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# Arizona Power Plant and Transmission Line Siting Committee

**Docket No. L-00000D-  
08/0330-00138**

## City of Peoria Exhibits

Arizona Corporation Commission  
**DOCKETED**

OCT 24 2008

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ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE  
Case No. 138

City of Peoria Summaries of Expected Witness Testimony

1. Mayor Bob Barrett  
Expected Testimony: Mayor Barrett will explain the position of the Peoria City Council opposing the Preferred Route and Alternative 3 through the City of Peoria (Carefree alignment and the broad corridor on both sides of State Route 74) and supporting instead Alternative 3-North through the City (a specific corridor within Alternative 3). Mayor Barrett also will discuss his personal involvement in the planning process for this transmission line on behalf of all residents and businesses in the City of Peoria.
  
2. Glen Van Nimwegen, Community Development Director  
Expected testimony: Community Development Director Glen Van Nimwegen will explain that Segment 5 of the Preferred Route (Carefree alignment) and Alternative 3 (the broad corridor on both sides of State Route 74) would negatively impact the City of Peoria's existing plans for other development at or in the vicinity of the route. Mr. Van Nimwegen will discuss ways in which locating the lines within the Segment 5 or Alternative 3 corridors would negatively impact the City of Peoria's General Plan, Hillside Development Ordinance, Desert Lands Conservation Ordinance, and adopted Planned Community Districts for the communities of Vistancia North, Saddleback Heights, and Lake Pleasant Heights. Mr. Van Nimwegen also will explain that locating the lines within the Alternative 3-North corridor would not have a negative impact on the City's existing land use plans.
  
3. Maher Hazine, Assistant City Engineer  
Expected testimony: Assistant City Engineer Maher Hazine will explain his involvement as the principal City of Peoria representative in discussions with APS during the line siting process prior to the filing of the Application. Mr. Hazine will discuss the City of Peoria's opposition to Segment 5 of APS' Preferred Alternative and Alternative 3. Mr. Hazine also will discuss the City of Peoria's reasons for supporting Alternative 3-North, including that placing the lines within Alternative 3-North is consistent with the future transportation planning for the SR74 corridor and is an acceptable use over Bureau of Land Management land within the corridor. Mr. Hazine will explain that it would be more costly to construct Segment 5 than Alternative 3-North.

ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE  
Case No. 138

City of Peoria Exhibits

The City of Peoria intends to offer in evidence at the hearing the following Exhibits, numbered consecutively beginning with P-1. All of the Exhibits are provided in this exhibit notebook. Consistent with A.A.C. R14-3-211(A), many of the Exhibits are excerpts from much larger documents. Excerpts are provided when introduction of an entire document would unnecessarily encumber the record. Counsel for the City of Peoria has a complete set of the entire documents available for review upon request. In addition, all of the entire documents can be reviewed online at web addresses shown in italics following the Exhibit description.

- P-1        Alternative 3-North Corridor Map [1 page]
- P-2        City of Peoria General Plan Table of Contents and Land Use Plan/Map, [7 pages excerpted]  
*http://www.peoriaaz.gov/GenPlan/Default.htm*
- P-3        City of Peoria General Plan, Chapter 10, "Environmental Resources Element" [5 pages excerpted]  
*http://www.peoriaaz.gov/GenPlan/Default.htm*
- P-4        City of Peoria General Plan, Chapter 9, "Recreation and Open Space Element" [8 pages excerpted]  
*http://www.peoriaaz.gov/GenPlan/Default.htm*
- P-5        City of Peoria General Plan -- Comments, Responses, and Adopted Provisions -- Chapter 8, "Public Services and Facilities Element" [8 pages excerpted]  
*http://www.peoriaaz.gov/GenPlan/Default.htm*
- P-6        City of Peoria General Plan, Chapter 3, "Circulation Element" [2 pages excerpted]  
*http://www.peoriaaz.gov/GenPlan/Default.htm*
- P-7        City of Peoria Zoning Ordinance Article 14-35, Landscape Requirements [14 pages]
- P-8        City of Peoria Council Communications dated October 31, 2006, Resolution Nos. 06-174 and 06-175, and Minutes of the Peoria City Council [22 pages excerpted]  
*http://www.peoriaaz.gov/*
- P-9        City of Peoria Zoning Ordinance Article 14-22A, Hillside Development Overlay District [20 pages]
- P-10       City of Peoria Zoning Ordinance Article 14-22B, Desert Lands Conservation Overlay [29 pages]
- P-11       City of Peoria Zoning Ordinance Article 14-36, Planned Community (PC) District [10 pages]
- P-12       City of Peoria APS Corridors [1 page]
- P-13       City of Peoria Planned Community District for Vistancia North, dated May 25, 2006 [10 pages excerpted]  
*http://www.peoriaaz.gov/News/PowerlineFiles/Z01-10VistanciaNorth.pdf*

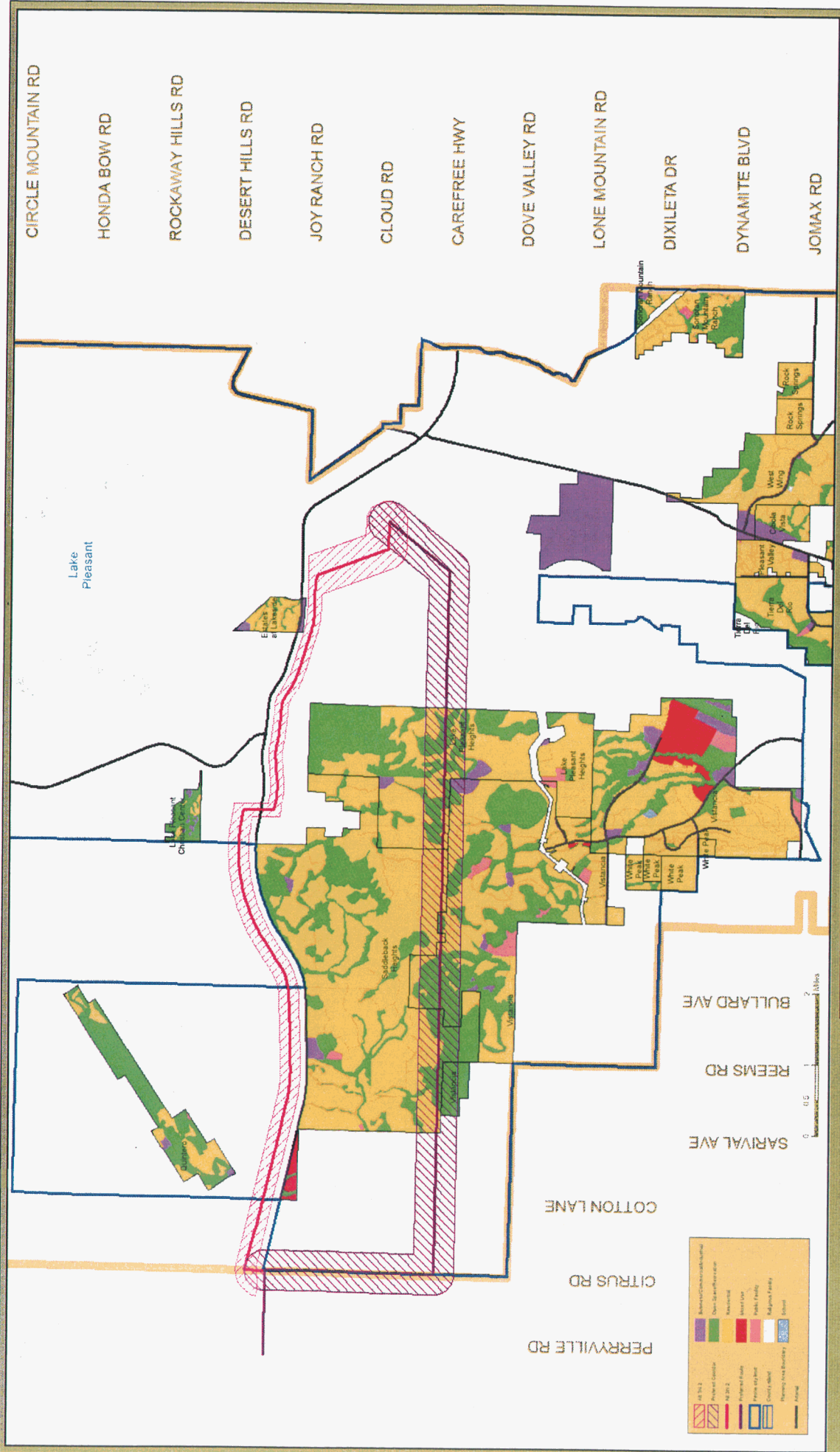
City of Peoria Exhibits

Case No. 138

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- P-14 Vistancia North APS Corridor from Figure C-3 of PCD [1 page]
- P-15 City of Peoria Council Communication dated August 4, 2008 on the subject Approve the Master Final Plat of Vistancia North Village 1, Village 2 and Village 3 and Meeting Minutes [18 pages excerpted]  
<http://www.peoriaaz.gov/>
- P-16 City of Peoria Planned Community District for Saddleback Heights, dated December 17, 2002 [10 pages excerpted]  
<http://www.peoriaaz.gov/News/PowerlineFiles/Z02-04SaddlebackHeights.pdf>
- P-17 Saddleback Heights APS Corridors from Land Use Master Plan of PCD [1 page]
- P-18 City of Peoria Planned Community District for Lake Pleasant Heights, dated July 19, 2005 [6 pages excerpted]  
<http://www.peoriaaz.gov/News/PowerlineFiles/Z03-05LakePleasantHeights.pdf>
- P-19 Lake Pleasant Heights APS Corridors from Figure 14 of PCD [1 page]
- P-20 Maricopa County State Route 74 Scenic Corridor Guidelines [27 pages]
- P-21 Maricopa County Zoning Ordinance, Chapter 10, Section 1009, Hwy 74 Scenic Corridor [8 pages]
- P-22 State Scenic Roads map prepared by Arizona Department of Transportation Intermodal Transportation Division, Environmental & Enhancement Group [1 page]  
[http://www.azdot.gov/highways/SWProjMgmt/enhancement/scenic\\_roads/PDF/arizona\\_scenic\\_roads\\_map.pdf](http://www.azdot.gov/highways/SWProjMgmt/enhancement/scenic_roads/PDF/arizona_scenic_roads_map.pdf)
- P-23 SR74 Access Management Study, Arizona Department of Transportation and BRW (October 11, 2002) [6 pages excerpted]  
<http://www.peoriaaz.gov/News/PowerlineFiles/SR%2074%20Access%20Management%20Study.pdf>
- P-24 September 5, 2008 letter from Carl Swenson, City Manager, City of Peoria to Brenda Hudgens-Williams, Director, BLM Re: Protest to the Agua Fria National Monument and Bradshaw-Harquahala Proposed Resource Management Plan and Final Environmental Impact Statement, June 2008 [7 pages excerpted, attachments introduced previously as Exhibits]

**1**



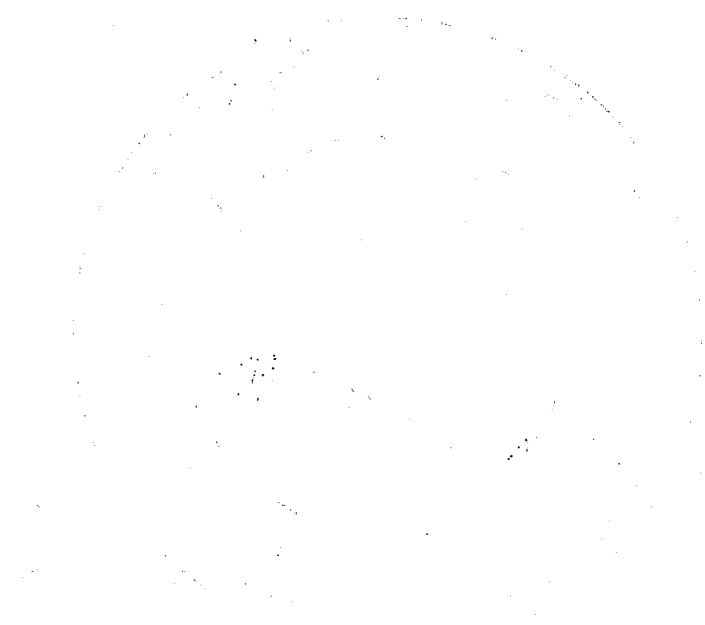
City of Peoria  
Alternative 3-North Corridor

