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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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SEP 30 2013

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COMMISSIONERS

BOB STUMP, Chairman

GARY PIERCE

BRENDA BURNS

BOB BURNS

SUSAN BITTER SMITH

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY  
NR

IN THE MATTER OF THE APPLICATION OF  
BALTERRA SEWER CORP. FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE WASTEWATER  
SERVICE IN MARICOPA COUNTY, ARIZONA.

DOCKET NO. SW-20403A-05-0586

**MOTION FOR  
EXTENSION OF TIME**

Under Decision No. 71474 (January 26, 2010), Balterra Sewer Corp. ("BSC") is required to file an "Approval of Construction for its Phase I wastewater collection system" by September 30, 2013. BSC respectfully requests that it be granted a five year extension of time to file the Approval of Construction ("AOC").

BSC's CC&N was granted in Decision No. 68742 (June 5, 2006), and covers an area in western Maricopa County. BSC was originally formed by a developer, but after its CC&N was granted, it was subsequently acquired by Global Water Resources, Inc. That transaction was approved in Decision No. 70310 (April 24, 2008).

The delay in obtaining the AOC is due to the well-known downturn in the Arizona housing market. Many developers and utilities have been impacted by the downturn. Due to the downturn, BSC was faced with the choice of building the Phase I sewer system before it is needed simply to comply with the Decision, or requesting an extension of time from the Commission. Construction would be expensive and premature at this time. The public interest is best served by an extension of time that will allow construction to proceed closer to the actual time of development.

Although Global Water Resources, Inc. and BSC have not made the substantial investment needed to construct the Phase I facilities and obtain the AOC, Global Water Resources, Inc. has made a substantial investment in BSC and has made substantial efforts to comply with its CC&N requirements. For example:

1 (1) In Decision No. 68742, the Commission indicated that BSC should work closely  
2 with the water utility for the area, Water Utility of Greater Tonopah (WUGT), and required BSC to  
3 file detailed annual reports on its cooperation with WUGT on water conservation and the use of  
4 recycle water. Global Water Resources, Inc. previously acquired WUGT, and then invested a  
5 sizable amount to purchase BSC. The purchase of BSC allows WUGT and BSC to jointly offer  
6 integrated water, wastewater and recycled water services in this area.

7 (2) After a lengthy and expensive process, BSC obtained approval of its Section 208  
8 plan amendment under the Clean Water Act. The Section 208 plan amendment was filed with the  
9 Commission on July 6, 2007.

10 (3) BSC obtained its Arizona Department of Environmental Quality ("ADEQ")  
11 Arizona Pollutant Discharge Elimination System ("AZPDES") permit. BSC filed the AZPDES  
12 permit with Commission on November 26, 2008.

13 (4) BSC obtained the Approval to Construct (ATC) for its wastewater treatment plant,  
14 and filed the ATC with the Commission on July 19, 2007.

15 (5) BSC obtained a Maricopa County Franchise and filed the franchise with the  
16 Commission on July 25, 2006.

17 (6) Together with its sister companies, WUGT and Hassayampa Utilities Company,  
18 BSC has participated in the extensive and long-running Arizona Department of Water Resources  
19 assured water supply review for the Lower Hassayampa Sub-basin.

20 (7) BSC obtained a renewal of the Special Use Permit for its wastewater plant site on  
21 January 15, 2013 (See Attachment A).

22 (9) BSC has made numerous other compliance filings in this docket.

23 In total, Global Water Resources, Inc. has invested millions of dollars in BSC to enable it  
24 to reach this point. In light of this significant investment and the substantial progress BSC has  
25 made in meeting other compliance requirements, an extension of time is warranted.

26 In addition, on April 11, 2013, the landowners in the BSC CC&N obtained a renewal of the  
27 Designated Master Plan (DMP) from Maricopa County. (See Attachment B). The landowners

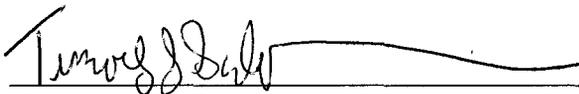
**ROSHKA DEWULF & PATTEN, PLC**  
ONE ARIZONA CENTER  
400 EAST VAN BUREN STREET - SUITE 800  
PHOENIX, ARIZONA 85004  
TELEPHONE NO 602-256-6100  
FACSIMILE 602-256-6800

1 listed Global Water as their provider of water and wastewater service. The DMP renewal  
2 demonstrates that the landowners continue to pursue development, and that they continue to need  
3 wastewater service from BSC.

4 A five year extension of time would match the period of the renewed SUP from Maricopa  
5 County. In addition, the Maricopa County DMP requires filing updated reports every five years.  
6 Thus a five year extension would synchronize the remaining CC&N condition to these other  
7 requirements. Therefore, BSC requests that the deadline for approval of the AOC be extended  
8 until September 30, 2018.

9 RESPECTFULLY SUBMITTED this 30<sup>th</sup> day of September 2013.

10 ROSHKA DEWULF & PATTEN, PLC

11  
12 By   
13 Timothy J. Sabo  
14 One Arizona Center  
15 400 East Van Buren Street, Suite 800  
16 Phoenix, Arizona 85004

17 Original + 13 copies of the foregoing  
18 filed this 30<sup>th</sup> day of September 2013, with:

19 Docket Control  
20 Arizona Corporation Commission  
21 1200 West Washington  
22 Phoenix, Arizona 85007

23 Copies of the foregoing hand-  
24 delivered/mailed  
25 filed this 30<sup>th</sup> day of September 2013, with:

26 Lyn A. Farmer, Esq.  
27 Chief Administrative Law Judge  
Hearing Division  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

Janice Alward, Esq.  
Chief Counsel, Legal Division  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

Steve Olea  
Director, Utilities Division  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

**ROSHKA DEWULF & PATTEN, PLC**  
ONE ARIZONA CENTER  
400 EAST VAN BUREN STREET - SUITE 800  
PHOENIX, ARIZONA 85004  
TELEPHONE NO 602-256-6100  
FACSIMILE 602-256-6800

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Mr. Brian Bozzo  
Compliance Manager  
Utilities Division  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

By Debbie Amund

# Attachment

"A"



**Maricopa County**  
Planning & Development Department

Glenn Bak  
Planner  
501 North 44<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85008  
Phone: (602) 372-0292  
Fax: (602) 506-8369  
[www.maricopa.gov/planning](http://www.maricopa.gov/planning)

January 15, 2013

Lindsay Schube  
Beus Gilbert PLLC  
701 N. 44<sup>th</sup> Street  
Phoenix, AZ 85008

Re: Approval of Status Report **Z2012101**

Dear Ms. Schube,

This is in reply to your submittal received December 5, 2012 for the Special Use Permit Z2006088. The site involves 6.6 acres, located South of Camelback Road and East of 411<sup>th</sup> Avenue.

Based on our review, staff has **approved** the Status Report subject to the following conditions:

- a. All stipulations of approval for Z2006088 shall remain intact as may be applicable.
- b. The applicant shall submit a written report outlining the status of the development no later than February 7, 2016. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.

All reviewing agencies have indicated that they have no objections.

If you have any questions, please contact me at 602-372-0292.

Sincerely,

  
Glenn Bak  
Planner



**Planning & Development  
Department**

**ONE  
STOP  
SHOP**

**STATUS REPORT APPLICATION  
APPLICATION MUST BE COMPLETED IN FULL**

**ALL FEES ARE DUE AT TIME OF APPLICATION AND ARE NON-REFUNDABLE**

<b>REQUEST</b>	
Title of Project	<u>Balterra Water Treatment Facility</u>
Description of Request:	<u>Status report for water treatment facility SUP</u>
Use of Property:	<u>Vacant</u>
Zoning District:	<u>Rural-43</u> Status Report Deadline: <u>2/7/12</u> Original SUP or MCP Case Number: <u>2 2006 ORB</u>
Related Case Number/s:	
Date SUP or MCP Approved:	<u>2/7/07</u> Date SUP or MCP Expires: <u>2/7/2057</u>
<b>PROPERTY INFORMATION</b>	
Address (if known):	
General location (include nearest city/town):	<u>Buckeye - Topopah S. of Camelback, east of 411 Ave.</u>
Size in Acres:	<u>6.1</u> Square Feet: <u>263,304</u>
Legal Description Section:	<u>24</u> Township: <u>2 NORTH</u> Range: <u>7 WEST</u>
Assessor's Parcel Number:	<u>586-34-018 F</u>
Subdivision Name (if applicable):	
<b>OWNER'S AUTHORIZED AGENT INFORMATION</b>	
Name:	<u>BEUS GILBERT PLLC</u> Contact: <u>LINDSAY SCHUBE</u>
Address:	<u>701 N. 44 ST</u>
City:	<u>Phoenix</u> State: <u>AZ</u> Zip: <u>85008</u>
Phone #:	<u>480 429 3006</u> Fax#: <u>480 429 3108</u>
E-mail Address:	
<b>PROPERTY OWNER INFORMATION</b>	
Name:	<u>Global Water, Inc.</u> Contact: <u>Joanne Ellsworth</u>
Address:	<u>21410 N. 19th AVE, SUITE 201</u>
City:	<u>Phoenix</u> State: <u>AZ</u> Zip: <u>85027</u>
Phone #:	<u>623-580-9600 x116</u> Fax#:
E-mail Address:	<u>joanne.ellsworth@gwrresources.com</u>
<b>PROPERTY OWNER AND OWNER'S AGENT AUTHORIZATION</b>	
I (property owner) <u>Ron Fleming for Global Water, Inc.</u> authorize (owner's agent) <u>Beus Gilbert PLLC</u> to file this application on all matters relating to this request with Maricopa County. By signing this form as the property owner I hereby agree to abide by any and all conditions that may be assigned by the Maricopa County Board of Supervisors, Maricopa County Planning and Zoning Commission, or Maricopa County Planning and Development Department staff as applicable, as part of any approval of this request, including stipulations, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.	
<b>VERIFICATION OF APPLICATION INFORMATION</b>	
I certify that the above statements and the statements in the attached narrative are true. If any of the statements are willfully false, I understand that I am subject to punishment and that any approvals or permits granted by Maricopa County in reliance upon the truthfulness of the above statements may be revoked or rescinded.	
Property Owner Signature:	Date: <u>November 29, 2012</u>



Planning & Development  
Department

**ONE  
STOP  
SHOP**

**STATUS REPORT APPLICATION  
APPLICATION MUST BE COMPLETED IN FULL**

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**REQUEST**

Title of Project: Baltava Waste Water Treatment Facility  
 Description of Request: Status Report for Waste Water Treatment Facility SUP  
 Use of Property: VACANT  
 Zoning District: Royal-43 Status Report Deadline: 2/7/12 Original SUP or MCP Case Number: 22006089  
 Related Case Number/s:  
 Date SUP or MCP Approved: 2/7/12 Date SUP or MCP Expires: 2/7/2057

**PROPERTY INFORMATION**

Address (if known):  
 General location (include nearest city/town): Buckeye-Tonopah West of 395 Ave. and north of Indian School Road  
 Size in Acres: 15 Square Feet: 649,322  
 Legal Description Section: 24 & 19 Township: 2 NORTH Range: 6 WEST  
 Assessor's Parcel Number: 506-34-020 E  
 Subdivision Name (if applicable):

**OWNER'S AUTHORIZED AGENT INFORMATION**

Name: BEUS GILBERT PLLC Contact: LINDSAY SCHUISE  
 Address: 701 N. 44th STREET  
 City: PHOENIX State: AZ Zip: 85008  
 Phone #: 480 429 3000 Fax#: 480 429 3100  
 E-mail Address:

**PROPERTY OWNER INFORMATION**

Name: GLOBAL WATER, INC. Contact: JOANNE ELLSWORTH  
 Address: 21410 N. 19 AVE  
 City: PHOENIX State: AZ Zip: 85027  
 Phone #: 623-580-9600 x 116 Fax#:   
 E-mail Address: joanne.ellsworth@gwvesources.com

**PROPERTY OWNER AND OWNER'S AGENT AUTHORIZATION**

I (property owner) Ron Fleming for Global Water, Inc. authorize (owner's agent) Beus Gilbert to file this application on all matters relating to this request with Maricopa County. By signing this form as the property owner I hereby agree to abide by any and all conditions that may be assigned by the Maricopa County Board of Supervisors, Maricopa County Planning and Zoning Commission, or Maricopa County Planning and Development Department staff as applicable, as part of any approval of this request, including stipulations, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.

