stipulation shall apply:

- \$596.00 per residential unit shall be paid to the Maricopa County Library District by the master developer as each residential building permit is issued for the purposes of future library service and infrastructure needs.

t. The following Maricopa County Parks and Recreation Department stipulations shall apply:

- At the time each residential building permit is issued, two-hundred fifty dollars (\$250) per residential unit will be paid by the developer to a park enhancement fund for trails and facilities enhancement and maintenance. The county shall deposit and hold all receipts in the parks special revenue fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing county appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage by Hidden Waters Ranch residents. Details regarding this assessment are to be addressed in the development agreement.

u. The following Maricopa County Department of Emergency Management stipulations shall apply:

1. Any areas not covered by the existing Outdoor Warning Siren System used to alert residents within the 10-mile Emergency Planning Zone of the Palo Verde Nuclear Generating Station in time of emergency shall be required to include additional sirens, at the developer's cost, in order to provide adequate warning for the residents of that development, using technical information concerning the siren system obtained from the Emergency Planning Department at the Palo Verde Nuclear Generating Station. In addition, adequate signage available from the Palo Verde Nuclear Generating Station Emergency Planning Department shall be required to be posted on the site to inform the public of the presence of a nuclear generating station in the vicinity and outlining actions to take upon receiving warning notification.
2. The developer shall ensure that public safety information regarding nuclear emergencies is initially provided to any new residents or building occupants. The applicant shall obtain this information from the Palo Verde Nuclear Generating Station – Emergency Planning Department. All costs associated with the duplication and dissemination of the initial distribution shall be assumed by the applicant. Thereafter, the Palo Verde Nuclear Generating Station will provide this public safety information annually.

v. The following Flood Control District of Maricopa County stipulations shall apply:

- The owner or his representative shall submit a Conditional Letter of Map Revision prior to any preliminary plat approvals.

w. The following Drainage Review stipulations shall apply:

1. All development and engineering design shall be in conformance with the Drainage Regulation and current policies, standards and best practices at the time of application for construction. No variance from Drainage Regulations or drainage engineering design standards is granted or entitled under this DMP.
2. Drainage review of planning, zoning and/or Development Master Plans cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Drainage Regulation and design policies and standards. Modeling submitted with this DMP is for conceptual level analysis only. All plats shall be submitted with appropriate and detailed model to reflect existing and proposed development conditions.

x. The following Maricopa County Department of Transportation stipulations shall apply:

1. The Developer has provided a Traffic Impact Study (TIS). The TIS has not yet been approved. The Developer must address all comments and resubmit the TIS until approved. The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS shall address the timing, including "trigger" points for when design should begin, and "thresholds" by which time construction should be complete. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated and approved prior to any zoning and/or preliminary plat approvals and with each development phase to reflect current conditions and any changes to the development plan. The need for additional lane capacity on offsite alignments will be reviewed with each re-submittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.
2. The Developer shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit and shall be paid to MCDOT at the time individual building permits are issued, or per an alternate agreement, as approved by MCDOT.
3. The Developer shall provide the ultimate full or half-width of right-of way for all public roadways. Right-of-way shall be provided as follows:
 - a. Buckeye Road: 100 feet (half-width)
 - b. Harrison Street: 40 feet (half-width); 80 feet (full-width)
 - c. Van Buren Street: 65 feet (half-width); 130 feet (full-width)

Manual," including ITS infrastructure requirements and the "Drainage Policies and Standards for Maricopa County.") Half-width roadways must be designed and constructed so as to safely carry two-way traffic until the ultimate roadway is constructed. Roadway improvement plans must be approved and permitted by MCDOT. The Developer shall relocate well site(s) and/or provide additional right-of-way in the event of conflict with any transportation facilities.

5. The Developer is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the Developer's contribution referred to in item #2.
6. The Developer shall provide all-weather access to all parcels and lots, and on all arterial roadways.
7. The Developer shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
8. The Developer shall not locate elementary or middle schools on arterial roads. (The schools may not "back up" to arterials.) Pedestrian routes to school shall be planned so if necessary, the route to school shall only cross arterials at signalized intersections.
9. The Developer shall design the development to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site, by means in addition to the roadway system. Crossings of arterials at other than signalized intersections may be required to be grade separated. The Developer shall prepare a comprehensive multimodal transportation and circulation plan (the "Multimodal Plan") which addresses public transit, bicycle, pedestrian, golf cart, equestrian, and other alternative uses. The Multimodal Plan must be approved before the subsequent approval of any roadway improvement plans.
10. If streetlights are provided, installation shall be provided by the Developer. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Developer should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
11. The Developer shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual. The Developer (or as assigned to the Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.
12. The Developer shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
13. The Developer shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)

14. The Developer shall provide written documentation of ADOT's review and response. ADOT documentation shall be received before any zoning (rezoning) or preliminary plat approval, or at the discretion of MCDOT.

y. The following Luke Air Force Base stipulation shall apply:

- The master developer shall notify future residents that they are located within the vicinity of a military training route with the following notification:

You are buying a home or property within the vicinity of a military training route, and may be subject to direct overflights and noise by Luke Air Force Base and other military jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flights per year, at an average of approximately 170 over flights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range, and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 A.M. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends."

Such notification shall be permanently posted in front of all home sales offices on not less than a 3 foot by 5 foot sign, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, be included in all covenants, conditions, and restrictions (CC & R's) and be included in the public report.

- z. At its discretion, the Maricopa County Planning and Development Department may administratively approve up to a 5% change in the gross area of any parcel that is subject to a planned area development zoning overlay. Such change, either individually or cumulatively, shall not result in a change of any land use category by 5% or greater. Changes greater than 5% either individually or cumulatively shall be processed as a revised application with approval by the Maricopa County Board of Supervisors upon recommendation by the Maricopa County Planning and Zoning Commission.

Please feel free to call me if you have any questions at 602-506-8520.

Sincerely,



John R. Verdugo, AICP, Senior Planner
Maricopa County Planning and Development



Matt Holm, AICP, Principal Planner
Maricopa County Planning and Development