GIS  
Engineering Department

11/15/2011  
 11/15/2011  
 11/15/2011  
 11/15/2011

2

# **PEORIA GENERAL PLAN CITY OF PEORIA, ARIZONA**



**January 2001  
Revised: December 2006**



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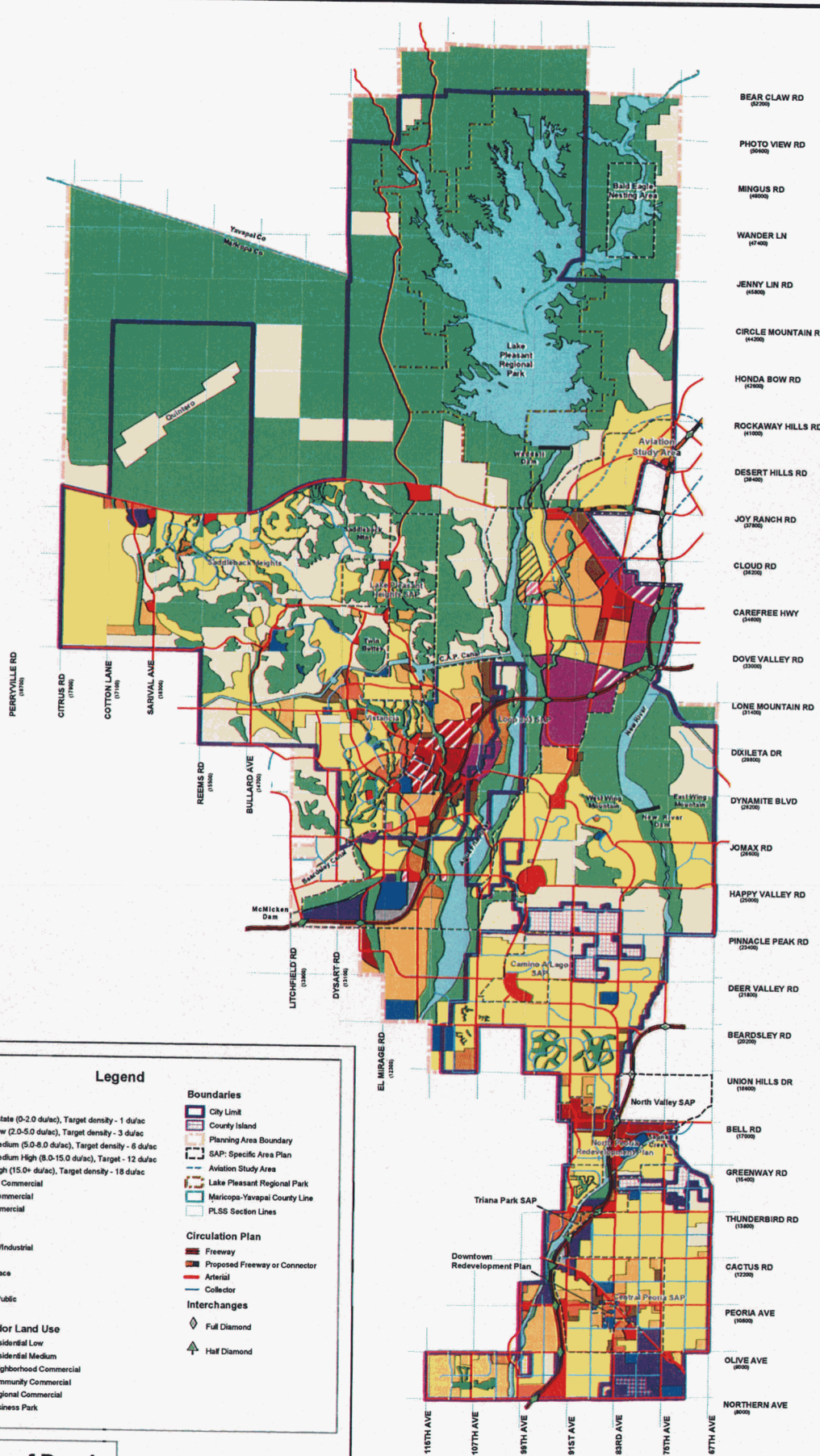
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- BEAR CLAW RD (02300)
- PHOTO VIEW RD (04000)
- MINGUS RD (04000)
- WANDER LN (07400)
- JENNY LIN RD (04000)
- CIRCLE MOUNTAIN RD (04200)
- HONDA BOW RD (03000)
- ROCKAWAY HILLS RD (01000)
- DESERT HILLS RD (08400)
- JOY RANCH RD (07000)
- CLOUD RD (04300)
- CAREFREE HWY (04000)
- DOVE VALLEY RD (03000)
- LONE MOUNTAIN RD (01400)
- DKILETA DR (02000)
- DYNAMITE BLVD (02000)
- JOMAX RD (04000)
- HAPPY VALLEY RD (02000)
- PINNACLE PEAK RD (02400)
- DEER VALLEY RD (01800)
- BEARDSLEY RD (02000)
- UNION HILLS DR (04000)
- BELL RD (07000)
- GREENWAY RD (04400)
- THUNDERBIRD RD (03400)
- CACTUS RD (02200)
- PEORIA AVE (00000)
- OLIVE AVE (00000)
- NORTHERN AVE (00000)

**Legend**

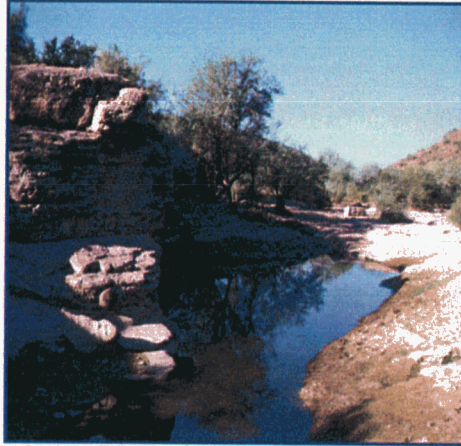
<p><b>Land Use</b></p> <ul style="list-style-type: none"> <li>Mixed Use</li> <li>Residential/Estate (0-2.0 du/ac), Target density - 1 du/ac</li> <li>Residential/Low (2.0-5.0 du/ac), Target density - 3 du/ac</li> <li>Residential/Medium (5.0-8.0 du/ac), Target density - 6 du/ac</li> <li>Residential/Medium High (8.0-15.0 du/ac), Target - 12 du/ac</li> <li>Residential/High (15.0+ du/ac), Target density - 18 du/ac</li> <li>Neighborhood Commercial</li> <li>Community Commercial</li> <li>Regional Commercial</li> <li>Office</li> <li>Business Park</li> <li>Business Park/Industrial</li> <li>Industrial</li> <li>Park/Open Space</li> <li>Golf Course</li> <li>Public/Quasi-Public</li> <li>Water</li> </ul> <p><b>Loop 303 Corridor Land Use</b></p> <ul style="list-style-type: none"> <li>Mixed Use - Residential Low</li> <li>Mixed Use - Residential Medium</li> <li>Mixed Use - Neighborhood Commercial</li> <li>Mixed Use - Community Commercial</li> <li>Mixed Use - Regional Commercial</li> <li>Mixed Use - Business Park</li> </ul>	<p><b>Boundaries</b></p> <ul style="list-style-type: none"> <li>City Limit</li> <li>County Island</li> <li>Planning Area Boundary</li> <li>SAP: Specific Area Plan</li> <li>Aviation Study Area</li> <li>Lake Pleasant Regional Park</li> <li>Maricopa-Yavapai County Line</li> <li>PLSS Section Lines</li> </ul> <p><b>Circulation Plan</b></p> <ul style="list-style-type: none"> <li>Freeway</li> <li>Proposed Freeway or Connector</li> <li>Arterial</li> <li>Collector</li> </ul> <p><b>Interchanges</b></p> <ul style="list-style-type: none"> <li>Full Diamond</li> <li>Half Diamond</li> </ul>
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3

## 10. ENVIRONMENTAL RESOURCES ELEMENT

*It is critical for a community to strike a balance at facilitating development without endangering the protection and sanctity of its natural resources. These resources should be managed in a way that sustains the natural environment and protects our foothills, desert washes, parks, wildlife and open space legacy. The policies and programs contained within this element also seek to foster energy and water conservation, cleaner air and cleaner water and the protection of our archaeological heritage.*



The Environmental Resources Element is organized in the following manner:

- 10.a. Introduction
- 10.b. Goals, Objectives and Policies
- 10.c. Conservation and Environmental Plan
- 10.d. Implementation Program

### 10.a. INTRODUCTION

The City of Peoria's explosive growth rate has been well documented in other sections of the General Plan. The growth rate is not unique to Peoria but rather indicative of the robust economy and quality of life in the Phoenix metropolitan area that has attracted newcomers at a high rate.

In many ways Peoria has benefited from this growth in its high-quality family oriented neighborhoods, enhanced city services and



urban amenities. However, growth can also have unintended consequences on the natural environment including the degradation of air and water quality, the loss of habitats and the disruption of view corridors.

Fortunately for Peoria, most of the scenic desert landscape in the northern half of the city remains in its natural state. Several planning efforts have been completed in the last few years including the *Peoria Desert Lands Conservation Master Plan (1999)*, *Peoria Trails Master Plan (1999)*, *Peoria Rivers Master Plan (1999)*, *Peoria Parks, Recreation and Open Spaces Master Plan (2002)*, and the *Lake Pleasant North Area Specific Plan (1999)* and the *Loop 303 Specific Area Plan*. Although these plans each have their specific purposes, they do share common themes. Growth should be planned, attractive and directed into appropriate areas at reasonable densities with particular sensitivity to the natural landscape, recreational resources and viewsheds enjoyed by the community.

However, continued local and regional growth will invariably place development pressures on lands in the urban fringe. The challenge remains at achieving a balance between orderly growth and the protection of Peoria's natural resources. Air quality, water quality and other natural systems are regional elements without regard to political boundaries. The slogan "think globally [regionally], act locally" rings especially true for these resources.

This element specifically discusses the resource elements listed below. The policies and strategies in this element are largely broad-based with community-wide applicability. The discussion and strategies are also intended to complement and support those identified in other sections, with specific attention to the *Recreation and Open Space Element*.

- Air Quality
- Water Quality
- Energy Conservation

NATURAL HABITAT PRESERVATION

Objective 10.1.E:

Maintain connections between wildlife habitats by identifying and protecting corridors for unimpeded movement.

Policy 10.1.E.1:

The City shall establish sufficient trails, wildlife corridors, and other linear linkages between large open space areas.

Policy 10.1.E.2:

The City shall provide an effective means for the safe and uninterrupted movement of wildlife through open space corridors at all infrastructure and roadway crossings (i.e. bridges, ramps, overpasses, oversized culverts).

Policy 10.1.E.3:

The City shall minimize man-made environmental hazards.

Policy 10.1.E.4:

The City shall limit development in areas that may pose natural or man-made environmental hazards, such as steep slopes and floodplains.

Policy 10.1.E.5:

The City should allow walls and fences where they do not disrupt natural wildlife movement patterns and design all infrastructure and roadways to minimize the impact on wildlife corridors.

Policy 10.1.E.6:

The City should incorporate design techniques and measures that minimize conflicts between humans and wildlife.

-----  
**Policy 10.1.E.7:**

The City should design public recreational spaces to be wildlife friendly whenever possible.

-----  
**Policy 10.1.E.8:**

The City shall promote enhanced landscaping along washes and wildlife corridors to promote the use of such areas by native wildlife.