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Property Owner Signature:

Date: November 29, 2012



**Maricopa County**  
Planning & Development Department

Glenn Bak  
Planner  
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January 15, 2013

Lindsay Schube  
Beus Gilbert PLLC  
701 N. 44<sup>th</sup> Street  
Phoenix, AZ 85008

Re: Approval of Status Report **Z2012100**

Dear Ms. Schube,

This is in reply to your submittal received December 5, 2012 for the Special Use Permit Z2006089. The site involves 14.99 acres, located West of 395<sup>th</sup> Ave. & North of Indian School Road in the Tonopah area.

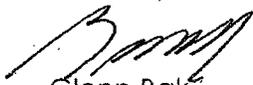
Based on our review, staff has **approved** the Status Report subject to the following conditions:

- a. All stipulations of approval for Z2006089 shall remain intact as may be applicable.
- b. The applicant shall submit a written report outlining the status of the development no later than February 7, 2016. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.

All reviewing agencies have indicated that they have no objections.

If you have any questions, please contact me at 602-372-0292.

Sincerely,

  
Glenn Bak  
Planner



Planning & Development  
Department

**ONE  
STOP  
SHOP**

**STATUS REPORT APPLICATION  
APPLICATION MUST BE COMPLETED IN FULL**

ALL FEES ARE DUE AT TIME OF APPLICATION AND ARE NON-REFUNDABLE

**REQUEST**

Title of Project: Balterra Water Treatment Facility  
 Description of Request: Status report for water treatment facility SUP  
 Use of Property: Vacant  
 Zoning District: Rural-43 Status Report Deadline: 2/7/12 Original SUP or MCP Case Number: 2 2006 ORB  
 Related Case Number/s:  
 Date SUP or MCP Approved: 2/7/07 Date SUP or MCP Expires: 2/7/2057

**PROPERTY INFORMATION**

Address (if known):  
 General location (include nearest city/town): Buckeye - Tongpak S. of Camelback, east of 411 Ave.  
 Size in Acres: 6.1 Square Feet: 263,304  
 Legal Description Section: 24 Township: 2 NORTH Range: 7 WEST  
 Assessor's Parcel Number: 566-34-018 F  
 Subdivision Name (if applicable):

**OWNER'S AUTHORIZED AGENT INFORMATION**

Name: BEUS GILBERT PLLC Contact: LINDSAY SCHUBE  
 Address: 701 N. 44 ST  
 City: PHOENIX State: AZ Zip: 85008  
 Phone #: 480 429 3006 Fax#: 480 429 3108  
 E-mail Address:

**PROPERTY OWNER INFORMATION**

Name: Global Water Inc. Contact: Joanne Ellsworth  
 Address: 21410 N. 19th AVE, SUITE 201  
 City: PHOENIX State: AZ Zip: 85027  
 Phone #: 623-580-9600 x116 Fax#:  
 E-mail Address: joanne.ellsworth@gwrresources.com

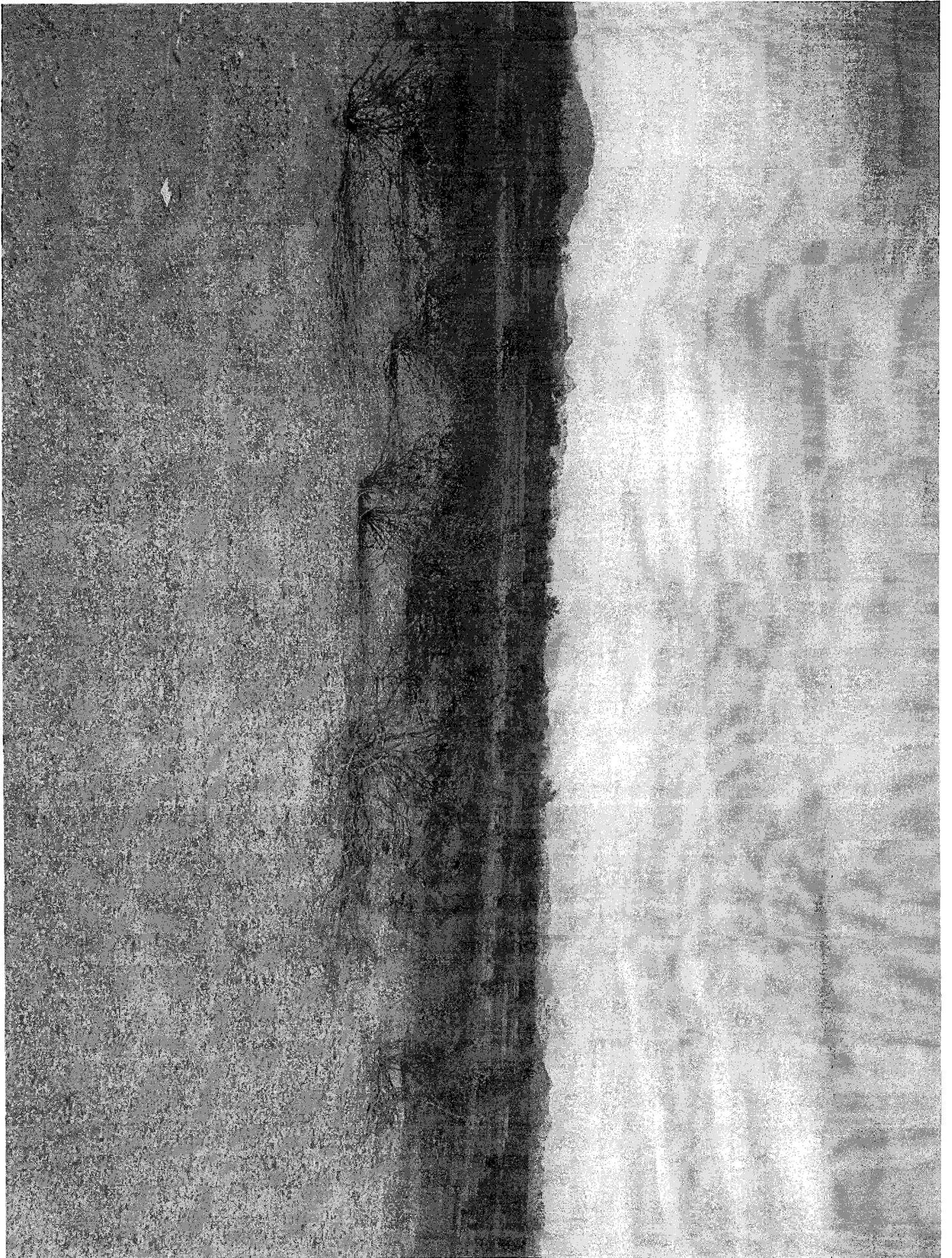
**PROPERTY OWNER AND OWNER'S AGENT AUTHORIZATION**

I (property owner) \_\_\_\_\_ authorize (owner's agent) Beus Gilbert PLLC  
 to file this application on all matters relating to this request with Maricopa County. By signing this form as the property owner I hereby agree to abide by any and all conditions that may be assigned by the Maricopa County Board of Supervisors, Maricopa County Planning and Zoning Commission, or Maricopa County Planning and Development Department staff as applicable, as part of any approval of this request, including stipulations, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.

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Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_



STATUS REPORT NARRATIVE  
Z2006088 AND 20006089

Z2006088 and Z2006089 are, respectively, Special Use Permits for the Balterra Water Supply Facility (WSF) and Waster Water Treatment Facility (WTF). The Special Use Permits were approved on February 7, 2007 while under the ownership of Fronterra Village LLC and were intended to serve Balterra and other developments situated in the far west valley. These Special Use Permits were each approved for a 25 year term period with a stipulation that a status report be provided within 5 years, and this report is submitted to satisfy that stipulation.

The economy sank into the Great Recession before these developments could begin construction and before there was enough demand for the facilities. Fronterra Village LLC eventually went into bankruptcy and conveyed the real property to Global Water Inc. on March 4, 2011.

These facilities will become essential when the economy rebounds to point that significant new housing development begins in the far west valley, and there are signs that the economy, including the housing sector, is growing stronger. However, nothing but the change of ownership has happened to these two sites since the initial approval. The current owner, Global Water Inc., is not a developer but a utility provider with all the resources necessary to improve and operate the facilities at the appropriate time.

In summary, the status is the sites are still vacant and the approved uses will be essential at some point in the future. Individual stipulations are addressed on the following pages.

Z2006088

- a. Development and use of the site shall comply with the site plan entitled "Site Plan for Special Use Permit Balterra Water Supply Facility", consisting of one (1) full-size sheet, dated October 2006 and stamped received October 18, 2006, except as modified by the following stipulations.

*The applicant is aware of this requirement.*

- b. Development and use of the site shall be in substantial compliance with the project narrative entitled, "Narrative Report for Special Use Application Submittal Balterra Water Supply Facility", consisting of four (4) pages, dated October 11, 2006 and stamped received October 18, 2006, except as modified by the following stipulations.

*The applicant is aware of this requirement.*

- c. Development of the site shall be in substantial conformance with the landscape plan entitled "Balterra Water Supply Facility Preliminary Landscape Plan", consisting of two (2) sheets, dated October 2006, and stamped received October 18, 2006, except as modified by the following stipulations.

*The applicant is aware of this requirement.*

- d. Prior to zoning clearance, 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.

*The applicant is aware of this requirement.*

- e. The site shall be equipped with no less than four (4) standard parking spaces and one (1) handicap-accessible parking space. Said spaces shall meet the standards as outlined in Section 1102 of the MCZO and shall be clearly marked with dimensions shown.

*The applicant is aware of this requirement.*

- f. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
  - i. Prior to zoning clearance, the developer shall provide a total half-width right-of-way of 65' with an additional 35' roadway easement along Camelback Road adjacent to the site.
  - ii. Prior to zoning clearance, the developer shall provide a total half-width right-of-way of 40' along 407<sup>th</sup> Avenue adjacent to the site.

- iii. Prior to zoning clearance, the developer shall bond for ultimate improvements (paving, curb, gutter & sidewalk) for perimeter roads.
- iv. Prior to Final Certificate of Occupancy, the site shall be served by paved access to county roadway.
- v. The site plan shall indicate the dimensions for parking spaces.
- vi. Any landscaping in county right-of-way must meet Chapter 9 of the Maricopa County Roadway Design Manual.
- vii. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.