**SENSITIVE LANDS MANAGEMENT**

-----  
**Objective 10.1.F:**

**Protect environmentally sensitive lands.**

-----  
**Policy 10.1.F.1:**

The City shall as part of the Site Plan Review Process, require Site Plans to designate rare-landscape elements.

-----  
**Policy 10.1.F.2:**

The City shall promote minimum site grading to encourage integration with the natural contours of the land.

-----  
**Policy 10.1.F.3:**

The City shall develop a Wash Setback Ordinance protecting riparian areas and wash corridors.

-----  
**Policy 10.1.F.4:**

The City shall encourage that changes in natural drainage patterns be avoided. Where changes to the natural drainage patterns are necessary, a master drainage plan showing how the altered flows will be handled shall be prepared.

-----  
**Policy 10.1.F.5:**

The City should evaluate the Sonoran Desert Environment of future and past annexations (not covered by the Desert

Conservation Master Plan) and designate the appropriate sensitive lands for conservation

-----  
**Objective 10.1.G:**

Promote the establishment of large, intact areas of native desert vegetation.

-----  
**Policy 10.1.G.1:**

The City shall develop a Native Plant Restoration and Salvage Ordinance.

-----  
**Policy 10.1.G.2:**

The City shall promote the restoration and revegetation of disturbed areas with native plant species and match the plant densities of these revegetated areas to be consistent with the undisturbed setting.

-----  
**Policy 10.1.G.3:**

The City shall recognize and protect areas of significant natural vegetation (such as areas along washes, natural spring areas, or on slopes) which are advantageous to the increased densities of the native desert vegetation.

-----  
**Policy 10.1.G.4:**

The City shall encourage the use of indigenous or desert adapted plant materials in new developments and minimize the use of invasive and non-native plant species in the study area identified in the Peoria Desert Lands Conservation Master Plan.

-----  
**Objective 10.1.H:**

Strive to create and maintain a consistent, high level of community appearance throughout Peoria.

**4**

## 9. RECREATION AND OPEN SPACE ELEMENT

*The City of Peoria is committed to providing meaningful open space and a variety of parks and recreation facilities that provide enjoyment for its residents and visitors of all ages. As the only City in the State to contain a major lake (Pleasant), the City offers a wide range of outdoor opportunities for its many users. The natural characteristics of its landforms, rivers and drainageways presents opportunities to promote a contiguous system of wildlife corridors and recreational linkages to parks, schools, open spaces, neighborhoods and employment areas in the City.*



The Recreation and Open Space Element is organized in the following manner:

- 9.a. Introduction
- 9.b. Goals, Objectives and Policies
- 9.c. Recreation and Open Space Plan
  - 9.c.1 Parks
  - 9.c.2 Paths and Trails
  - 9.c.3 Open Space
- 9.d. Implementation Program

### 9.a. INTRODUCTION

The Recreation and Open Space Element provides a framework to identify, acquire and enhance a system of open space areas and recreation facilities within the Peoria Planning Area. The system is intended to provide an appropriate level of open space and parks acreage. Connectivity and linkages necessary to serve existing and

future residents of the City through the rivers and trails corridors, canals, utility corridors and pathways provide both passive and active recreation areas allowing the use of alternative transportation modes that enhance social interaction. Equally important, this element recognizes the value of regional destinations that, linked with neighboring jurisdictions, support a seamless system of open spaces and recreation facilities.

The Background Report identified numerous adopted plans relating to parks, trails, open spaces and desert conservation that guide City decision making and implementation. These plans provide substantial supporting analysis, issue identification and policy direction for the development of the Recreation and Open Space element. Policies and strategies are woven into this element, allowing it to respond to the purposes of this section and to achieve the intent of the Growing Smarter/Plus legislation.

The 2006 *Parks, Recreation, Open Space, and Trails Master Plan* (PROST) shall serve as the specific planning document for planning, development and provision of facilities for parks, recreation, open space, and trails for the City of Peoria.

Planning for the 2006 PROST was based on population projections and other demographic data set forth in the *2006 Peoria Growth Trends Manual*:

Year	Projected Population
2006	146,139
2011	185,175
2016	217,887

Peoria continues to experience rapid growth throughout the community with much of the southern half of the city, the areas south of Pinnacle Peak Road, approaching build out. The development community is extending its residential activity to the north and western regions of the City with large-scale master planned communities including; Sonoran Mountain, West Wing,

Cibola Vista, Vistancia, Quinterio, Terramar, Rock Springs, Camino a Lago and Terra del Rio being built and occupied along with master plans (PAD) being prepared or already adopted for Vistancia North, Lake Pleasant Heights, Saddleback Heights, Estates at Lakeside, Lake Pleasant Christian and Pleasant Valley.

Even though it has been beneficial for the City to have these large areas master planned, a "gap" exists in the ability of the 2002 *Parks, Recreation & Open Space Master Plan* to integrate these large, master planned developments with the City's. The reasons include the excessively large volume of plans and the overburdening of staff, clear usable standards and mapping along with communication/processing issues. The new 2006 PROST presents an opportunity now to better implement the future park, facility and recreation program needs and community desires for these new areas (as well as the more mature areas in the southern areas of the City) and provide definitive input prior to preliminary or final platting.

The northwest region of the City is fortunate to have significant Sonoran Desert vegetation and landforms that require a sensitive approach for both open space conservation and future park development needs. It is critically important in identifying appropriate areas where park facilities may be integrated into the existing environment with minimal disturbance to the land and set the stage for immediate implementation.

The Park/Open Space (P/OS) designation within the Land Use Map of the General Plan (see Figure 2-1, Land Use Map) denotes those large areas optimally suited to be maintained or enhanced in their natural condition based on their environmental value or developed with recreation activities within the City. The specific open space and park areas are graphically illustrated on Figure 9-1, *Parks, Open Space and Trails Master Plan*. Residential development, at densities up to one (1) dwelling unit per acre, is permitted in these areas subject to compliance with the City's Hillside Development Ordinance, Desert Lands Conservation Ordinance (DLCO) and other



-----  
**Policy 9.3.F.1**

The City shall encourage research, such as professional recreational society networking and surveys, that identify current and potential future recreational trends and incorporate the findings with future recreation programming and master planned development.

-----  
**Policy 9.3.F.2**

The City shall stipulate that master planned development projects in the undeveloped areas of the City provide for parks open space path and trail dedication that provides for variably sized, contiguous and connected land areas, within the development to allow for future integration of recreational facilities.

**GOAL**  
**9.4:**

**DEVELOP AN OPEN SPACE SYSTEM THAT IS ENVIRONMENTALLY SENSITIVE AND SELF-SUSTAINING.**

-----  
**Objective 9.4.A:**

Preserve the many ecological provided by park and open space environments.

-----  
**Policy 9.4.A.1:**

The City shall develop and implement a Mountain Preserve program that identifies preservation, conservation and management of significant natural areas such as mountain range groups, hillsides, floodplains, rivers, and wash corridors.

-----  
**Policy 9.4.A.2:**

The City shall identify and promote a contiguous system of natural features (such as slopes, peaks, ridges, rock outcroppings, stands of vegetation and washes) for protection and/or preservation through means including, but not limited to TDRs ('Transfer of Development Rights'), as

part of land trusts, as conservation easements, or incorporation into developments as design features.

-----  
**Policy 9.4.A.3:**

The City shall encourage the preservation of significant natural features such as hillsides and floodplains and the re-vegetation of rivers and washes to enhance their recreational attraction, preserve wildlife habitats, and enhance their aesthetic value.

-----  
**Policy 9.4.A.4:**

The City shall stipulate that open space, required as a component of Planned Area Developments, should be protected by Covenants, Conditions and Restrictions or by agreement with the City or other public entity.

-----  
**Objective 9.4.B:**

Utilize appropriate vegetation types and water conserving principles to ensure climatic relief and minimize the demands of the City's water supply.

-----  
**Policy 9.4.B.1:**

The City shall comply with the Arizona Department of Water Resources (ADWR) guidelines for water conservation by advocating for the utilization of the Department's list of acceptable, low water use plant materials.

-----  
**Objective 9.4.C:**

Develop appropriate architectural and structural criteria that mitigate climatic extremes, protect adjacent flora and fauna, and reflect the contextual regional aesthetics.

-----  
**Policy 9.4.C.1:**

The City shall continue to require design consultants to coordinate design character solutions for development projects that respond to the natural site context (mountainous areas, river corridors, Lake Pleasant basin).

Specific design criteria to be utilized for all design elements shall be established and approved by the City during the master planning process.

-----  
**Policy 9.4.C.2:**

The City shall protect view corridors through the generous buffering or screening, judicious placement of structures, as well as the imposition of reasonable height limitations on structures and signs.

-----  
**Policy 9.4.C.3:**

The City shall require a visual assessment for new developments identifying areas with a high degree of visual quality and including methods of protecting and/or mitigating impacts.

**GOAL  
9.5:**

**DEVELOP A SAFE, MULTI-USE AND INTER-CONNECTED  
PATH AND TRAIL SYSTEM THROUGHOUT THE CITY.**

-----  
**Objective 9.5.A:**

**Design and construct a paths and trails system along river corridors.**

-----  
**Policy 9.5.A.1:**

The City shall utilize the Parks, Recreation, Open Space, and Trails Master Plan (PROST), the Trails and Rivers Master Plan, the Peoria Desert Lands Conservation Ordinance (DLCO) and the General Plan to coordinate with master planned development projects adjacent to the river corridors to identify appropriate paths and trails corridors and linkages.

-----  
**Policy 9.5.A.2:**

The City shall utilize appropriate regional planning documents such as but not limited to the West Valley Recreation Corridor Plan (MCFCD, 1999), The West Valley Multi-Modal Transportation Corridor Master Plan (MAG, 2001)

and the Maricopa County Regional Trail System Plan (Maricopa County Trail Commission, 2002). The City shall continue to coordinate the master planning and development of projects adjacent to the New River and Agua Fria River corridors with the New River and Agua Fria Watercourse Master Plans, and The West Valley Multi-Modal Transportation Corridor Master Plan.

-----  
**Objective 9.5.B:**

Develop a system of paths and trails that connects major recreational, educational and economic centers throughout the city and adjacent cities.

-----  
**Policy 9.5.B.1:**

The City shall utilize the Desert Lands Conservation Ordinance (DLCO), Peoria Parks, Recreation, Open Space, and Trails Master Plan (PROST), Peoria Rivers and Trails Master Plans, and the General Plan to coordinate with master planned development projects to identify appropriate paths and trails corridors and linkages.

-----  
**Policy 9.5.B.2:**

The City shall coordinate paths and trails linkages with the Cities of Glendale, Phoenix, Surprise, Maricopa County, MAG and the Maricopa County Flood Control District.

-----  
**Policy 9.5.B.3:**

The City shall coordinate paths and trails linkages with City and Valley Metro transit systems.

-----  
**Policy 9.5.B.4:**

The City shall support the use of canal systems, such as the Central Arizona Project Canal (CAP) and Beardsley Canals, as recreation corridors that link regional parks.

-----  
**Policy 9.5.B.5:**

The City shall support the use of utility corridors, such as power lines, as recreation corridors that help link city and regional parks, recreation and open spaces.

-----  
**Objective 9.5.C:**

Develop a paths and trails system in open space and mountain preserve areas that provides accessible links to other trail systems.

-----  
**Policy 9.5.C.1:**

The City shall provide public access to open space and river corridors wherever possible.

-----  
**Objective 9.5.D:**

Establish a management plan for the development and upkeep of the total trail system.

-----  
**Policy 9.5.D.1:**

The City shall continue to coordinate future paths and trails development with the Peoria Paths and Trails Master Plan Implementation Program..

-----  
**Policy 9.5.D.2:**

The City shall continue to coordinate trails development and on-going maintenance as part of the City's CIP and maintenance budgeting process.

-----  
**Policy 9.5.D.3:**

The City shall encourage and promote benefits of volunteer labor and material donations for trails development and maintenance to help expedite the development of the City's trail system and its linkages with adjacent landowners.

5

## 8. PUBLIC SERVICES AND FACILITIES ELEMENT

## 8. PUBLIC SERVICES AND FACILITIES ELEMENT

*The City of Peoria is striving to provide a high quality of administrative, public safety and utility services to its existing and future residents. The City understands the costs of growth are high and have adopted a fair share cost program that allows future development and capital improvements programs to occur in a coordinated approach to serve the growth and infill needs within the City.*



The Public Services and Facilities Element is organized in the following manner:

- 8.a. Introduction
- 8.b. Goals, Objectives and Policies
- 8.c. Public Services and Facilities Plan
- 8.d. Implementation Program

### 8.a. INTRODUCTION

The Public Services and Facilities Element provides a framework for providing the supportive municipal activities to ensure a high quality of life. The plan element also recognizes the importance of the public education system for its residents of all ages. In addition the provision of proximate health care, while provided by the private sector is also an important component to maintain the health of the City's population and visitors.

-----  
**Policy 8.3.A.1:**

The City shall continue to be a partner with the Maricopa County Flood Control District in the planning and implementation of Area Drainage Master Plan updates that respect the natural character of the planning area.

-----  
**Policy 8.3.A.2:**

The City shall continue to foster the joint use of retention basin facilities for both flood control and recreational activities.

-----  
**Policy 8.3.A.3:**

The City shall continue its involvement in all siting studies for SRP, APS, and regulated utility provider facilities within the Peoria Planning Area.

-----  
**Policy 8.3.A.4:**

The City shall require the inclusion of SRP/APS and other public/private utility facilities and line routes on development plan submittals.

-----  
**Policy 8.3.A.5:**

The City shall evaluate the implications of allowing areas affected by existing or proposed overhead electrical facilities to organize improvement districts for facility undergrounding.

-----  
**Policy 8.3.A.6:**

The City shall require the use of public wastewater systems for all types of development to minimize the potential for groundwater contamination.

**8.c. PUBLIC SERVICES AND FACILITIES PLAN**

The projected 10 year growth of the City, to an estimated 211,161 residents and buildout population of over 487,917 will prompt the significant expansion of the City's municipal services and facilities.



located to provide joint flood/recreational use and accessibility for adjacent residents.

#### PRIVATE UTILITIES

The provision of electricity, natural gas, and telephone service are provided by privately held corporations. Electricity is provided by both Arizona Public Service (APS) Company and Salt River Project (SRP). Generally SRP serves the majority of the developed area of the City, while APS serves the downtown area and the entire area northwest of New River. APS also manages the Agua Fria Generating Station that is the major source for the City's electricity. APS has identified a significant amount of system expansion within the northwest region of the City over the next 10 years. The expansion will mainly be targeted at providing a loop of 69 Kv substations to serve the area south of State Route 74 and west of the Agua Fria River and using Dove Valley Road as a significant overhead powerline corridor. Natural gas service is provided by Southwest Gas Company to the majority of the Planning Area. However, Black Mountain Gas Company provides service in a small area north of Dove Valley Road. Bulk natural gas is supplied by El Paso Natural Gas that has two major transmission lines that are located within the Planning Area. Telephone service is provided by Qwest Communications, Inc. to the majority of the Planning Area. However, Accipiter Communications, Inc. is the certificated provider for the far northern region of Peoria.

#### OTHER PUBLIC FACILITIES

As identified previously, the City is not directly responsible for the provision of education or health care facilities. However, both types of facilities play a large role in defining the quality of life in the City. The Planning Area includes the area within the district boundaries of the Peoria and Deer Valley Public School Districts. The conceptually recommended sites for both elementary/junior high (Grades K-8) and high school.

December 7, 2000

City of Peoria  
Community Development Department  
C/O Chris Jacques, General Plan Project Manager  
8401 W. Monroe St.  
Peoria, AZ 85345

RE: Comments to City of Peoria Draft General Plan

Dear Chris:

Thank you for the opportunity to comment on the City of Peoria Draft General Plan. Enclosed is the diskette that you provided with a few recommendations and remarks from APS for your consideration.

As a private sector partner with the City in assuring a smart growth approach to future development, we are delighted to be included in this process and offer our continued support.

If you have any questions or require additional information, please contact me at (602) 250-2380 or e-mail [Evelyn.Casuga@aps.com](mailto:Evelyn.Casuga@aps.com).

Sincerely,

Evelyn Casuga, CED  
Program Manager, Community Development  
APS Economic Development Department

Enclosure

Cc: Les Rainey, APS Facilities Siting  
Barbara McMinn, APS Asset Management

CITY OF PEORIA  
 DRAFT GENERAL PLAN COMMENT SHEET  
 60-DAY REVIEW, OCTOBER 14, 2000

NO. PAGE OR SECTION NUMBER	COMMENTS	RESPONSE
<p>Comments Received from Arizona Public Service Co.</p> <p>1. Figure 8-1, page 8-8</p>	<p>APS strongly recommends that results from the APS Northwest Siting Study, a formal public participation process, and any future siting studies be incorporated into the Peoria General Plan to mitigate future issues on construction of overhead power lines and substations. In order of priority, APS line routes and substation sites could be included through:</p> <ol style="list-style-type: none"> <li>1. inclusion on Figure 8-1;</li> <li>2. an overlay to Figure 8-1;</li> <li>3. an additional map in the Public Facilities Element;</li> <li>4. direct reference in the Public Facilities Element to APS NW Siting Study and subsequent studies and to have information provided equally accessible to the public as the General Plan.</li> </ol>	
<p>2. Table 8-2, page 8-13, Re: "Monitor APS/SRP Major Facility Siting Studies"</p>	<p>APS proposes more specific reference to include City staff, not only in "monitoring," but to have an active participatory role in siting efforts, such as during the NW Siting Study. APS will work with staff to draft copy to this effect for inclusion to the General Plan for</p>	

CITY OF PEORIA  
 DRAFT GENERAL PLAN COMMENT SHEET  
 60-DAY REVIEW, OCTOBER 14, 2000

NO.	PAGE OR SECTION NUMBER	COMMENTS	RESPONSE
3.	Table 8-2, page 8-13	<p>text insertion below Table 8-2.</p> <p>APS proposes that line routes and substation sites be shown and be part of approved development plans.</p>	
4.	Page 7-3	<p>Population projections seem less ambitious than what has been experienced in that last 4-5 years. However, projections are more in line with historical growth of the last 20 years. With projected population growth, three new substations may be needed in the next 10 years.</p>	
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CITY OF PEORIA  
 DRAFT GENERAL PLAN COMMENT SHEET  
 60-DAY REVIEW, OCTOBER 14, 2000

No.	PAGE OR SECTION No.	COMMENTS	RESPONSE
<p>the Implementation Program on page 9-16.</p>			
<p><b>Comments Received from Arizona Public Service (APS)</b></p>			
19.	Figure 8-1, page 8-8	<p>APS strongly recommends that results from the APS Northwest Siting Study, a formal public participation process, and any future siting studies be incorporated into the Peoria General Plan to mitigate future issues on construction of overhead power lines and substations. In order of priority, APS line routes and substation sites could be included through:</p> <ol style="list-style-type: none"> <li>1. Inclusion on Figure 8-1;</li> <li>2. an overlay to Figure 8-1;</li> <li>3. an additional map in the Public Facilities Element;</li> <li>4. direct reference in the Public Facilities Element to APS NW Siting Study and subsequent studies and to have information provided equally accessible to the public as the General Plan.</li> </ol>	<p>The City will integrate the APS line routes and substation sites into Figure 8-1 (Public Facilities Plan). Policy L-1c provides for continued City participation in all siting studies for SRP, APS and regulated utility providers within the Planning Area.</p>
20.	Table 8-2, page 8-13, Re: "Monitor APS/SRP Major Facility Siting Studies"	<p>APS proposes more specific reference to include City staff, not only in "monitoring," but to have an active participatory role in siting efforts, such as during the NW Siting Study. APS will work with staff to draft copy to this effect for inclusion to the General Plan for text insertion below Table 8-2.</p>	<p>The City will revise Task 8 on Table 8-2, page 8-13 to read "Monitor and Participate in APS/SRP Major Facility Siting Studies"</p>
21.	Table 8-2, page 8-13	<p>APS proposes that line routes and substation sites be shown and be part of approved development plans.</p>	<p>The City will include a new policy in this element (identified as new Policy L-1d) to read "The City shall require the inclusion of overhead power lines,</p>

CITY OF PEORIA  
 DRAFT GENERAL PLAN COMMENT SHEET  
 60-DAY REVIEW, OCTOBER 14, 2000

			substations and other infrastructure components from SRP, APS and other utility providers on the face of any development plan, site plan and plat"
<b>Comments Received from Arizona Department of Game and Fish</b>			
22.	Page 2-10, Policy A-5f	Missing word after "shall"	Policy A-5f will be revised as noted.
23.	Page 2-13, Policy A-13b	Hotels can be near but should not be in Open Space. Conflicting uses. Policy A-14b states it better.	Policy A-13b deleted in favor of A-14b.
24.	Page 2-15, Policy A-18e,(1)	"Nonresidential" misspelled	Criterion revised with correction noted.
25.	Page 2-26, Park/Open Space	The wildlife habitat element is lacking throughout this document in the Open Space/Park sections. People love seeing wildlife but landscaped parks do not provide quality habitat.	The Conservation / Environmental Planning Element will be bolstered to include discussion and policies relating to Natural Habitat Preservation (including wildlife) and dissuading fragmentation of wildlife corridors. Objective 0-6 will be rewritten to read <u>"Maintain connections between wildlife habitats by identifying and protecting corridors for unimpeded movement."</u>
26.	Page 2-29, iv	Add to end of sentence "and is not in conflict with other approved city plans", i.e. Desert Conservation Plan.	Correction made as noted to read "That the amendment is consistent with the overall intent of <u>this the General Plan and other adopted city plans, codes and ordinances.</u> "
27.	Page 3-3	" In 1990, only 12 of" must be missing word here.	The word "percent" added here.
28.	Page 8-10	Move some of next page to bottom of this one	Formatting change made.
29.	Page 9-1	Opening paragraph, which outlines the vision of the City of Peoria as far as Open Space, should be expanded. Open Space and contiguous wash corridors should be preserved to provide viable wildlife habitat and wildlife viewing opportunities for the city's residents	Revise 3 <sup>rd</sup> sentence to read "The natural characteristics of its landforms, <u>rivers and drainageways also provide numerous presents opportunities to promote a contiguous system of wildlife corridors for a multi-use trail system that can and recreational linkages to link parks, schools, open</u>

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### 3. CIRCULATION ELEMENT

*Meeting the transportation needs of residents, visitors and businesses calls for comprehensive and forward-looking solutions and a recognition that the transportation system must integrate multi-modal opportunities to reduce reliance on the automobile.*



*The Circulation Element*

*provides a policy framework for improving this system. Although it is intended to guide decisions over the life of this Plan (10-year horizon), Peoria must make long-term plans and lay the groundwork for the distant future and its ultimate build-out. The City must develop transportation systems that serve local and regional travel and make infrastructure investments that will lead to a truly integrated system.*

The Circulation Element is organized in the following manner:

- 3.a. Introduction
- 3.b. Goals, Objectives and Policies
- 3.c. Circulation Plan
- 3.d. Implementation Program



streets and minimizing the number of four-way street intersections.

- (b) Residential street widths normally should be the minimum width consistent with safety and adequate fulfillment of City street requirements.
- (c) Turning lanes and (if appropriate) raised median strips are provided at heavily-traveled intersections where traffic studies indicate their necessity.

-----  
**Policy 3.1.C.5:**

The City shall discourage private streets unless the Peoria City Council determines that the streets meet the adopted standards and that the benefit to the City exceeds the liability.

-----  
**Objective 3.1.D:**

Develop and maintain Lake Pleasant Parkway and State Route 74 as scenic, limited-access arterial roadways and to develop and maintain Northern Parkway and Happy Valley Road / Parkway as limited access roadways.

-----  
**Policy 3.1.D.1:**

The City shall enforce the goals, objectives and policies of the Loop 303 Specific Area Plan.