*The applicant is aware of this requirement.*

- g. Approval of this Special Use Permit does not constitute legal authority to construct the facility. The developer shall obtain the necessary Approval to Construct from the Maricopa County Environmental Services Department prior to zoning clearance.

*The applicant is aware of this requirement.*

- h. Prior to building permit issuance, the developer shall obtain drainage clearance from the Drainage Review Division of the Maricopa County Planning and Development Department.

*The applicant is aware of this requirement.*

- i. Prior to zoning clearance or drainage clearance, the developer shall obtain a floodplain use permit from the Flood Control District of Maricopa County.

*The applicant is aware of this requirement.*

- j. All trees shall be double-staked when installed.

*The applicant is aware of this requirement.*

- k. A continuous parapet shall screen all roof-mounted equipment.

*The applicant is aware of this requirement.*

- l. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be

screened with landscape materials where possible. All HVAC units shall be ground-mounted or screened from view.

*The applicant is aware of this requirement.*

- m. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.

*The applicant is aware of this requirement.*

- n. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the Tonopah Valley Fire District. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the Fire District, and shall provide written confirmation that the site will be developed in accordance with their requirements.

*The applicant is aware of this requirement.*

- o. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.

*The applicant is aware of this requirement.*

- p. The applicant shall submit a written report outlining the status of the development at the end of five (5) years and 20 years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.

*This report is submitted pursuant to the requirement above for a 5-year status report.*

- q. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.

*The applicant is aware of this requirement.*

- r. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.

*The applicant is aware of this requirement.*

- s. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

*The applicant is aware of this requirement.*

- t. Property owners and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

*The applicant is aware of this requirement.*



Planning & Development  
Department

**ONE  
STOP  
SHOP**

**STATUS REPORT APPLICATION  
APPLICATION MUST BE COMPLETED IN FULL**

ALL FEES ARE DUE AT TIME OF APPLICATION AND ARE NON-REFUNDABLE

**REQUEST**

Title of Project: Baltava Waste Water Treatment Facility  
 Description of Request: Status Report for Waste Water Treatment Facility SUP  
 Use of Property: VACANT  
 Zoning District: Royal-43 Status Report Deadline: 2/7/12 Original SUP or MCP Case Number: 22006089  
 Related Case Number/s: \_\_\_\_\_  
 Date SUP or MCP Approved: 2/7/12 Date SUP or MCP Expires: 2/7/2057

**PROPERTY INFORMATION**

Address (if known): \_\_\_\_\_  
 General location (include nearest city/town): Buckeye-Tonopah West of 395 Ave. and north of Indian School Road  
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 Legal Description Section: 24 & 19 Township: 2 NORTH Range: 6 WEST  
 Assessor's Parcel Number: 506-34-020 E.  
 Subdivision Name (if applicable): \_\_\_\_\_

**OWNER'S AUTHORIZED AGENT INFORMATION**

Name: BEUS GILBERT PLLC Contact: LINDSAY SCHUISE  
 Address: 701 N. 44th STREET  
 City: PHOENIX State: AZ Zip: 85008  
 Phone #: 480 429 3000 Fax#: 480 429 3100  
 E-mail Address: \_\_\_\_\_

**PROPERTY OWNER INFORMATION**

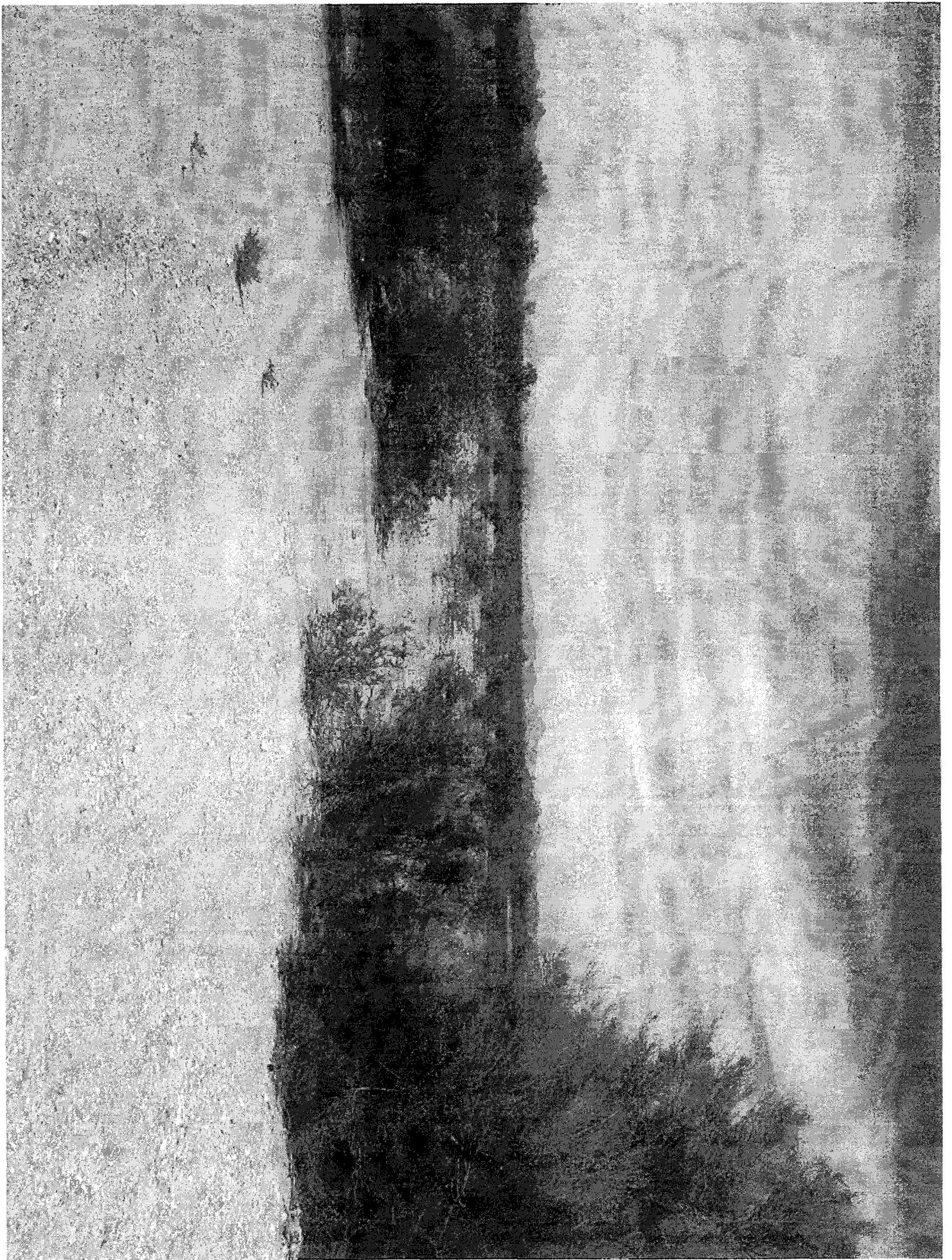
Name: GLOBAL WATER, INC. Contact: JOANNE ELLSWORTH  
 Address: 21410 N. 19 AVE  
 City: PHOENIX State: AZ Zip: 85027  
 Phone #: 623-580-9600 x 116 Fax#: \_\_\_\_\_  
 E-mail Address: joanne.ellsworth@gwresources.com

**PROPERTY OWNER AND OWNER'S AGENT AUTHORIZATION**

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**VERIFICATION OF APPLICATION INFORMATION**

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 Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_



STATUS REPORT NARRATIVE  
Z2006088 AND 20006089

Z2006088 and Z2006089 are, respectively, Special Use Permits for the Balterra Water Supply Facility (WSF) and Waster Water Treatment Facility (WTF). The Special Use Permits were approved on February 7, 2007 while under the ownership of Fronterra Village LLC and were intended to serve Balterra and other developments situated in the far west valley. These Special Use Permits were each approved for a 25 year term period with a stipulation that a status report be provided within 5 years, and this report is submitted to satisfy that stipulation.

The economy sank into the Great Recession before these developments could begin construction and before there was enough demand for the facilities. Fronterra Village LLC eventually went into bankruptcy and conveyed the real property to Global Water Inc. on March 4, 2011.

These facilities will become essential when the economy rebounds to point that significant new housing development begins in the far west valley, and there are signs that the economy, including the housing sector, is growing stronger. However, nothing but the change of ownership has happened to these two sites since the initial approval. The current owner, Global Water Inc., is not a developer but a utility provider with all the resources necessary to improve and operate the facilities at the appropriate time.

In summary, the status is the sites are still vacant and the approved uses will be essential at some point in the future. Individual stipulations are addressed on the following pages.

Z2006089

- a. Development and use of the site shall comply with the site plan entitled "Site Plan for Special Use Permit Balterra Wastewater Treatment Facility", consisting of two (2) full-size sheets, dated December 2006 and stamped received December 21, 2006 except as modified by the following stipulations.

*The applicant is aware of this requirement*

- b. Development and use of the site shall be in substantial compliance with the project narrative entitled "Narrative Report for Special Use Application Submittal Balterra Wastewater Treatment Facility", consisting of four (4) pages, dated October 11, 2006 and stamped received October 18, 2006, except as modified by the following stipulations.

*The applicant is aware of this requirement.*

- c. Development of the site shall be in substantial conformance with the landscape plan entitled "Balterra Wastewater Supply Facility Preliminary Landscape Plan", consisting of two (2) sheets, dated October 2006, and stamped received October 18, 2006, except as modified by the following stipulations.

*The applicant is aware of this requirement.*

- d. Prior to zoning clearance, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identified and assesses the native vegetation within the development parcels, and which determines the preservation/disposition for each of the selected native vegetation.

*The applicant is aware of this requirement.*

- e. Prior to development of any adjacent parcels, the master developer shall be responsible for the installation of the off-site screening and landscaping in accordance with the preliminary landscape plans approved with this request.

*The applicant is aware of this requirement.*

- f. The site shall be equipped with no less than four (4) standard parking spaces and one (1) handicap-accessible parking space. Said spaces shall meet the standards as outlined in Section 1102 of the MCZO and shall be clearly marked with dimensions shown.

*The applicant is aware of this requirement.*

- g. Prior to site development, the applicant shall take all necessary precautions including, but not limited to potholing the site to determine the exact location of the fiber optics cable that bisects the site. All construction documents prepared in conjunction with the site development shall reference this cable. The developer or developer's contractors shall carry an insurance rider in an amount necessary to cover the monetary losses incurred should the cable be damaged during cable location, site construction, or cable relocation. Should the cable need to be relocated to the public right-of-way, the developer shall coordinate closely with the appropriate transportation department (MCDOT and ADOT). Maricopa County shall not be responsible for any damage to the fiber optics cable or the monetary losses incurred from that damage.

*The applicant is aware of this requirement.*

- h. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
- i. Prior to zoning clearance, the developer shall provide a total full-width right-of-way of 80' along 407<sup>th</sup> Avenue adjacent to the site.
  - ii. Prior to zoning clearance, the developer shall coordinate with the Arizona Department of Transportation (ADOT) regarding the access to Indian School Road and shall comply with ADOT's requirements regarding said access.
  - iii. Prior to zoning clearance, the developer shall coordinate with the Arizona Department of Transportation (ADOT) regarding any improvements and right-of-way requirements for Indian School Road and shall comply with ADOT's requirements regarding said improvements.
  - iv. The site plan shall indicate the dimensions for parking spaces.
  - v. With a proposed 28,000 vehicles per day anticipated on Indian School Road, MCDOT Planning recommends a minimum of 130' right-of-way for Indian School Road. MCDOT will consider re-evaluating this requirement after corrected or combined Traffic Impact Study.