-----  
**Policy 3.1.D.2:**

The City shall enforce the goals and objectives of the State Route 74 Access Management Plan.

-----  
**Policy 3.1.D.3:**

The City shall enforce the goals and objectives of the Northern Parkway design concept report.

-----  
**Policy 3.1.D.2:**

The City shall enforce the access standards for the Happy Valley Road/Parkway access to major access (potential signals) at the mile and half-mile, with additional access at

*The Loop 303 Specific Area Plan and the State Route 74 Access Management Plan provide specific guidelines regulating design, access, and land management around the Parkway and State Route. A copy of these documents can be obtained from the Peoria Community Development Department.*

7

# ARTICLE 14-35

## LANDSCAPE REQUIREMENTS

(Revised Ord. No. 01-177)

### CONTENTS

14-35-1	INTENT
14-35-2	INTERPRETATION AND SCOPE
14-35-3	DEFINITIONS
14-35-4	GENERAL LANDSCAPE REQUIREMENTS
14-35-5	LAKE PLEASANT PARKWAY CORRIDOR
14-35-6	PLAN SUBMITTAL REQUIREMENTS
14-35-7	LANDSCAPE INSTALLATION AND MAINTENANCE
14-35-8	PERMITS

#### 14-35-1 INTENT (Ord. No. 93-22)

The process of development, with its alteration of the natural topography and vegetation and creation of impervious cover can have a negative effect on the ecological balance of an area by causing increases in air temperatures and accelerating the processes of runoff, erosion, and sedimentation. The economic base of the City can and should be protected through the preservation and enhancement of the unique natural beauty and vegetative space. Recognizing that the general objectives of this Article are to promote and protect the health, safety, and welfare of the public, these landscaping regulations are adopted for the following specific purposes:

- To aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge and storm water runoff retardation, while at the same time aiding in noise, glare and heat abatement;
- To provide visual buffering between land uses of differing character;
- To enhance the beautification of the City;
- To protect the character and stability of residential, business, institutional and industrial areas;
- To preserve the value of land and building; and
- To conserve energy and other natural resources.

**14-35-2 INTERPRETATION AND SCOPE**

- A. The provisions of this Article of the Peoria Zoning Ordinance shall apply to a lot, site, or parcel of land when an application is being made for:
1. Site plan approval pursuant to Article 14-39, Section 14-39-9, Site Plan Review of this Ordinance. (Ord. No 02-80)
  2. Signs pursuant to Article 14-34 of this Ordinance where landscaping is required.
  3. Subdivisions pursuant to Chapter 24 of the Peoria City Code. (Ord. No. 03-06)
- B. Notwithstanding the application of Section 14-35-2-A above, these provisions shall not apply to the following:
1. An individual lot containing single family or duplex residence
  2. Lots or sites within an approved Planned Area Development (P.A.D.) which have been approved with its own landscape plan prior to the adoption of this ordinance. However, these provisions shall be used as the basis for determining the landscaping plans for future P.A.D.'s and such P.A.D. landscaping plans shall meet or exceed the standards of these landscape regulations.
  3. Restoration of a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind. For purposes of this paragraph, "restoration" means the act of putting back into a former or original state.
  4. Site Plans that included landscaping that were approved prior to the adoption of this ordinance.
  5. Lots or sites subject to the provisions governing amendment to approved site plans, set forth in Article 14-39, Section 14-39-9, "Site Plan Review," unless such site plan amendments will: (Ord. No. 02-80)
    - a. Increase the number of stories in a building on the lot;
    - b. Increase by more than ten percent (10%) or ten thousand (10,000) square feet, whichever is less, the combined floor areas of all buildings on the lot; or
    - c. Increase the building or parking coverage on the lot by more than two thousand (2,000) square feet.

**14-35-3 DEFINITIONS**

- A. *Cacti*: Any family of plants that have fleshy stems and branches with scales or spines instead of leaves and is capable of storing water and requiring no supplemental irrigation.

- B. *Caliper*: The diameter of the trunk of a tree measured six (6) inches above ground level up to and including four (4) inch caliper size, and measured twelve (12) inches above ground level if the measurement taken at six (6) inches above ground level exceeds four (4) inches. If a tree is of a multi-trunk variety, the caliper of the tree is the average caliper of its two (2) largest trunks.
- C. *Evergreen Tree or Shrub*: A tree or shrub of a species which normally retains its leaves/needles throughout the year.
- D. *Ground Cover*: Natural mulch or plants of species which normally reach a height of less than two (2) feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.
- E. *Landscape Architect*: A person registered to practice landscape architecture in the State of Arizona.
- F. *Landscape Buffer*: A landscape area that serves to screen the visual impacts caused by the differences in use, such buffer shall be located on the perimeter of the site.
- G. *Landscape Materials*: Materials used for the purpose of landscape improvements which include any or all of the following: lawn or grass areas; trees, shrubs, ground cover or other plantings; irrigation systems; decorative rock, natural or man-made; decorative lighting; detention and retention ponds; waterfalls and man-made streams; and berms or mounds. (Ord. No. 03-182)
- H. *Landscape Plan*: A graphic representation of the landscape development of a site indicating the location of all existing and proposed landscape improvements to be present on the site at the completion of the construction of the project.
- I. *Landscaping*: An exterior improvement of property in accordance with an approved landscape plan and utilizing approved landscape materials.
- J. *Palm Tree*: For the purpose of this Article means a vertical palm that can reach twenty (20) feet or greater in height upon maturity.
- K. *Useable Open Space*: An improved area that enables or provides opportunities for residents to congregate or recreate. (Ord. No. 06-16)

**14-35-4 GENERAL LANDSCAPE REQUIREMENTS****A. Required Landscape Areas**

No part of any landscape area shall be used for any other use such as parking or display, except for required on-site retention areas or when such use is shown on the approved landscape plan except as otherwise provided in Chapter 14.

**1. On-Site Landscaped Areas**

**ARTICLE 14-35**

**LANDSCAPE REQUIREMENTS**

All development projects requiring an approved landscape plan shall provide on-site landscaped areas located in accordance with the following standards and requirements:

a. (Ord. No. 04-186)

On-Site Landscaped Areas	Multi-Family & Non-Residential	Industrial	Single Family Residential	Schools
<b>Required Area<sup>1</sup></b>				
Percentage of Net Site Area	20	10 <sup>2</sup>	(a)	20
1 tree/ 5 shrubs per	400 sq ft	400 sq ft	1000 sq ft	800 sq ft
<b>Street Frontage Area<sup>3</sup></b>				
Arterial Streets (ft)	15	10	10 <sup>4</sup>	15
Collector and Local Streets (ft)	15	10	8 <sup>4</sup>	10

<sup>1</sup> Water storage facilities, wireless communication facilities and similar land uses shall be exempt from the on-site landscape area requirements with the exception that street frontage landscaping shall be required.

<sup>2</sup> Mini-storage facilities and similar uses shall be considered industrial developments for the purposes of landscape requirements regardless of zoning designation. (Ord. No. 03-182)

<sup>3</sup> A landscaped area along all street frontages shall be established and maintained between the street right-of-way and any building, on-site parking area, residential property line or perimeter screen wall. The area of this landscape strip may be used to satisfy, to the extent provided, the on-site landscaped area set forth in this Section. Public utility facilities providing an essential service may be exempt from this standard as determined by the Planning Manager, provided that the development include the required plantings as set forth in this Section. Single-family residential subdivisions may provide an average of the frontage requirement along arterial roadways to accommodate wall undulation. (Ord. No. 03-182)

<sup>4</sup> All such landscaped areas shall be held within a tract unless determined otherwise by the Planning Manager. Front lot lines are exempt from the street frontage landscaping requirement. (Ord. No. 06-07)

(a) For all single-family subdivisions, on-site landscaped areas shall consist of street frontage landscaping, required retention and useable open space areas. The required amount of useable open space shall be determined per the Design Review Manual. (Ord. No. 03-182)

b. All portions of the development site not occupied by buildings, structures, vehicle access and parking areas, loading and unloading areas, and approved storage areas shall be landscaped in accordance with the provisions of this Section. Future building pads within a phased development shall be improved with temporary landscaping, and maintained weed and dust free in such a manner as may be approved by the Community Development Director or designee.

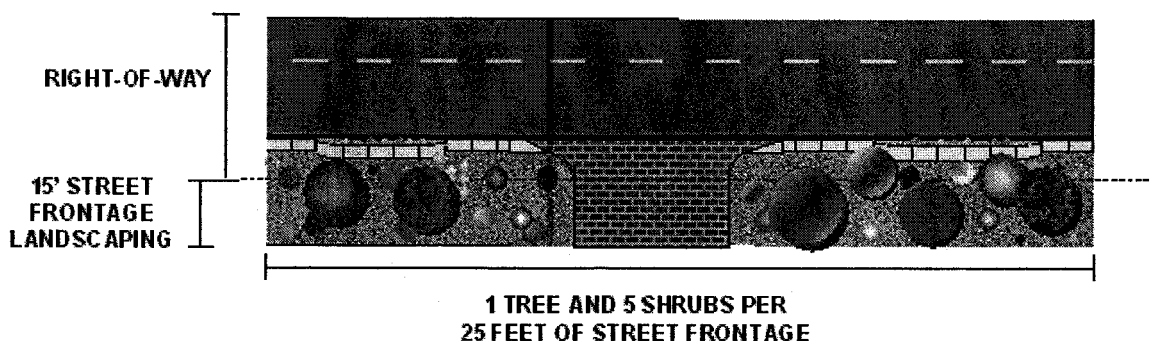
c. All required useable open space areas as defined by the Design Review Manual may be included within the on-site landscaped areas.

- d. For the purposes of calculating required landscape area, net site area shall exclude rights-of-way, school playfields, and any required landscape buffer. (Ord. No. 03-182) (Ord. No. 04-186)

**2. Street Frontages and Rights-of-Way**

All street rights-of-way classified as collector or higher contiguous with the proposed development or located within the interior of a development not used for street pavement, curbs, gutters, sidewalks, or driveways shall be landscaped in addition to the required on-site landscaped areas listed above. Right-of-way landscaping shall be designed to minimize maintenance issues. (Ord. No. 03-182)

- a. The installation of street trees, shrubs, and vegetative ground cover shall be required for projects in an amount equal to or greater than one (1) tree and five (5) shrubs for every twenty-five (25) feet of street frontage, and vegetative ground cover. The shrubs and ground cover shall occupy a minimum of sixty percent (60%) of the total street frontage landscaped area at maturity. Residential subdivisions shall be exempt from this provision where lots front onto a street.
- b. The required plantings shall be located in the street right-of-way landscaped area within a minimum five (5) foot wide planter area, or within the front fifteen (15) feet of the required on-site landscape areas, and shall be designed and located to enhance the proposed development project and the streetscape.
- c. Such planting requirements shall be in addition to the landscape requirements in Section 14-35-4-A.1. All additional plantings in excess of the requirement may be used to satisfy the on-site landscaping requirements.
- d. Future phases of contiguous development shall include street frontage and right-of-way landscaping with the first phase of development. The area and plantings provided for subsequent phases shall count only towards the landscape requirements for the future development. This requirement may be modified for large-scaled projects as approved by the Community Development Director or designee. (Ord. No. 02-95)



3. *Landscape Buffers*

A landscape buffer shall be provided in the manner, context and density specified below:

Landscape Buffer	Single Family Residential District	Multi-Family & other Residential Districts
Non-Residential Districts (O-1, C-1)	20'	20'
Non-Residential Districts (all other)	30'	30'
Multi-Family District (RM-1)	20'	n/r



Landscape Material	Density	Minimum Size at Planting
Trees	3 per 1,000 sq. ft.	24 inch box
Shrubs	5 per 1,000 sq. ft.	5 gallon
Vegetative Groundcover	20% of area	1 gallon
Inert Groundcover	100% of area	¾" (if DG)

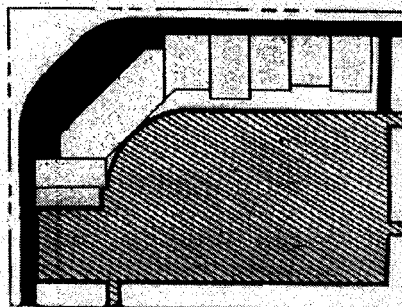
<sup>1</sup> For the purposes of this section, the buffer utilized when adjacent to a PAD or PCD development unit or site will be determined on the basis of the land use scheduled or utilized for said area or as otherwise determined by the Planning Manager.