*The applicant is aware of this requirement.*

- i. Approval of this Special Use Permit does not constitute legal authority to construct the facility. The developer shall obtain the necessary Approval to Construct from the Maricopa County Environmental Services Department prior to zoning clearance.

*The applicant is aware of this requirement.*

- j. Prior to building permit issuance, the developer shall obtain drainage clearance from the Drainage Review Division of the Maricopa County Planning and Development Department.

*The applicant is aware of this requirement.*

- k. Prior to zoning clearance or drainage clearance, the developer shall obtain a floodplain use permit from the Flood Control District of Maricopa County.

*The applicant is aware of this requirement.*

- l. All trees shall be double-staked when installed.

*The applicant is aware of this requirement.*

- m. A continuous parapet shall screen all roof-mounted equipment.

*The applicant is aware of this requirement.*

- n. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.

*The applicant is aware of this requirement.*

- o. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.

*The applicant is aware of this requirement.*

- p. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the Tonopah Valley Fire District. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the Fire District, and shall provide written confirmation that the site will be developed in accordance with their requirements.

*The applicant is aware of this requirement.*

- q. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.

*The applicant is aware of this requirement.*

- r. The applicant shall submit a written report outlining the status of the development at the end of five (5) years and 20 years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.

*This report is submitted to satisfy this requirement.*

- s. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.

*The applicant is aware of this requirement.*

- t. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.

*The applicant is aware of this requirement.*

- u. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

*The applicant is aware of this requirement.*

- v. Property owners and their successors waive claim for diminution in value if the county takes action to rescind approval due to noncompliance with stipulations.

*The applicant is aware of this requirement.*

# Attachment

"B"



**Report to the Planning and Zoning Commission**  
Prepared by the Maricopa County Planning and Development Department



**Case:** DMP2012006 – Balterra

**Meeting Date:** April 11, 2013

**Agenda Item:** 2

**Supervisor Districts:** 5

**Applicant:** Beus Gilbert, PLLC

**Owner:** Balterra Holdings, LLC; A-C Freeway Limited Partnership; Chessen Freeway Limited Partnership; Count-Ashmann Freeway Limited Partnership; Davis-Condon Freeway Limited Partnership; Harris Freeway Limited Partnership; Kitzsteiner Freeway Limited Partnership; L&B Freeway Limited Partnership; L&L Freeway Limited Partnership; Nelson I Freeway Limited Partnership; Nelson II Freeway Limited Partnership; Roman Freeway Limited Partnership; Skinner Freeway Limited Partnership; S-P Freeway Limited Partnership; Stratemeier P&M Freeway Limited Partnership; W-O-K Freeway Limited Partnership; W-T Freeway Limited Partnership; Boschma Living Trust and Van Sant Living Trust; Global Water, Inc.

**Request:** Modification to the conditions of the Balterra Development Master Plan (ref. #DMP2005013)

**Site Location:** Generally north of Interstate 10 and Indian School Rd., south of Camelback Rd., west of 395<sup>th</sup> Ave., and east of 415<sup>th</sup> Ave. alignment.

**Site Size:** Approximately 1,100 acres

**County Island Status:** N/A

**County Plan:** The Balterra Development Master Plan (DMP) is approved as a mixed use master planned community.

**Municipal Plan:** N/A

**Municipal Comments:** N/A

**Support/Opposition:** None known

**Recommendation:** **Approve** with conditions

## Project Summary:

1. On December 20, 2006 the Board of Supervisors approved DMP2005013 to change the land use designation on approximately 1,100 acres for a mixed use master planned community known as Balterra. This is a request for modification of condition 'e' of the DMP which establishes a time frame for project progression.
2. As per condition 'e' of DMP2005013 the applicant is required to obtain initial final plat approval within five years of DMP approval, which meant no later than December 20, 2010. The following is the language for condition 'e' as it exists:
  - e. If the initial final plat has not been approved within four (4) years from the date of Board of Supervisors approval of this development master plan, 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. Further, should this development master plan be rescinded, all zoning and other entitlement changes approved as part of the Balterra Development Master Plan shall also be considered for reversion by the Board of Supervisors, upon recommendation of the Commission, to the previous entitlements.
3. The applicant is requesting that condition 'e' be eliminated or modified as follows:
  - e. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of DMP2012006 which details the status of this project, including progress on obtaining necessary entitlements, licenses, and permits; compliance with the conditions of approval; compliance with the approved narrative report; compliance with the approved land use plan; and justification as to how the approved land use plan still represents appropriate land use planning for the property and unincorporated Maricopa County in accordance with the goals and policies in its comprehensive and applicable area plan. This report shall be scheduled for public hearing by the Maricopa County Board of Supervisors (Board), upon recommendation by the Maricopa County Planning and Zoning Commission (Commission), to consider whether the planning justification for this DMP is still present, and whether the land use designations associated with this DMP still represent appropriate and better long-term land use planning in accordance with the goals and policies of the Maricopa County Comprehensive Plan and applicable area plan. If the Board rescinds this DMP and reverts the current land use designations back to Mixed Use and Rural, all entitlements associated with this project that were conditional pursuant to the Maricopa County Zoning Ordinance may also be considered by the Board, upon recommendation by the Commission, for reversion to the prior entitlements. In such an event, the comprehensive plan land use map, area plan land use map, and, as applicable, zoning map shall be altered to reflect Board action.
4. The applicant's narrative notes that since DMP approval a zone change, preliminary plat, and two SUP applications were submitted but never finalized due in part to unresolved issues regarding water and sewer service. The property has undergone

ownership changes since then, but the narrative notes that there is renewed excitement about the west valley and a lot of interest in the subject property.

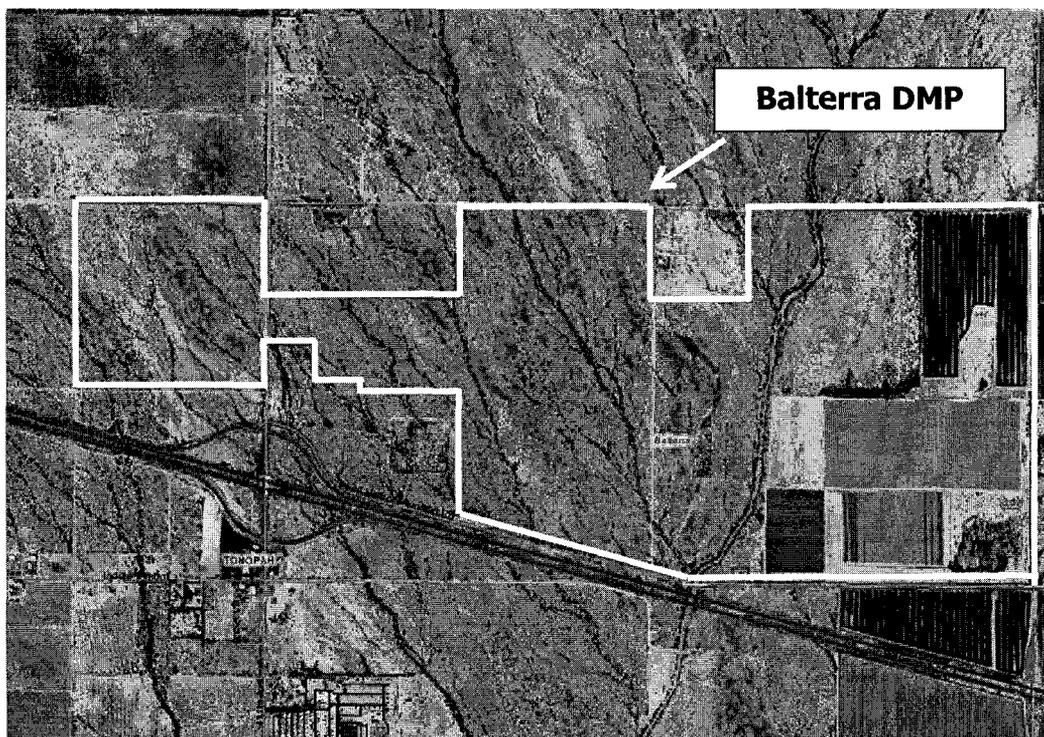
**Public Participation Summary:**

5. Staff sent public hearing notification to all property owners within 300' of the subject site. To date, staff hasn't received any correspondence either in support or opposition to this request.

**Existing On-Site and Adjacent Zoning/Land Use:**

6. On-site: Rural 43/vacant desert  
North: Rural 43/vacant desert  
South: Rural 43; C-3/vacant desert  
East: Rural 43/vacant desert; agriculture  
West: Rural 43/vacant desert

**Figure 1: Balterra DMP**



**Utilities and Services:**

- 7. Water: Global Water, Inc.
- Wastewater: Global Water, Inc.
- School District: Saddle Mountain Unified School District
- Fire: Unknown
- Police: Maricopa County Sheriff's Office

**Outstanding Concerns from Reviewing Agencies:**

- 8. N/A

**Staff Analysis:**

- 9. This DMP has not progressed as required per condition 'e' of DMP2005013 and no zone change or plats have been approved. That said, staff recognizes that economic conditions may have impeded progress and thus believes additional time may be warranted. However, given its distant location staff would recommend that a status report requirement remain to give future Commissions and Board of Supervisors an opportunity to consider whether the land use designations remain appropriate for the site, time, and local conditions.

**Recommendation:**

- 10. Staff recommends the Commission motion for **approval** of case **DMP2012006** in order to modify condition 'e' and, to prevent redundancy, eliminate condition 'n' of DMP2005012 as follows:

~~e. If the initial final plat has not been approved within four (4) years from the date of Board of Supervisors approval of this development master plan, 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. Further, should this development master plan be rescinded, all zoning and other entitlement changes approved as part of the Balterra Development Master Plan shall also be considered for reversion by the Board of Supervisors, upon recommendation of the Commission, to the previous entitlements.~~

e. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of DMP2012006 which details the status of this project, including progress on obtaining necessary entitlements, licenses, and permits; compliance with the conditions of approval; compliance with the approved narrative report; compliance with the approved land use plan; and justification as to how the approved land use plan still represents appropriate land use planning for the property and unincorporated Maricopa County in accordance with the goals and policies in its comprehensive and applicable area plan. This report shall be scheduled for public hearing by the Maricopa County Board of Supervisors (Board), upon recommendation by the Maricopa

County Planning and Zoning Commission (Commission), to consider whether the planning justification for this DMP is still present, and whether the land use designations associated with this DMP still represent appropriate and better long-term land use planning in accordance with the goals and policies of the Maricopa County Comprehensive Plan and applicable area plan. If the Board rescinds this DMP and reverts the current land use designations back to Mixed Use and Rural, all entitlements associated with this project that were conditional pursuant to the Maricopa County Zoning Ordinance may also be considered by the Board, upon recommendation by the Commission, for reversion to the prior entitlements. In such an event, the comprehensive plan land use map, area plan land use map, and, as applicable, zoning map shall be altered to reflect Board action.

- ~~n. The master developer shall submit a written report to the Maricopa County Planning and Zoning Commission outlining the status of the Balterra Development Master Plan every three 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.~~

All other conditions approved by the Board of Supervisors pursuant to case DMP2005013 shall remain in effect. All conditions listed in their entirety are as follows:

- a. Development shall comply with the Development Master Plan document entitled "Balterra Development Master Plan", a bound document, dated revised September 28, 2006 and stamped received October 2, 2006, including all exhibits, maps, and appendices, except as modified by the following stipulations.
- b. Within 30 days of approval by the Board of Supervisors, a revised DMP narrative report document and land use plan shall be submitted for review and approval by the Planning and Development Dept. with revisions to the educational and recreational open space parcels along 407th Avenue north of Campbell Avenue showing that the school site will not be bisected by the street, but maintaining the acreage of each of the parcels; and showing revisions to some of the non-developable open space parcels to offset 13 acres of expanded roadways, but still preserving any 404 jurisdictional washes.
- c. Changes to the Balterra 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 Balterra 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.

- d. All stipulations of approval shall remain in effect in the event of a change in name of the Balterra Development Master Plan.
- e. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of DMP2012006 which details the status of this project, including progress on obtaining necessary entitlements, licenses, and permits; compliance with the conditions of approval; compliance with the approved narrative report; compliance with the approved land use plan; and justification as to how the approved land use plan still represents appropriate land use planning for the property and unincorporated Maricopa County in accordance with the goals and policies in its comprehensive and applicable area plan. This report shall be scheduled for public hearing by the Maricopa County Board of Supervisors (Board), upon recommendation by the Maricopa County Planning and Zoning Commission (Commission), to consider whether the planning justification for this DMP is still present, and whether the land use designations associated with this DMP still represent appropriate and better long-term land use planning in accordance with the goals and policies of the Maricopa County Comprehensive Plan and applicable area plan. If the Board rescinds this DMP and reverts the current land use designations back to Mixed Use and Rural, all entitlements associated with this project that were conditional pursuant to the Maricopa County Zoning Ordinance may also be considered by the Board, upon recommendation by the Commission, for reversion to the prior entitlements. In such an event, the comprehensive plan land use map, area plan land use map, and, as applicable, zoning map shall be altered to reflect Board action.
- 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.
- g. The master developer shall be responsible for the construction of all public and private on-site roads within the Balterra Development Master Plan. Further, the Balterra homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and related 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 Balterra shall consist of indigenous and near-native plant species of a xeriphytic nature.
- j. All irrigation water supplied for common/open space areas and lakes shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or Central Arizona Project (CAP) water, within six (6) months after issuance of the 1,000th 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.
- k. The Balterra Development Master Plan shall be developed sequentially as depicted on the phasing diagram contained in the Balterra Development Master Plan narrative report.
- l. The total number of residential dwelling units for the Balterra Development Master Plan shall not exceed 4,458. 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. Development shall be prohibited on areas with a slope of 15% or greater.
- n. Until annexation of the entire development master plan takes place, the master developer shall notify all future Balterra 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 ½ inch by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).
- o. All park facilities shall be completed concurrently with residential development of the respective plat on which the park is shown.
- p. Not less than 42 acres shall be reserved for Recreational Open Space (ROS) land use. The project shall have four (4) neighborhood park sites of various acreages in the general locations shown in the Landscape Character Guidelines. Further, not less than twenty (20) mini-parks a minimum of 0.5 acres each shall be provided in the general locations identified in the Landscape Character Guidelines. All parks shall include recreational amenities. In addition, not less than 86 acres of dedicated, non-developable open space shall be provided in the general locations shown on the Land Use Plan for preservation of wash corridors in their natural state. There shall also be not less than 21 acres reserved

as neighborhood linear parks in the general locations identified on the Land Use Plan. 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.

- q. No less than 102 acres shall be reserved for neighborhood retail and community retail commercial land uses as depicted on the Balterra land use plan. To help ensure compliance, at the time of each preliminary plat or precise plan submittal the master developer shall include a description of the status of the cumulative commercial land use acreage platted to date with respect to the requirements of this stipulation.
- r. No less than 105 acres shall be reserved for business park, mixed use employment center and office employment center land uses as depicted on the Balterra land use plan. To help ensure compliance, at the time of each preliminary plat or precise plan submittal the master developer shall include a description of the status of the cumulative employment land use acreage platted to date with respect to the requirements of this stipulation.
- s. No less than 31 acres shall be reserved for mixed use as depicted on the Balterra land use plan. To help ensure that this area develops as outlined in the Maricopa County Development Master Plan Guidelines, no less than 13 acres of the total acreage of the mixed use shall be reserved for professional and semi-professional office-type uses. At the time of each preliminary plat or precise plan submittal, the master developer shall include a description of the status of the cumulative acreage platted to date with respect to the requirements outlined in this stipulation.
- t. Unless otherwise agreed to by the applicable school district, not less than two (2) school sites and a minimum of 29 acres shall be reserved for schools at the locations identified on the Balterra land use plan.
- u. Prior to zone change approval, the master developer shall provide a "will serve" letter and a Certificate of Convenience and Necessity from the Water Utility of Greater Tonopah demonstrating commitment to serve the entire Balterra Development Master Plan with water service, which is subject to approval by the Maricopa County Department of Environmental Services.
- v. Prior to zone change approval, the master developer shall provide a "will serve" letter and documentation of an approved MAG 208 amendment from Balterra Sewer Corporation demonstrating commitment to serve the entire Balterra Development Master Plan with wastewater service, which is subject to approval by the Maricopa County Department of Environmental Services.
- w. Prior to approval of the first preliminary plat, the master developer shall provide a "will serve" letter for fire protection from the Tonopah Valley Fire District or another qualified public or private fire service provider demonstrating

commitment to serve the entire Balterra Development Master Plan, which is subject to approval by the Maricopa County Planning and Development Department.

- x. An archaeological survey of the subject property shall be conducted prior to approval of any preliminary plat to locate and evaluate any cultural resources on the site. Once complete, a report of the results shall be provided to the Arizona State Historic Preservation Officer (SHPO) for review and comment before any ground disturbing activities related to development are initiated. The applicant shall perform an archaeological analysis to evaluate the eligibility of cultural resource sites for the National or State Register of Historic Places. If Register eligible properties cannot be avoided by development activities, then the Arizona SHPO shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the National Historic Preservation Act.
- y. \$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.
- z. 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 Balterra residents. Details regarding this assessment are to be addressed in the Development Agreement.
- aa. 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 the Balterra 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.
- bb. 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.

- cc. Prior to any final plat, the master developer shall enter into a development and Law Enforcement Services agreement with the Maricopa County Sheriff's Office (MCSO). This development agreement shall include, but not necessarily be limited to, the master developer's requirement to donate at no cost to the county, for use by the Maricopa County Sheriff's Office, their proportionate share of separate office space or land (the size to be determined in the development and Law Enforcement Services agreement), for law enforcement, or payment of fees when a permit is issued, for the Sheriff's Office to conduct day-to-day business related to providing law enforcement services to Balterra and surrounding areas. The office space complete with tenant improvements per Maricopa County Sheriff's Office requirements and associated parking or land shall be provided not later than two (2) years from the opening of the first model home complex within the DMP, or as agreed to in the development and Law Enforcement Services agreement. This development and Law Enforcement Services agreement may also include, but not necessarily be limited to, the master developer's requirement to pay their proportionate share for startup costs and interim fees for law enforcement services associated with the property unless it is annexed into an incorporated municipality or until a full law enforcement service contract is otherwise implemented. Startup costs would include vehicle purchase and patrol equipment, e.g. radios, tasers, and vehicle laptops. The developers who incur the above Sheriff substation startup costs shall be eligible for reimbursement from other service area developers, with the rate of reimbursement defined in the Development Agreement. This stipulation shall be modified should a Sheriff impact fee be enacted by the County. This development and Law Enforcement Services agreement shall include the terms listed in this stipulation unless otherwise mutually agreed to by MCSO and the master developer, furthermore, the development and Law Enforcement Services agreement shall be signed by both the master developer and the Maricopa County Sheriff's Office and provided to the Maricopa County Planning and Development Department for public record.
- dd. The following Maricopa County Drainage Review stipulation shall apply:
- The owner or his representative shall submit a variance in accordance with the Drainage Regulations (Section 503) and obtain approval prior to any preliminary plat approvals.
- ee. The following Flood Control District of Maricopa County stipulations shall apply:
1. Prior to any development, a Floodplain Use Permit will be required from the Regulatory Division of the Flood Control District.
  2. Prior to preliminary plat approval, a detailed drainage study based on the Federal Emergency Management Agency's criteria will be required. All washes over 50 cfs that do not originate on site must be delineated, placed in a tract or shown that the continuity of flow is maintained. The cross sections in the drainage report need to match those shown on the exhibits. The Zone A floodplain above Interstate 10 will need to be

addressed. Manning's "n" value between the drainage report and the erosion hazard delineation study should be consistent.