4. *Parking Area Landscaping*

a. *Surface Parking*

For all developments exceeding fifteen thousand (15,000) square feet of gross floor area, ten percent (10%) of all parking lot areas, exclusive of service drive aisles, shall be landscaped. The requirement for general industrial and manufacturing developments as delineated in Table 14-9-3 or for developments containing fifteen thousand (15,000) square feet or less shall be five percent (5%) of the parking lot area. The parking landscape area shall be located entirely within the exterior curbs of the surface parking area. (Ord. No. 06-07)

 *PARKING AREA*  
 *SERVICE DRIVE AISLE*





All surface parking areas shall incorporate the following elements:

- 1) One (1) parking lot island with raised concrete or decorative curbing shall be provided for every eight (8) parking spaces. In addition, landscape islands shall be provided at the end of each parking row. (Ord. No. 03-182)
- 2) Each landscape island shall be a minimum width of seven (7) feet, measured from back of curb to back of curb and equal the length of the parking stall(s).
- 3) Landscaped medians shall be provided for all double rows of parking which exceed thirty (30) total spaces. Each median shall be a minimum width of seven (7) feet of which a two (2) foot parking overhang on both sides may be included. Curb breaks may be provided to accommodate drainage flows. A deviation or alternative to this requirement may be considered by the Planning Manager or designee provided the intent of the landscape median is satisfied. (Ord. No. 06-07)

b. Multi-level Parking Structures

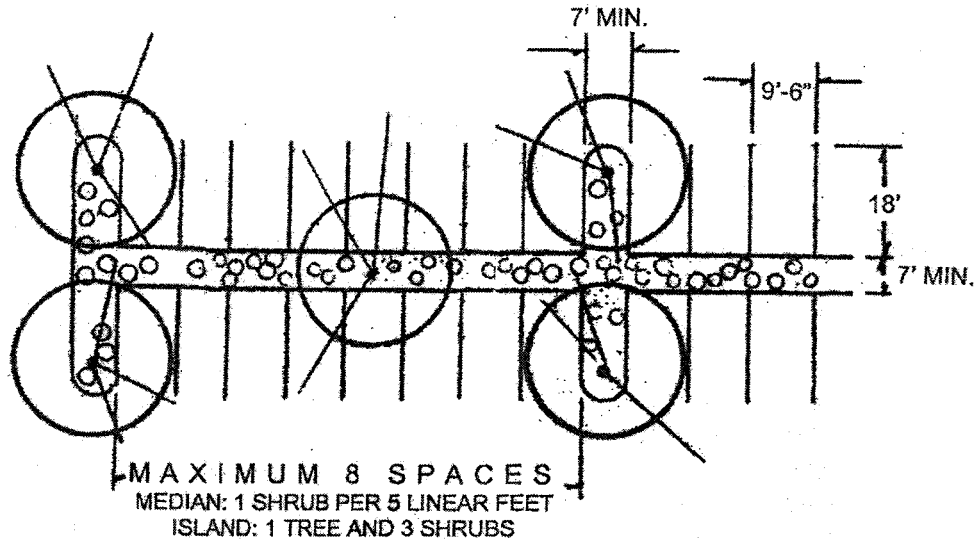
For projects that utilize multiple level parking structures, a minimum ten (10) foot landscape area shall be located around the perimeter of the structure.

For projects that utilize both surface and multi-level parking structures, the required parking area landscape shall be the combined requirements of the above.

5. *Parking Landscape Improvements*

a. Surface Parking

- 1) Surface parking areas shall contain one (1) tree and three (3) shrubs for every parking island (one stall in length).
- 2) Landscaped parking medians shall contain one (1) shrub for every five (5) linear feet of landscaping. A minimum of one (1) tree shall be provided between landscape islands. Adequate planter area shall be provided to accommodate full tree maturity.
- 3) All plantings within surface parking areas may be used to satisfy the landscape requirements in Section 14-35-4-A.1. The parking area tree palette shall only include species that provide adequate shading and minimal litter. (Ord. No. 03-182)
- 4) Shrubs within a landscape island or median shall be maintained to a maximum height of three (3) feet, and all trees at maturity within such planters shall maintain a minimum clearance of six (6) feet from the lowest branch to the adjacent grade elevation.



b. Multi-level Parking Structures

The landscape area provided at the perimeter of multiple level parking structures shall contain one (1) tree and three (3) shrubs for every twenty (20) feet of structure perimeter.

6. *Drainage Facilities (Public and Private)*

Drainage facilities shall be completely landscaped with plantings and ground surface materials. Such landscaping shall provide for erosion protection while allowing for the efficient utilization of the structure.

7. *Building Foundation*

Non-residential and multi-family residential buildings shall include a landscape foundation planter with a minimum width of five (5) feet between the building and parking lot. This foundation planter area shall comprise a minimum of fifty percent (50%) of the façade(s) length and may count towards the on-site landscape area requirements. (Ord. No. 03-182) A deviation or alternative to this requirement may be considered by the Planning Manager or designee.

Building foundation planter areas shall include one (1) shrub for every five (5) linear feet. All plantings within building foundation planter areas may be used to satisfy the landscape requirements in Section 14-35-4-A.1. A deviation or alternative to this requirement, including but not limited to, raised planters with seatwalls, decorative planter boxes, potted trees / shrubs, may be considered by the Planning Manager or designee provided the intent of the building foundation planter is satisfied. (Ord. No. 06-07)

B. Design Standards

1. *Minimum Size of Trees and Shrubs*

Unless otherwise specified herein, all required trees shall be a minimum of fifteen (15) gallon in size and at least fifty percent (50%) of those trees must be twenty-four (24) inch box or larger in size. A development may substitute thirty-six (36) inch box trees in place of fifteen (15) gallon trees at a substitution rate of 1.5 trees for every 1 required fifteen (15) gallon tree. All shrubs shall be a minimum of five (5) gallon in size to satisfy the landscape requirements in Section 14-35-4A.2. (Ord. No. 03-182)

All trees shall be of a size at the time of installation to conform with the standards established in the *Arizona Nursery Association Grower's Committee Recommended Tree Specifications*.

2. *Limitation On Use of Turf*

Development projects shall limit the use of turf (lawn) to a maximum of twenty percent (20%) of the lot area. This provision may be waived for those projects as determined by the Site Plan Review process that require a greater amount of turf due to the nature of their use (i.e. schools, parks, golf courses etc.) or those projects that irrigate their landscaping with a reclaimed or private water source. (Ord. No. 03-182)

3. *Substitution of Ground Covers*

Upon approval of the Community Development Director or designee, the installation of twenty (20) square feet of vegetative ground cover in any landscaped area shall substitute for one (1) required shrub, up to a maximum of twenty percent (20%) of the required shrubs in any particular landscaped area. No substitution shall be made for the required shrubs along any street frontage. (Ord. No. 02-95)

4. *Ground Surface Treatment*

All landscaped areas shall be finished with a natural topping material which may include, but not limited to, the following: turf (subject to Section 14-35-4-B.2), ground cover, planting, 3/4" minus decomposed granite (or as approved by plan review) at a 2" minimum depth, river rock, expanded shale, or bark. A pre-emergent herbicide shall be applied to the ground prior to and after the placement of natural surface materials (decomposed granite, river run rock, etc.) in any landscaped area to prevent weed growth.

5. *Irrigation Standards*

All landscaped areas shall be supported by an automatic irrigation system which may be a spray, flood, or drip type system. A backflow prevention device as approved by the City shall be required with the installation of all irrigation systems. All irrigation systems and landscaped areas shall be designed, constructed, and maintained to promote water conservation and prevent water overflow or seepage onto the street, sidewalk, or parking areas.

A separate water meter shall be installed for landscaping that is installed within the right-of-way and maintained by the City. For developments in which the

property owner is to maintain the right-of-way landscaping, the right-of-way irrigation system shall be separated or isolated from the on-site irrigation system.

6. *Obstructions to Visibility*

All landscaping and landscaped materials established in close proximity to a driveway or street intersection shall be installed and maintained in compliance with the City's visibility triangle requirements. All ground covers within surface parking areas shall be designed to minimize interference with surveillance capabilities or vehicular and pedestrian circulation.

7. *Protection of Landscaped Areas from Vehicular Damage*

Permanent containment barriers (concrete curbs or bumper guards) shall be installed and properly secured within or adjacent to all proposed parking areas and along all driveways and vehicular access ways to prevent the destruction of landscape materials by vehicles. All trees and shrubs shall be installed a minimum of two and one-half (2.5) feet from back of curb.

8. *Obstructions of Fire Hydrants*

All plant materials shall be planted so that at maturity the edge of the plant will be no closer than three (3) feet to any fire hydrant or fire suppression device.

9. *Landscape Screening*

All mechanical equipment, electrical meters and similar utility devices shall be screened from public view with appropriate plantings.

10. *Trails*

All trails required by the Rivers and Trails Mater Plans shall include landscaping and hardscape materials as determined by the Community Services Department.

11. *Acceptable Landscape Materials*

- a. Plant materials utilized in landscaped areas in the right-of-way must be included on the most recent edition of the *Phoenix Active Management Area Low Water Using Plant List*.
- b. No artificial plant materials may be used to satisfy the requirements of this Section.
- c. Palm trees shall not be installed within the right-of-way unless the maintenance for the palm trees is provided by the owner.
- d. Pollen producing vegetation such as the Mulberry tree (*Morus Alba*) or Olive tree (*Olea Europea*) shall be prohibited per Ordinance 00-20.

**SECTION 14-35-5 LAKE PLEASANT PARKWAY SCENIC ROADWAY CORRIDOR**

Lake Pleasant Parkway is a unique roadway corridor that traverses areas of recognized scenic quality and natural desert beauty. Sensitive development standards guided by preservation and quality of life objectives provide direction for location of streets and buildings within this corridor. Special standards for development within the corridor reflect the need for sensitive encroachment into the natural desert environment.

**A. Scenic Roadway Established**

A Scenic Roadway Corridor is established encompassing a width of ¼ mile (1,320 feet) on either side of the centerlines of the following streets:

- Lake Pleasant Parkway, from Rose Garden Lane to the Carefree Highway
- Carefree Highway, from Lake Pleasant Parkway to SR 74
- SR 74, from Carefree Highway to the western limits of the City of Peoria

**B. Urban, Suburban and Rural Environments**

1. *Urban Sector* - the Urban Sector shall extend from Rose Garden Lane to Happy Valley Road.
2. *Suburban Sector* - the Suburban Sector shall extend from Happy Valley Road to the Agua Fria River crossing on SR 74.
3. *Rural Sector* - The Rural Sector shall extend from the Agua Fria River crossing on SR 74 to the western limits of the City.

**C. Development Standards**

1. Special landscape setbacks to open view corridors adjacent to the roadways are established as follows. Landscape setbacks are in addition to required street landscaping requirements for the various zoning districts established elsewhere in this ordinance.
  - a. The landscape setback for Urban Sector areas shall be 15 feet.
  - b. The landscape setback for Suburban Sector areas shall be 30 feet.
  - c. The landscape setback for Rural Sector areas shall be 50 feet.
2. Driveways within the special setback areas shall not exceed 20% of the setback.
3. Landscape materials located within the special setback areas shall consist of native plant materials and treatments consistent with the planting context of natural desert areas in the vicinity

**SECTION 14-35-6 PLAN SUBMITTAL REQUIREMENTS**

**A. Conceptual Landscape Plan****1. *Submittal Requirements***

If these landscape regulations apply to a lot or site that is subject to site plan review as set forth in Article 14-39-9, of this Ordinance, or that is processed as a subdivision plat, then a conceptual landscape plan shall be submitted as part of the Site Plan or Preliminary Plat application.