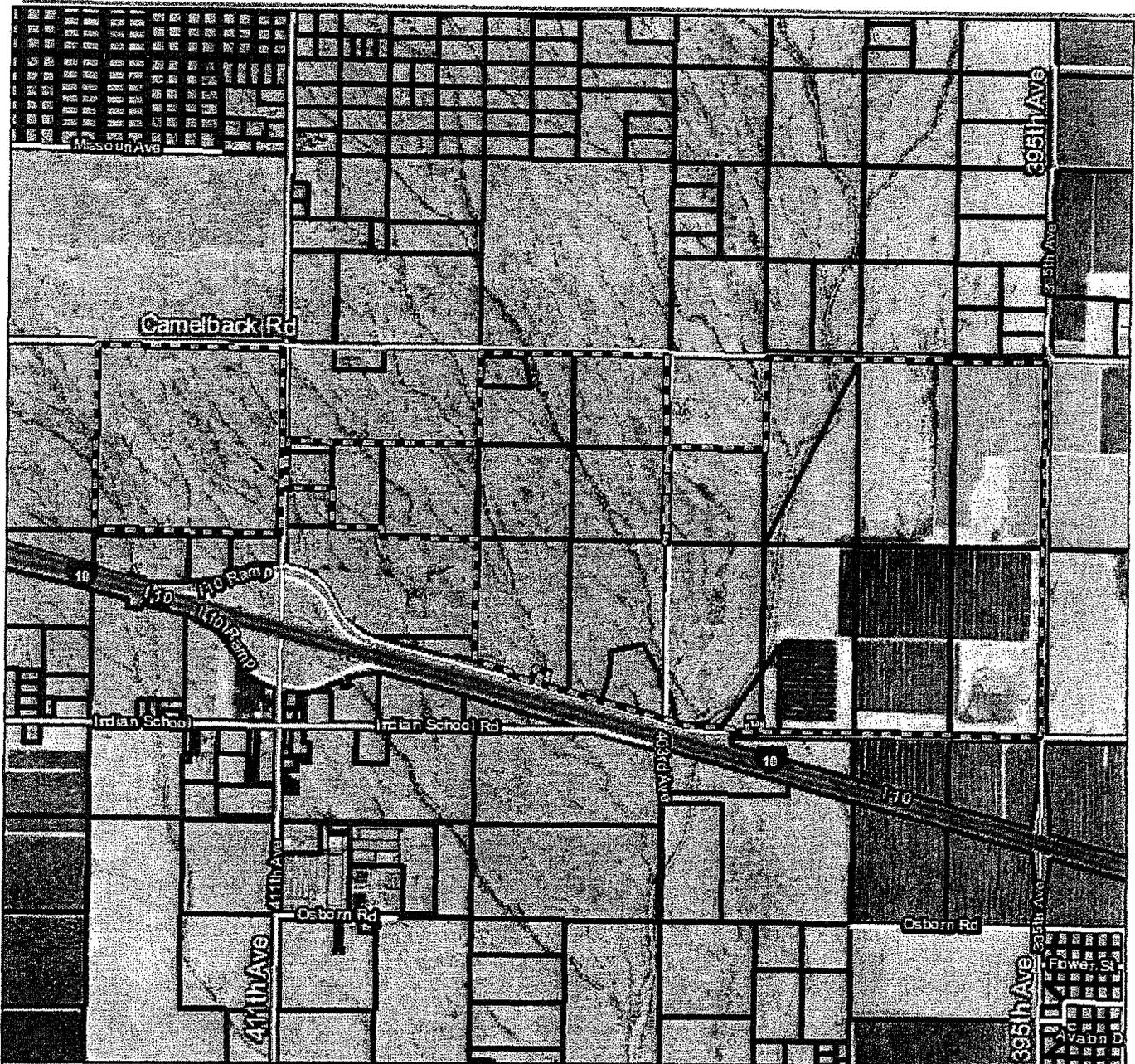
- ff. The following Maricopa County Department of Transportation stipulations shall apply:
1. The Traffic Impact Study (TIS) shall be updated prior to the first final plat approval and with each development phase to reflect current conditions and any changes to the development plan. The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demand with each phase. The TIS must be approved before subsequent approval of any roadway improvement plans. Additional lane capacity on offsite alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.
  2. The Applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Applicant may choose to construct off-site street improvements in lieu of payment of this contribution. Such off-site street improvements must be "system roadways," must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT may require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Applicant chooses not to construct off-site regional roadway improvements, the Applicant shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.
  3. If required per item 2 above, a Development Agreement shall be executed prior to any preliminary plat approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
  4. The Applicant shall provide the ultimate full-width of right-of way for all interior public roadways, and the ultimate half-width of right-of-way for all perimeter public roadways consistent with the Maricopa County Major Streets and Routes Plan, or as otherwise approved by MCDOT. Right-of-way shall be provided as follows:
    - a.) Camelback Road: 65 Feet half r/w (with additional 35 feet landscape/future roadway/public utility easement)
    - b.) Indian School Rd.: 65 Feet half r/w (within MCDOT jurisdiction)
    - c.) 395<sup>th</sup> Avenue: 65 Feet half r/w
    - d.) 411<sup>th</sup> Avenue: 65 Feet half r/w and 130 Feet full r/w
    - e.) Campbell Avenue (east of 411<sup>th</sup> Ave): 130 Feet full r/w  
Campbell Avenue (west of 411<sup>th</sup> Ave): 80 Feet full r/w
    - f.) 403<sup>rd</sup> Avenue: 80 Feet full r/w
    - g.) 407<sup>th</sup> Avenue: 80 Feet full r/w (both N & S of Campbell)
    - h.) 413<sup>th</sup> Avenue: 60 Feet full r/w

5. The Applicant shall construct the ultimate full-width interior public roadways and the ultimate half-width perimeter public roadways.
6. The Applicant shall design all roadways and public infrastructure to meet county standards in effect at the time improvements are constructed.
7. The Applicant shall provide all-weather access to all parcels and lots, and on all arterial roadways.
8. The Applicant shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
9. The Applicant shall not locate elementary or middle schools on arterial alignments.
10. The Applicant shall provide bike lanes on all arterial and major collector alignments. A bicycle circulation plan shall be provided and approved by MCDOT with each phase of development.
11. The Applicant shall design the project to promote pedestrian, bicycle, and other alternative modes of transportation to public facilities within and adjacent to the site (i.e., bus bays, electric vehicles, shared accommodations, internal trail systems, etc.).
12. If streetlights are provided, installation shall be provided by the Applicant. If streetlights are within public right-of-way, a Street Light Improvement District (SLID) or comparable authority must be established to provide operation and maintenance. The Applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
13. The Applicant shall design landscaping to comply with all MCDOT requirements and to conform to Chapter 9 of the MCDOT Roadway Design Manual. The Applicant (or as assigned to the Home Owner's Association) shall be responsible for maintenance of landscaping within public rights-of-way.
14. The Applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT prior to commencing construction.
15. The Applicant shall comply with all applicable local, state and federal requirements (dust control, noise mitigation, AZPDES, etc.).
16. The Applicant shall consult with ADOT regarding access to the I-10 freeway and use of Indian School Road within ADOT right-of-way. The Applicant shall provide written documentation of ADOT's approval and requirements.

Presented by: Matt Holm, Comprehensive Planning Supervisor  
Reviewed by: Darren Gerard, Deputy Director

Attachments: Case Map (1 page)  
Vicinity Map (1 page)  
Narrative Report Summary (3 pages)  
MCDOT comments (1 page)  
MCESD comments (1 page)  
DPR comments (1 page)  
FCD comments (2 pages)  
MCDEM comments (1 page)

# MARICOPA COUNTY



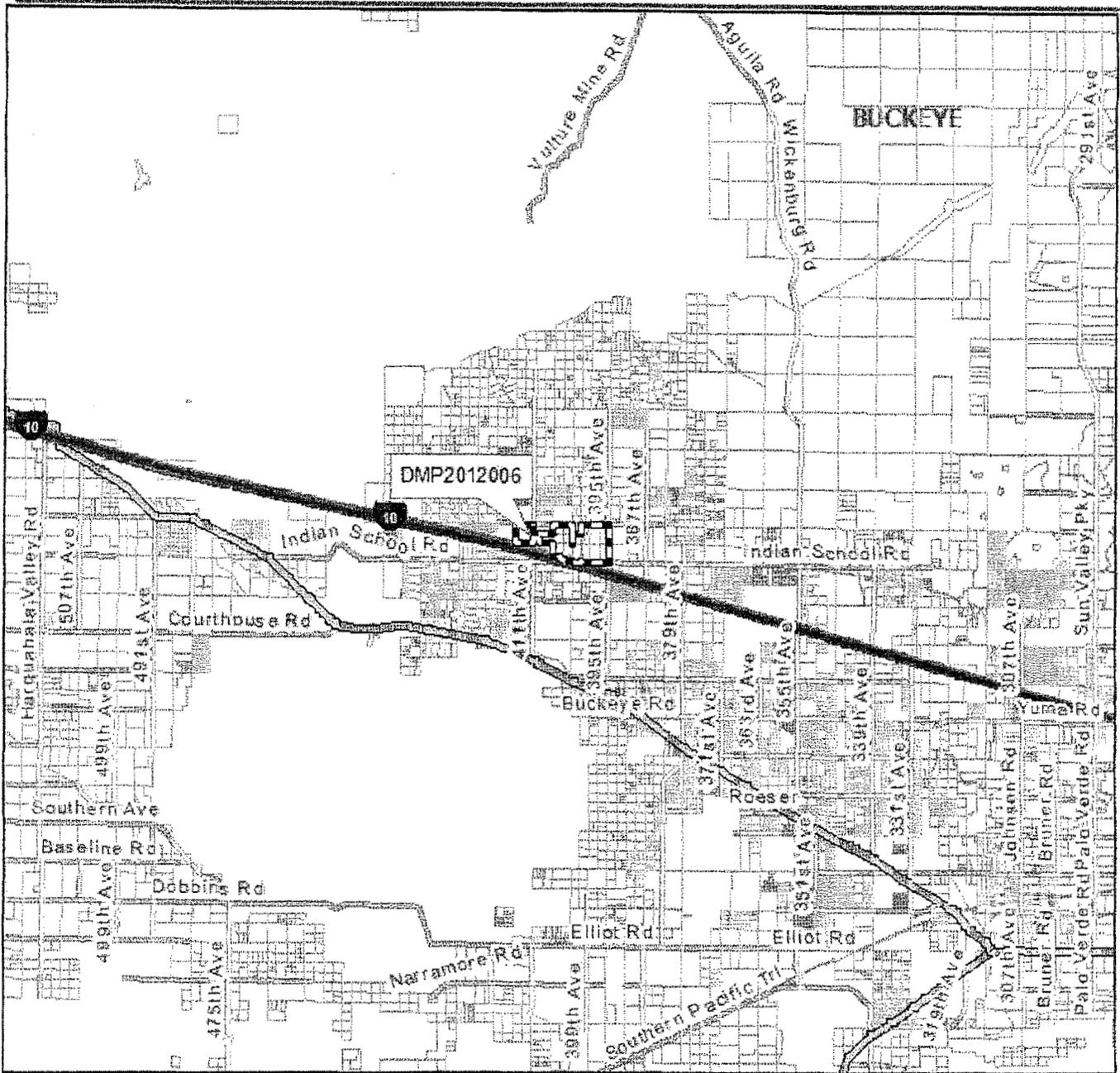
Drawn By: SJ	Date: 12/6/2012	Legal Description: T02N R06W 19 and T02N R07W 23 & 24
Applicant:	Lindsay Schube for Beus Gilbert PLLC	Phone: 480-429-3017
Case Address:	North of I-10 and Indian School Rd, South of Camelback Rd, West of 395th Ave and East of 415th Ave alignment	Parcel: 506-34-008A, -015H,J,K&L, -018A,C,D,E&F, -020B,D&E 506-36-020J,K&L, -021B & C, -022G,H,J,K&L and -023 B&C

**DMP2012006**

## SUPERVISORAL DISTRICT NO. 5

Modification of stipulation "e" from DMP2005013 approved on December 20, 2006 (1,100 acres)

# MARICOPA COUNTY



Drawn By: SJ	Date: 12/6/2012	Legal Description: T02N R06W 19 and T02N R07W 23 & 24
Applicant: Lindsay Schube for Beus Gilbert PLLC	Phone: 480-429-3017	<b>DMP2012006</b>
Case Address: North of I-10 and Indian School Rd, South of Camelback Rd, West of 395th Ave and East of 415th Ave alignment	Parcel: 506-34-008A, -015H,J,K&L, -018A,C,D,E&F, -020B,D&E, 506-36-020J,K&L, -021B & C, -022G,H,J,K&L and -023 B&C	

## SUPERVISORAL DISTRICT NO. 5

Modification of stipulation "e" from DMP2005013 approved on December 20, 2006 (1,100 acres)

# **Balterra Development Master Plan**

Original DMP 2005013

**DMP 2012006**

## **Stipulation Modification Narrative**

December 5, 2012

Revised: February 20, 2013

**Applicant:**

Beus Gilbert PLLC

Contact: Lindsay Schube, Esq.

4800 N. Scottsdale Road, Suite 6000

Scottsdale, AZ 85251

480-429-3017

lschube@beusgilbert.com

**RECEIVED MAR 06 2013**

## **Development Master Plan Overview**

The Development Master Plan ("DMP") was approved by the Maricopa County Board of Supervisors in on December 20, 2006. In the time since its approval, the property owner submitted a zone change application, a preliminary plat application and two (2) Special Use Permit applications for the first phase of development the property. These applications were never finalized, due in part to the water and wastewater issues in the area. The applicant was forced to wait until the issues with the MAG 208 permit was rectified before the County would proceed with the zone change, preliminary plat and Special Use Permit applications. Unfortunately, due to the downturn in the economy the property has undergone many ownership changes in the past few years. In recent months there is renewed excitement regarding the west valley and there is a lot of interest in the subject property.