**2. *Plan Format and Content***

- a. Submittals for multi-family and non-residential developments shall conform to the guidelines of the Site Plan and Design Review Process Guide.
- b. Submittals for single-family residential developments shall conform to the guidelines of the Subdivision Development Process Guide.
- c. Process guides are available from the Community Development Department.

**3. *Plans Review***

Conceptual Landscape Plans shall be reviewed for compliance and approved in accordance with the requirements of this Article.

**B. Final Landscape Plan Review****1. *Plan Format and Content***

Final landscape plans shall conform to the guidelines of the Final Landscape Plan Review Process Guide available from the Community Development Department. Final irrigation plans shall be included with the submittal.

**2. *Final Landscape Plan Review***

- a. The final landscape plans for multi-family and non-residential development projects shall be submitted with the building permit application and shall be approved prior to the issuance of building permits.
- b. Final landscape plans for subdivisions shall be reviewed by the Planning Division at the time of off-site improvement plan review. Landscaping installation with the public right-of-way shall be subject to the bonding requirements as established by the City.

**3. *Plans Review***

The City shall review final landscape plans for conformance with the approved conceptual landscape plans.

**C. Landscape Plan(s) Preparation**

All landscape plans submitted to the City for review shall be prepared and sealed by a registered Arizona Landscape Architect. Such regulations are governed by the State of Arizona Board of Technical Registration.

**14-35-7 LANDSCAPE INSTALLATION AND MAINTENANCE****A. Landscape Completion**

1. Except as otherwise provided in Section 14-35-7-A.2 below, all landscaping must be completed in accordance with the approved landscape plan before a Certificate of Occupancy may be issued for any building on the lot
2. If the property owner provides the Community Development Director documented assurance that the landscaping will be completed within six (6) months, the City may issue one (1), six (6) month temporary Certificate of Occupancy and permit the property owner to complete the landscaping during the six (6) month period. For purposes of this subsection, "documented assurance" means a cash bond, cash deposit, or irrevocable letter of credit in an amount equal to 110% of the cost to install the landscaping and irrigation system (Ord. No. 03-182)

**B. Landscape Maintenance****1. Owner Maintenance**

- a. The property owner and/or Lessee shall maintain all landscape materials both on-site and in the adjacent right-of-way in accordance with the approved landscape plan(s).
- b. Required landscaping must be maintained in a healthy, growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all planting as needed. Any plant that dies must be replaced with another living plant that complies with the approved landscape plan within thirty (30) days after notification by the City.
- c. Any damage to utility lines resulting from the negligence of the property owner or his agents or employees in the installation and maintenance of required landscaping in a utility easement or public right-of-way is the responsibility of the property owner. If a public utility disturbs a landscaped area in a utility easement, it shall make every reasonable effort to preserve the landscaping materials and return them to their prior locations after the utility work. If, nonetheless, some plant materials die, it is the obligation of the property owner to replace the plant materials.
- d. Any public land landscaping that does not meet the criteria of Section 14-35-6-B.3 shall be maintained by the owners of the adjacent properties.

**2. City Maintenance of Public Lands**

The City may accept responsibility for the maintenance and operation of landscaping and appurtenances as described by one of the following categories:

- a. Equestrian trails and multi-use paths along the AC/DC canal, CAP canal, New River, Agua Fria River, and Skunk Creek corridors.
- b. Street rights-of-way abutting municipal public facilities.
- c. Flood control facilities which have been accepted for operation and maintenance by the City.
- d. Areas identified for City maintenance by the City Council.

3. *Conditions for Accepting Maintenance*

Prior to the City accepting for maintenance any landscaping and appurtenances as described in Section 14-35-6-B.2 above, the following conditions shall have been satisfied:

- a. A separate landscape and irrigation plan, prepared in accordance with Section 14-35-5-B, shall be prepared and approved for any area to be considered for City Maintenance. The plans may be part of the same submittal, but on different sheets than landscape and irrigation plans for areas to be maintained by the private property owner.
- b. Prior to construction of landscaped areas to be maintained by the City, the owner/developer shall provide cash, certified check, or negotiable bond in an amount sufficient to provide the installation of the landscaping and irrigation system.
- c. The landscaping shall be inspected and approved by the City for compliance with the approved landscape plan.
- d. The subsequent completion of a ninety (90) day maintenance period wherein the developer shall be responsible for all watering, weeding, and replacement of all dead or dying plant materials.
- e. A final inspection called by the developer or his representative at the completion of the ninety (90) day maintenance period resulting in final approval and acceptance by the City.

**14-35-8 PERMITS**

Permits for landscape and irrigation installation are required for backflow prevention, electrical connections, and all work performed within the public right-of-way.



8

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

CC: JR  
Amend No. \_\_\_\_\_

Date prepared: October 31, 2006

Council Meeting Date: November 14, 2006

**TO:** Terry Ellis, City Manager

**FROM:** Glen Van Nimwegen, AICP, Community Development Director *GMN*

**THROUGH:** Chad Daines, AICP, Planning Manager *CD*

**PREPARED BY:** Chris M. Jacques, AICP, Senior Planner *CJ*

**SUBJECT:** GPA 06-09, Rescind Lake Pleasant Parkway Corridor SAP

Proposal to adopt a resolution rescinding the Lake Pleasant Parkway Corridor Specific Area Plan (XREF: GPA 06-04 and TA 06-05).

**Recommendation:**

- A. That the Mayor and Council concur with the Planning and Zoning Commission recommendation to rescind the Lake Pleasant Parkway Corridor Specific Area Plan.

**Background:**

- The Lake Pleasant Parkway Corridor Specific Area Plan (LPPCSAP) was adopted in 2000 primarily for the purposes of establishing appropriate nodes for commercial development and associated standards to sensitively guide development along this parkway. The Plan established specific view corridor setbacks and standards along the corridor (based upon urban, suburban or rural character of segment) and guided commercial development to specified nodes. The intent was to preserve the unique and pristine environment that the parkway traversed and avoid the common strip-commercial development occurrence on other Valley roadways.
- Most of the substantive policies and regulations promulgated by the plan have now been incorporated into other documents -- namely the Loop 303 Specific Area Plan and the Desert Lands Conservation Overlay District. Additionally, new land use classifications were established last year (Regional Commercial, Community Commercial) and located on the Land Use Plan to guide specific types and scale of commercial development. For example, new large-scale retail uses (i.e. big-box)

**CITY CLERK USE ONLY:**

- Consent Agenda
- Carry Over to Date: \_\_\_\_\_
- Approved
- Unfinished Business (Date heard previous: \_\_\_\_\_)
- New Business

ORD. # \_\_\_\_\_ RES. # 06-174  
LCON# \_\_\_\_\_ LIC. # \_\_\_\_\_  
Action Date: 11-14-06

are relegated to Regional Commercial areas on the Land Use Plan. Incidentally, the Land Use Plan reflects the commercial nodes established in the LPPCSAP. Therefore, the LPPCSAP is now proposed for rescission.

**Discussion / Analysis:**

3. The manner for rescinding a plan adopted by a resolution is by the use of a resolution. Voiding this Plan is a matter of business and is brought to the commission for its recommendation. Case GPA 06-04 outlines the Chapters of the General Plan that will be updated to remove all references to this Plan and where references to the recently adopted Loop 303 Plan have been added. Also contained within that report is the proposed language to the Land Use Element establishing a Lake Pleasant Scenic Corridor and surviving policies and standards from the LPPCSAP that are now integrated into the Land Use Element.
4. The Plan has served its function in establishing a framework to sensitively guide development along the corridor. In many instances, the policies and guidelines of the Plan have been incorporated in other policy documents and city ordinances. The Plan is now duplicative of these documents, creating areas of overlapping policy and jurisdiction. Recision of the Plan is the recommended course of action. The following summarizes several changes since the original adoption in 2000 that negates the necessity for the Plan:
  - a. **Adoption of the Loop 303 Specific Area Plan in 2005.** With overlapping corridors, the new Plan provides new land use and circulation policy for the Loop 303 and Lake Pleasant Parkway from Happy Valley Road to SR-74 and then along SR-74 to the Agua Fria River.
  - b. **Commercial Nodes incorporated into General Plan Land Use Plan.** Last year, new land use classifications were established (Regional Commercial, Community Commercial) and located on the Land Use Plan to guide specific types and scale of commercial development. For example, new large-scale retail uses (i.e. big-box) are relegated to Regional Commercial areas on the Land Use Plan. If you recall, one of the goals of the LPPCSAP was to guide commercial development into specified nodes to avoid the strip development and preserve the scenic quality of the area. The General Plan Land Use Map reflects the nodes originally established under the LPPCSAP. Additionally, in furtherance of this objective, the companion case (GPA 06-04) contains language to be inserted into the Land Use Element that identifies the specific locations of the nodes and the classification. Please be advised that the language contains a new opportunity for office development (only) at the NWC of Lake Pleasant Parkway and Yearling Road as a transition between the Lake Pleasant Towne Center (due south) and surrounding residential uses. That request is analyzed through Case GPA 06-05..
  - c. **Adoption of the Desert Lands Conservation Ordinance (DLCO).** In 2002, the

City of Peoria adopted the DLCO into the Zoning Ordinance. The DLCO is an overlay that applies to all lands north of Pinnacle Peak Road. The intent of the ordinance is to identify and protect the pristine quality of the desert landscape through standards to conserve environmental features and hillsides, identify and protect wildlife habitat, cultural resources and wash corridors and inventory and protect significant native plant palette. The DLCO provides the hard standards to implement many of the goals, objectives and policies stated in the LPPCSAP.

- d. **Integration into Land Use Element of the General Plan.** As part of the companion case (Case GPA 06-04), the scenic corridor buffers (i.e. setbacks for urban, suburban and rural) have been preserved and integrated into the Land Use Element. Additionally, several guidelines from the LPPCSAP have been integrated into the Land Use Element.

**Findings / Recommendation:**

5. The proposed amendment supports the following findings:
  - The amendment constitutes an overall improvement to the City's General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time; and
  - The proposed amendment recognizes that several planning efforts have been incorporated into the Peoria General Plan (i.e. Loop 303 Specific Area Plan, new land use classifications) and other regulatory standards (i.e. Desert Lands Conservation Overlay) have been established to sensitively guide development along the corridor in a manner congruent with the goals of the original LPPCSAP; and
  - The amendment advances the objectives of the LPPCSAP by establishing a scenic corridor and integrating relevant policies in the Land Use Element of the General Plan; and
  - The changes proposed herein and the documents and regulations referenced preserve the goals and protections afforded in the LPPCSAP thereby negating the necessity of the Plan as a separate planning tool.

**Planning & Zoning Commission Action:**

6. On October 26, 2006, the Peoria Planning & Zoning Commission held a meeting off-site to discuss the case. There were no questions or concerns raised for staff. At the public hearing held on November 2, 2006, the Commission unanimously recommended approval of the proposed amendment as shown in the attached Resolution.

**Attachments:**

Resolution

RESOLUTION NO. 06-174

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA RESCINDING THE LAKE PLEASANT PARKWAY CORRIDOR SPECIFIC AREA PLAN; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

WHEREAS, the General Plan heretofore adopted by the City of Peoria, Arizona provides for periodic review and amendment;

WHEREAS, the City of Peoria is required to follow the procedures of A.R.S. 9-461.06 in adopting any amendments to the General Plan; and

WHEREAS, the Peoria Planning and Zoning Commission, after due and proper notice as required by law, held public hearings regarding amendment number GPA 06-09 on October 26, 2006, and on November 2, 2006; and

WHEREAS, after such public hearing and consideration of GPA 06-09, the Peoria Planning and Zoning Commission recommended adoption on November 2, 2006, a copy of which recommendation is on file with the City Clerk of the City of Peoria, Arizona, and which said case number GPA 06-09 was transmitted to the Mayor and Council of the City of Peoria prior to the meeting of November 14, 2006; and

WHEREAS, after notice in the manner and form provided by law, a public hearing regarding case number GPA 06-09 was held by the City Council on November 14, 2006, as required by A.R.S. 9-461.06; and

WHEREAS, after due and proper consideration of such GPA 06-09, the Mayor and Council of the City of Peoria, Arizona have found that GPA 06-09 will properly aid in the orderly growth and development of the City of Peoria, Arizona.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AS FOLLOWS:

**Section 1.** Rescind the Lake Pleasant Parkway Corridor Specific Area Plan

1. The City Council of the City of Peoria, Arizona, does hereby accept and adopt amendment number GPA 06-09, rescinding the Lake Pleasant Parkway Corridor Specific Area Plan.