The 1100± acre project, as approved, includes a mix of residential, parks and open space, commercial, education and mixed use components. As approved, this project includes 839 acres of residential property, 254 acres of commercial and industrial as well as accommodations for schools, churches, water and wastewater facilities. Capitalizing on the 86 acre dedicated open space system, a trail system was designed to create a connection between the residential neighborhoods, the school and parks.

The Development Master Plan process is intended to facilitate long-term planning of master planned communities and is an extension of the County's Comprehensive Plan process. Importantly, the Development Master Plan process is intended to promote flexibility in the development of large tracts of undeveloped land. Due to the current market conditions the DMP and the accompanying stipulations of approval should recognize and reflect that the DMP development process represents a long term commitment by both the County and the developer.

## **Stipulation Modification Request**

The approved DMP includes thirty-three individual stipulations that govern the development of the project. These stipulations are comprehensive in nature and ensure that future planning and entitlement efforts take into consideration critical elements of urban planning such as transportation infrastructure, public utilities, parks and open space requirements, the appropriate mix of land uses, environmental concerns, schools, and municipal services. Stipulation "e" of the DMP states:

If the initial final plat has not been approved within four (4) years from the date of Board of Supervisors approval of this amendment, this development master plan will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation from the Maricopa County Planning and Zoning Commission, to consider revocation of the adopted development master plan. Further, should this development master plan be rescinded, all zoning and other entitlement changes approved as part of the Balterra Development Master Plan shall also be considered for revocation by the Board of Supervisors, upon recommendation of the Commission, to the previous entitlements.

Based on the timeframe allotted in Stipulation "e," a final subdivision plat for Balterra should have been filed and approved prior to December 20, 2010 and the County has initiated proceedings to revoke the DMP. This application seeks to modify Stipulation "e" from the DMP stipulations.

As discussed above, the DMP is a long term planning guide that fulfills a role similar to that of the County's Comprehensive Plan. Although the DMP may require refinement over time in order to respond to the changing development conditions, the overall master plan is designed to guide the project through buildout. Stipulation "e," which requires approval of the final plat within a relatively brief timeframe, has ultimately imposed an artificially short development deadline on a master plan in an economic downturn. The revocation of the DMP and all other entitlements if a final plat is not approved by December 20, 2010 is a drastic consequence considering the amount of time, effort and resources that have been expended by both the County and the DMP ownership group to plan and entitle the property. We believe that the Stipulation "e" is inconsistent with the intent behind establishing the DMP and we respectfully request that Stipulation "e" either be removed in its entirety or if it must remain, it be modified to grant an additional five years and to read as follows:

The applicant shall submit a written report every five years from the date of Board of Supervisors approval of DMP2012006 which details the status of this project, including progress on obtaining necessary entitlements, licenses, and permits; compliance with the conditions of approval; compliance with the approved narrative report; compliance with the approved land use plan; and justification as to how the approved land use plan still represents appropriate land use planning for the property and unincorporated Maricopa County in accordance with the goals and policies in its comprehensive and applicable area plan. This report shall be scheduled for public hearing by the Maricopa County Board of Supervisors (Board), upon recommendation by the Maricopa County Planning and Zoning Commission (Commission), to consider whether the planning justification for this DMP is still present, and whether the land use designations associated with this DMP still represent appropriate and better long-term land use planning in accordance with the goals and policies of the Maricopa County Comprehensive Plan and applicable area plan. If the Board rescinds this DMP and reverts the current land use designations back to Mixed Use and Rural, all entitlements associated with this project that were conditional pursuant to the Maricopa County Zoning Ordinance may also be considered by the Board, upon recommendation by the Commission for reversion to the prior entitlements. In such an event, the comprehensive plan land use map, area plan land use map, and, as applicable, zoning map shall be altered to reflect Board action.



# Maricopa County

## ENGINEERING DIVISION INTEROFFICE MEMORANDUM

DATE: December 10, 2012

TO: Matt Holm  
Maricopa County Department of Planning and Development

FROM: Gerald J. Toscano, P.E., Development Services *PT*

SUBJECT: DMP 2012-06 (DMP 2005-13) Balterra  
Stipulation modification

As requested, the Department of Transportation has reviewed a stipulation modification for the existing development covered by DMP 2012-06 (DMP 2005-13) received on December 7, 2012.

We have no objections to the approval of this time extension.

GJT



**Maricopa County**  
Environmental Services Department

Water and Waste Management  
Division  
Subdivision Infrastructure &  
Planning Program  
1001 N. Central Avenue #150  
Phoenix, Arizona 85004  
Phone: (602) 506-0376  
Fax: (602) 506-5813  
TDD 602 506 6704

**DATE:** December 10, 2012

**TO :** Matthew Holm, Planning & Development Dept.  
Senior Planner

**FROM:** Wesley A. Shoner, P.E.  
Senior Civil Engineer

**SUBJECT:** Balterra Development Master Plan (DMP) stipulation modification;  
DMP2012006

The Maricopa County Environmental Services Department (MCESD) has received documentation for a stipulation modification to the Development Master Plan (DMP2005013) for the Balterra project.

Based on the submitted documentation, Balterra encompasses about 1110 acres of land which is situated between I-10 freeway and Indian School Road; 395<sup>th</sup> to 411<sup>th</sup> Avenue in the general Tonopah area. The DMP allows for a variety of residential and commercial zonings within the development.

The DMP was approved on December 20, 2006. Since then, the nation's economy has regressed and the new housing market has virtually disappeared. Because of this, the applicant is requesting another 5 years for the first final plat; as initially required in stipulation "e" of the DMP; or the elimination of stipulation "e" altogether. All other stipulations will remain from the approved DMP.

Based on the above, MCESD **raised no objections** to the Planning & Development Department in Permits Plus on December 10, 2012 and can allow the project to proceed at this time subject to the following stipulations:

**Stipulations: None**

It should be noted that several other Maricopa County agencies must review and recommend approval of this project. Final approval authority for this project rests with the Maricopa County Board of Supervisors.



**Maricopa County**  
Planning & Development Department

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501 North 44<sup>th</sup> St., Suite 200  
Phoenix, Arizona 85008  
Phone: (602) 506-3301  
Fax: (602) 506-8510

**Date:** December 7, 2012

**Memo To:** Darren Gerard, Deputy Director, Department of Planning & Infrastructure Development

**Attn:** Matthew Holm, Planner, Project Management Division

**From:** Bill Poppe, Plans Examiner Specialist (Drainage)

**Via:** Michael Norris, Drainage Engineering Manager, Planning and Development

**Subject:** DMP2012006 Balterra Stip Mod---Time extension

*Drainage Plan Review has no objection to the proposed time extension for this project.*

An on-line presentation of the County's Drainage review process is available at,  
**<http://www.maricopa.gov/planning/Resources/Regulations/Drainage.aspx>**.

Additional resources may be found at

**<http://www.maricopa.gov/planning/BuildingServices/DrainageReviewRequest.aspx>**

Please contact me if you have any questions or require clarification of these comments.

If there are any questions please contact me at 602-506-6332.

Bill Poppe, Plans Examiner Specialist (Drainage)



# Flood Control District of Maricopa County

## INTEROFFICE MEMORANDUM

**Date:** December 11, 2012

**To:** Darren V. Gerard, AICP, Deputy Director  
Maricopa County Planning & Development Department

**Attn:** Matthew Holm, AICP, Principal Planner, Comprehensive Planning Division

**From:** Cliff DeVlieg, CFM, Hydrologist, Floodplain Mgmt. & Services Division

**Via:** Kelli A. Sertich, AICP, CFM, Floodplain Mgmt. & Services Division Manager

**Subject:** DMP 2012-006 (Development Master Plan – Stipulation “e” Modification for Balterra)  
(Floodplain Review – Plans & submittals dated December 5, 2012)

The subject property contains a delineated 100-year (one percent chance) floodplain, Zone A (Special Flood Hazard Area). The Flood Control District is currently in the process of developing a detailed Floodplain Delineation Study in this area. The Palo Verde Watershed Detailed Floodplain Delineation Study will determine detailed special flood hazard boundaries and base flood elevations in accordance with NFIP regulations, Arizona Revised Statutes, and the Floodplain Regulations for Maricopa County. The District plans to submit the Floodplain Delineation Study to the Federal Emergency Management Agency for approval. Prior to any development approval in this area, developers of land must prepare a study using the information developed by the District for the Palo Verde Watershed Detailed Floodplain Delineation Study. Please contact Jeff Shelton of our office at (602) 506-4486 for specific information about this Floodplain Delineation Study.

The proposed use would not be in conflict with any existing or proposed Flood Control District projects. We have no objections to the approval of the stipulation modification request; however, other County ordinances will need to be complied with.

Other details of this plan have not been reviewed, nor have we determined whether this development meets current drainage design standards, but rather we rely on the expertise at the Planning & Development Department to provide such review. Any comments that we provide, or information contained herein relates to the interaction of this project with District-managed floodplains and projects, or special problems or concerns that we may be aware of in this general vicinity within the Flood Control District's scope of jurisdiction.

If you have any questions, please contact me at (602) 506-0282.

CLD/ag

Copy to: Gerald Toscano, P.E., MCDOT



**Maricopa County**  
Department of Emergency Management

5630 East McDowell Road  
Phoenix, Arizona 85008-3403  
Phone: (602) 273-1411  
Fax: (602) 275-1638  
TT: (602) 244-1638

DATE: December 13, 2012  
TO: Matt Holm, AICP, Comprehensive Planning Supervisor  
FROM: Pete Weaver, Director   
THROUGH: John Padilla, Emergency Planner   
RE: Balterra Development Master Plan stipulation modification,  
Case # DMP2012006

The Maricopa County Department of Emergency Management has reviewed the documents provided by the Maricopa County Planning and Development Department for the above referenced project dated December 5, 2012. We have no comments relating to that project.

If you have any questions regarding our comments, please contact John Padilla at (602) 273-1411.



## Planning & Development Department

**ONE  
STOP  
SHOP**

May 8, 2013

Beus Gilbert  
Attn: Lindsay Schube  
701 N. 44<sup>th</sup> Street  
Phoenix, Arizona 85008

SUBJ: Maricopa County Case Number DMP2012006

On May 8, 2013 the Maricopa County Board of Supervisors (BOS) approved your request for modification of conditions of the Balterra Development Master Plan. The approx. 1,100 acres site is generally located north of Interstate 10 and Indian School Rd., south of Camelback Rd., west of 395<sup>th</sup> Ave., and east of 415<sup>th</sup> Ave. alignment.

Approval is subject to the following conditions:

- a. Development shall comply with the Development Master Plan document entitled "Balterra Development Master Plan", a bound document, dated revised September 28, 2006 and stamped received October 2, 2006, including all exhibits, maps, and appendices, except as modified by the following stipulations.
- b. Within 30 days of approval by the Board of Supervisors, a revised DMP narrative report document and land use plan shall be submitted for review and approval by the Planning and Development Dept. with revisions to the educational and recreational open space parcels along 407<sup>th</sup> Avenue north of Campbell Avenue showing that the school site will not be bisected by the street, but maintaining the acreage of each of the parcels; and showing revisions to some of the non-developable open space parcels to offset 13 acres of expanded roadways, but still preserving any 404 jurisdictional washes.
- c. Changes to the Balterra 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 Balterra 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.
- d. All stipulations of approval shall remain in effect in the event of a change in name of the Balterra Development Master Plan.
- e. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of DMP2012006 which details the status of this project,

including progress on obtaining necessary entitlements, licenses, and permits; compliance with the conditions of approval; compliance with the approved narrative report; compliance with the approved land use plan; and justification as to how the approved land use plan still represents appropriate land use planning for the property and unincorporated Maricopa County in accordance with the goals and policies in its comprehensive and applicable area plan. This report shall be scheduled for public hearing by the Maricopa County Board of Supervisors (Board), upon recommendation by the Maricopa County Planning and Zoning Commission (Commission), to consider whether the planning justification for this DMP is still present, and whether the land use designations associated with this DMP still represent appropriate and better long-term land use planning in accordance with the goals and policies of the Maricopa County Comprehensive Plan and applicable area plan. If the Board rescinds this DMP and reverts the current land use designations back to Mixed Use and Rural, all entitlements associated with this project that were conditional pursuant to the Maricopa County Zoning Ordinance may also be considered by the Board, upon recommendation by the Commission, for reversion to the prior entitlements. In such an event, the comprehensive plan land use map, area plan land use map, and, as applicable, zoning map shall be altered to reflect Board action.

- 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.
- g. The master developer shall be responsible for the construction of all public and private on-site roads within the Balferra Development Master Plan. Further, the Balferra homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and related 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 Balferra shall consist of indigenous and near-native plant species of a xeriphytic nature.
- j. All irrigation water supplied for common/open space areas and lakes shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or Central Arizona Project (CAP) water, within six (6) months after issuance of the 1,000th 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.
- k. The Balferra Development Master Plan shall be developed sequentially as depicted on the phasing diagram contained in the Balferra Development Master Plan narrative report.

- l. The total number of residential dwelling units for the Balterra Development Master Plan shall not exceed 4,458. 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. Development shall be prohibited on areas with a slope of 15% or greater.
- n. Until annexation of the entire development master plan takes place, the master developer shall notify all future Balterra 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 ½ inch by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).
- o. All park facilities shall be completed concurrently with residential development of the respective plat on which the park is shown.
- p. Not less than 42 acres shall be reserved for Recreational Open Space (ROS) land use. The project shall have four (4) neighborhood park sites of various acreages in the general locations shown in the Landscape Character Guidelines. Further, not less than twenty (20) mini-parks a minimum of 0.5 acres each shall be provided in the general locations identified in the Landscape Character Guidelines. All parks shall include recreational amenities. In addition, not less than 86 acres of dedicated, non-developable open space shall be provided in the general locations shown on the Land Use Plan for preservation of wash corridors in their natural state. There shall also be not less than 21 acres reserved as neighborhood linear parks in the general locations identified on the Land Use Plan. 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.
- q. No less than 102 acres shall be reserved for neighborhood retail and community retail commercial land uses as depicted on the Balterra land use plan. To help ensure compliance, at the time of each preliminary plat or precise plan submittal the master developer shall include a description of the status of the cumulative commercial land use acreage platted to date with respect to the requirements of this stipulation.
- r. No less than 105 acres shall be reserved for business park, mixed use employment center and office employment center land uses as depicted on the Balterra land use plan. To help ensure compliance, at the time of each preliminary plat or precise plan submittal the master developer shall include a description of the status of the cumulative employment land use acreage platted to date with respect to the requirements of this stipulation.
- s. No less than 31 acres shall be reserved for mixed use as depicted on the Balterra land use plan. To help ensure that this area develops as outlined in the Maricopa County Development Master Plan Guidelines, no less than 13 acres of the total acreage of the mixed use shall be reserved for professional and semi-professional office-type uses. At the time of each preliminary plat or precise plan submittal, the master developer shall include a description of the status of the cumulative

acreage platted to date with respect to the requirements outlined in this stipulation.

- t. Unless otherwise agreed to by the applicable school district, not less than two (2) school sites and a minimum of 29 acres shall be reserved for schools at the locations identified on the Balterra land use plan.
- u. Prior to zone change approval, the master developer shall provide a "will serve" letter and a Certificate of Convenience and Necessity from the Water Utility of Greater Tonopah demonstrating commitment to serve the entire Balterra Development Master Plan with water service, which is subject to approval by the Maricopa County Department of Environmental Services.
- v. Prior to zone change approval, the master developer shall provide a "will serve" letter and documentation of an approved MAG 208 amendment from Balterra Sewer Corporation demonstrating commitment to serve the entire Balterra Development Master Plan with wastewater service, which is subject to approval by the Maricopa County Department of Environmental Services.
- w. Prior to approval of the first preliminary plat, the master developer shall provide a "will serve" letter for fire protection from the Tonopah Valley Fire District or another qualified public or private fire service provider demonstrating commitment to serve the entire Balterra Development Master Plan, which is subject to approval by the Maricopa County Planning and Development Department.
- x. An archaeological survey of the subject property shall be conducted prior to approval of any preliminary plat to locate and evaluate any cultural resources on the site. Once complete, a report of the results shall be provided to the Arizona State Historic Preservation Officer (SHPO) for review and comment before any ground disturbing activities related to development are initiated. The applicant shall perform an archaeological analysis to evaluate the eligibility of cultural resource sites for the National or State Register of Historic Places. If Register eligible properties cannot be avoided by development activities, then the Arizona SHPO shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the National Historic Preservation Act.
- y. \$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.
- z. 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 Balterra residents. Details regarding this assessment are to be addressed in the Development Agreement.
- aa. 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 the Balterra 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.

- bb. 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.
  
- cc. Prior to any final plat, the master developer shall enter into a development and Law Enforcement Services agreement with the Maricopa County Sheriff's Office (MCSO). This development agreement shall include, but not necessarily be limited to, the master developer's requirement to donate at no cost to the county, for use by the Maricopa County Sheriff's Office, their proportionate share of separate office space or land (the size to be determined in the development and Law Enforcement Services agreement), for law enforcement, or payment of fees when a permit is issued, for the Sheriff's Office to conduct day-to-day business related to providing law enforcement services to Balterra and surrounding areas. The office space complete with tenant improvements per Maricopa County Sheriff's Office requirements and associated parking or land shall be provided not later than two (2) years from the opening of the first model home complex within the DMP, or as agreed to in the development and Law Enforcement Services agreement. This development and Law Enforcement Services agreement may also include, but not necessarily be limited to, the master developer's requirement to pay their proportionate share for startup costs and interim fees for law enforcement services associated with the property unless it is annexed into an incorporated municipality or until a full law enforcement service contract is otherwise implemented. Startup costs would include vehicle purchase and patrol equipment, e.g. radios, tasers, and vehicle laptops. The developers who incur the above Sheriff substation startup costs shall be eligible for reimbursement from other service area developers, with the rate of reimbursement defined in the Development Agreement. This stipulation shall be modified should a Sheriff impact fee be enacted by the County. This development and Law Enforcement Services agreement shall include the terms listed in this stipulation unless otherwise mutually agreed to by MCSO and the master developer, furthermore, the development and Law Enforcement Services agreement shall be signed by both the master developer and the Maricopa County Sheriff's Office and provided to the Maricopa County Planning and Development Department for public record.
  
- dd. The following Maricopa County Drainage Review stipulation shall apply:
  - The owner or his representative shall submit a variance in accordance with the Drainage Regulations (Section 503) and obtain approval prior to any preliminary plat approvals.
  
- ee. The following Flood Control District of Maricopa County stipulations shall apply:
  - 1. Prior to any development, a Floodplain Use Permit will be required from the Regulatory Division of the Flood Control District.

2. Prior to preliminary plat approval, a detailed drainage study based on the Federal Emergency Management Agency's criteria will be required. All washes over 50 cfs that do not originate on site must be delineated, placed in a tract or shown that the continuity of flow is maintained. The cross sections in the drainage report need to match those shown on the exhibits. The Zone A floodplain above Interstate 10 will need to be addressed. Manning's "n" value between the drainage report and the erosion hazard delineation study should be consistent.
- ff. The following Maricopa County Department of Transportation stipulations shall apply:
1. The Traffic Impact Study (TIS) shall be updated prior to the first final plat approval and with each development phase to reflect current conditions and any changes to the development plan. The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demand with each phase. The TIS must be approved before subsequent approval of any roadway improvement plans. Additional lane capacity on offsite alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.
  2. The Applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Applicant may choose to construct off-site street improvements in lieu of payment of this contribution. Such off-site street improvements must be "system roadways," must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT may require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Applicant chooses not to construct off-site regional roadway improvements, the Applicant shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.
  3. If required per item 2 above, a Development Agreement shall be executed prior to any preliminary plat approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
  4. The Applicant shall provide the ultimate full-width of right-of way for all interior public roadways, and the ultimate half-width of right-of-way for all perimeter public roadways consistent with the Maricopa County Major Streets and Routes Plan, or as otherwise approved by MCDOT. Right-of-way shall be provided as follows:
    - a.) Camelback Road: 65 Feet half r/w (with additional 35 feet landscape/future roadway/public utility easement)
    - b.) Indian School Rd.: 65 Feet half r/w (within MCDOT jurisdiction)
    - c.) 395<sup>th</sup> Avenue: 65 Feet half r/w
    - d.) 411<sup>th</sup> Avenue: 65 Feet half r/w and 130 Feet full r/w
    - e.) Campbell Avenue (east of 411<sup>th</sup> Ave): 130 Feet full r/w  
Campbell Avenue (west of 411<sup>th</sup> Ave): 80 Feet full r/w
    - f.) 403<sup>rd</sup> Avenue: 80 Feet full r/w
    - g.) 407<sup>th</sup> Avenue: 80 Feet full r/w (both N & S of Campbell)
    - h.) 413<sup>th</sup> Avenue: 60 Feet full r/w
  5. The Applicant shall construct the ultimate full-width interior public roadways and the ultimate half-width perimeter public roadways.

6. The Applicant shall design all roadways and public infrastructure to meet county standards in effect at the time improvements are constructed.
7. The Applicant shall provide all-weather access to all parcels and lots, and on all arterial roadways.
8. The Applicant shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
9. The Applicant shall not locate elementary or middle schools on arterial alignments.
10. The Applicant shall provide bike lanes on all arterial and major collector alignments. A bicycle circulation plan shall be provided and approved by MCDOT with each phase of development.
11. The Applicant shall design the project to promote pedestrian, bicycle, and other alternative modes of transportation to public facilities within and adjacent to the site (i.e., bus bays, electric vehicles, shared accommodations, internal trail systems, etc.).
12. If streetlights are provided, installation shall be provided by the Applicant. If streetlights are within public right-of-way, a Street Light Improvement District (SLID) or comparable authority must be established to provide operation and maintenance. The Applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
13. The Applicant shall design landscaping to comply with all MCDOT requirements and to conform to Chapter 9 of the MCDOT Roadway Design Manual. The Applicant (or as assigned to the Home Owner's Association) shall be responsible for maintenance of landscaping within public rights-of-way.
14. The Applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT prior to commencing construction.
15. The Applicant shall comply with all applicable local, state and federal requirements (dust control, noise mitigation, AZPDES, etc.).
16. The Applicant shall consult with ADOT regarding access to the I-10 freeway and use of Indian School Road within ADOT right-of-way. The Applicant shall provide written documentation of ADOT's approval and requirements.

Please feel free to call me if you have any questions at 602-506-7162.

Sincerely,



Matt Holm, AICP, Comprehensive Planning Supervisor  
Maricopa County Planning and Development