SECTION 2. Separability.

In the event any part, portion or paragraph of this Resolution is found to be invalid by any court of competent jurisdiction, the invalidity of such part, portion, or paragraph shall not affect any other valid part, portion, or paragraph of this Resolution and effectiveness thereof;

SECTION 3. This Resolution shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 14<sup>th</sup> day of November, 2006.

  
\_\_\_\_\_  
John C. Keegan, Mayor

Date Signed Nov. 16, 2006

ATTEST:

  
\_\_\_\_\_  
Mary Jo Kief, City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

CC: 9R  
Amend No. \_\_\_\_\_

Date prepared: October 31, 2006

Council Meeting Date: November 14, 2006

**TO:** Terry Ellis, City Manager  
**FROM:** Glen Van Nimwegen, AICP, Community Development Director *GM*  
**THROUGH:** Chad Daines, AICP, Planning Manager *MD*  
**PREPARED BY:** Chris M. Jacques, AICP, Senior Planner *CJ*  
**SUBJECT:** GPA 06-04, Various Chapters

Proposal to adopt a resolution revising Chapter 2 (Land Use), Chapter 3 (Circulation), Chapter 5 (Growth Areas) and Chapter 10 (Environmental Resources) by removing references to the Lake Pleasant Parkway Corridor Specific Area Plan (proposed for rescission) and adding references to the Loop 303 Specific Area Plan and establishing a scenic corridor on Lake Pleasant Parkway, Carefree Highway and SR-74 (XREF: GPA 06-09 and TA 06-05).

**Recommendation:**

- A. That the Mayor and Council concur with the Planning and Zoning Commission recommendation and adopt the attached Resolution approving certain amendments to various Elements of the General Plan.

**Background:**

1. The Lake Pleasant Parkway Corridor Specific Area Plan (LPPCSAP) was adopted in 2000 primarily for the purposes of establishing appropriate nodes for commercial development and associated standards to sensitively guide development along this parkway. The Plan established specific view corridor setbacks and standards along the corridor (based upon urban, suburban or rural character of segment) and guided commercial development to specified nodes. The intent was to preserve the unique and pristine environment that the parkway traversed and avoid the common strip-commercial development occurrence on other Valley roadways.

**CITY CLERK USE ONLY:**

- Consent Agenda  
 Carry Over to Date: \_\_\_\_\_  
 Approved  
 Unfinished Business (Date heard previous: \_\_\_\_\_)  
 New Business

ORD. # \_\_\_\_\_ RES. # 06-175  
LCON# \_\_\_\_\_ LIC. # \_\_\_\_\_  
Action Date: 11-14-06

2. Most of the substantive policies and regulations promulgated by the Plan have now been incorporated into other documents -- namely the Loop 303 Specific Area Plan and the Desert Lands Conservation Overlay District. Additionally, new land use classifications were established last year (Regional Commercial, Community Commercial) and located on the Land Use Plan to guide specific types and scale of commercial development. For example, new large-scale retail uses (i.e. big-box) are relegated to Regional Commercial areas on the Land Use Plan. Incidentally, the Land Use Plan reflects the commercial nodes established in the LPPCSAP. Therefore, the LPPCSAP is now proposed for rescission (XREF: GPA 06-09 and TA 06-05).

**Discussion / Analysis:**

3. Policies and guidelines for development along the Lake Pleasant Parkway corridor can be found in several City policy documents and ordinances. The Loop 303 Specific Area Plan, the Peoria General Plan and the Park, Recreation and Open Spaces Master Plan are policy documents that provide vision and implementation concepts for the corridor. The Peoria Zoning Ordinance contains several components of the implementation strategy for establishing the scenic corridor. The most prominent of these components is the provisions of the Landscape Ordinance.
4. Amendments to the Peoria General Plan designed to address the rescission of the LPPCSAP and integrate policies established in the document are reflected in the table below:

Chapter/Page	Change
Chapter 2 Land Use - Pages 2-2, 2-3, 2-37	Remove references to the LPPCSAP and insert references to the Loop 303 Specific Area Plan; update references to major development plans
Chapter 2 Land Use - Page 2-38	Establish a Scenic Corridor for Lake Pleasant Parkway, Carefree Highway and State Route 74; insert land use policies and development standards
Chapter 3 Circulation - Page 3-8	Remove references to the LPPCSAP and insert references to the Loop 303 Specific Area Plan in the Element's Goals, Objectives and Policies
Chapter 5 Growth Area - Page 5-12	Remove references to the LPPCSAP and insert references to the Loop 303 Specific Area Plan
Chapter 10 Environmental Resources - Page 10-2	Remove references to the LPPCSAP and insert references to the Loop 303 Specific Area Plan

5. The Plan has served its function in establishing a framework to sensitively guide development along the corridor. In many instances, the policies and guidelines of the Plan have been incorporated in other policy documents and city ordinances. The Plan is now duplicative of these documents, creating areas of overlapping policy and jurisdiction. The following summarizes several changes since the original adoption in 2000 that negates the necessity for the Plan:
  - a. **Adoption of the Loop 303 Specific Area Plan in 2005.** With overlapping



corridors, the new Plan provides new land use and circulation policy for the Loop 303 and Lake Pleasant Parkway from Happy Valley Road to SR-74 and then along SR-74 to the Agua Fria River.

- b. **Commercial Nodes incorporated into General Plan Land Use Plan.** Last year, new land use classifications were established (Regional Commercial, Community Commercial) and located on the Land Use Plan to guide specific types and scale of commercial development. For example, new large-scale retail uses (i.e. big-box) are relegated to Regional Commercial areas on the Land Use Plan. If you recall, one of the goals of the LPPCSAP was to guide commercial development into specified nodes to avoid the strip development and preserve the scenic quality of the area. Exhibit A references the specific nodal locations established in the LPPCSAP. Please be advised that this listing contains a new opportunity for office development only at the NWC of Lake Pleasant Parkway and Yearling Road.
- c. **Adoption of the Desert Lands Conservation Ordinance (DLCO).** In 2002, the City of Peoria adopted the DLCO into the Zoning Ordinance. The DLCO is an overlay that applies to all lands north of Pinnacle Peak Road. The intent of the ordinance is to identify and protect the pristine quality of the desert landscape through standards to conserve environmental features and hillsides, identify and protect wildlife habitat, cultural resources and wash corridors and inventory and protect significant native plant palette. The DLCO provides the hard standards to implement many of the goals, objectives and policies stated in the LPPCSAP.
- d. **Integration into Land Use Element of the General Plan.** As part of the companion case (Case GPA 06-04), the scenic corridor buffers (i.e. setbacks for urban, suburban and rural) have been preserved and integrated into the Land Use Element. Additionally, several guidelines from the LPPCSAP have been integrated into the Land Use Element.

**Findings:**

6. The proposed amendment supports the following findings:
  - The amendment constitutes an overall improvement to the City's General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time; and
  - The proposed amendment recognizes that several planning efforts have been incorporated into the Peoria General Plan (i.e. Loop 303 Specific Area Plan, new land use classifications) and other regulatory standards (i.e. Desert Lands Conservation Overlay) have been established to sensitively guide development along the corridor in a manner congruent with the goals of the original LPPCSAP; and

- The amendment advances the objectives of the LPPCSAP by establishing a scenic corridor and integrating relevant policies in the Land Use Element of the General Plan; and
- The changes proposed herein and the documents and regulations referenced preserve the goals and protections afforded in the LPPCSAP thereby negating the necessity of the Plan as a separate planning tool.

**Planning & Zoning Commission Action:**

7. On October 26, 2006, the Peoria Planning & Zoning Commission held a meeting off-site to discuss the case. There were no questions or concerns raised for staff. At the public hearing held on November 2, 2006, the Commission unanimously recommended approval of the proposed amendment as shown in the attached Resolution.

**Attachments:**

- Exhibit A                    Proposed changes to Chapters 2, 3, 5 & 10  
   Resolution

## Chapter 2 Land Use Element

(Page 2-2, 2-3)

### LAKE PLEASANT AREA PLANS

Recognizing the enormous potential and sensitivity of the Lake Pleasant Area, the City adopted the ~~Lake Pleasant Parkway Corridor Area Plan~~ Loop 303 Specific Area Plan and Lake Pleasant/North Peoria Area Plan, addressing land use and transportation in the undeveloped areas of the northern part of the City. ~~The Lake Pleasant Parkway Corridor Area Plan calls for visual buffers and setbacks, access control standards, and limited commercial nodes along Peoria's major north/south route.~~ The Loop 303 Specific Area Plan identifies land uses and circulation objectives for the Loop 303 Corridor, the Lake Pleasant Parkway Corridor, Carefree Highway and SR 74 south of Lake Pleasant. The Lake Pleasant/North Peoria Area Plan outlines specific implementation policies to preserve and protect the natural beauty of the northern part of the City around Lake Pleasant.

(Page 2-6)

Many cities are trying to recapture the experiences associated with a thriving and vibrant, pedestrian-scale City through downtown revitalization efforts and promoting new commercial nodes that employ progressive development strategies. Peoria is on-board, having recently approved a downtown revitalization plan, design review, and the Loop 303 Specific Area Plan ~~Lake Pleasant Parkway Corridor Specific Area Plan~~, which limits commercial development in developing areas of the City to attractive nodes with characteristics similar to traditional city centers.

(Page 2-37)

The City has developed several approved specific areas planning overlays that identify goals and implementation measures addressing key issues in defined areas. Four such overlays are delineated on the Land Use Plan. They are as follows:

- Loop 303 Specific Area Plan
- ~~Lake Pleasant Parkway Corridor Land Use Plan~~

Exhibit A

- North Peoria Redevelopment Area
- Downtown Peoria Redevelopment Area
- Central Peoria Revitalization Specific Area Plan

The Land Use Plan also identifies six five approved development plans and their approved uses. They are as follows:

- Camino A Lago Specific Area Plan
- ~~Lakeland Village Master Plan~~
- Vistancia North Planned Community
- Lake Pleasant Heights Planned Community Specific Area Plan
- Saddleback Heights Planned Community
- West Wing Mountain Planned Community Master Plan
- ~~White Peaks Ranch Master Plan~~
- Vistancia South Planned Community

(Page 2-38)

#### Lake Pleasant Parkway Corridor

Lake Pleasant Parkway is a special roadway that serves Sonoran Desert areas of northeastern Peoria. It is planned as the only north/south arterial street that connects Deer Valley Road and the Care Free Highway. In 2000 the City adopted the Lake Pleasant Parkway Corridor Specific Area Plan (LPPCSAP) to establish written policy regarding the corridor. The purposes of the plan were to:

- Identify the significant resources in the area of the corridor,
- Identify current and future trends affecting the corridor, and
- Provide planning policies and guidelines to best maximize the Parkway Corridor's environmental and economic potential.

Protection policies for the north Peoria desert areas were originally outlined in the Desert Lands Conservation Master Plan. Policies that should be utilized to guide the formation of development regulations are listed below.

1. Provide development standards to protect the scenic views from the roadway and provide a uniform appearance for developments fronting on the corridor.

Exhibit A

2. Provide planning for the corridor that would limit the development of retail projects to identified nodes and in so doing control strip commercial development and open view corridors.
3. Protect the traffic capacity of the parkway by limiting development that would need direct access to an arterial street.
4. Protect residential neighborhoods from commercial traffic and encourage cluster or nodal neighborhood development.
5. Plan for regional trails, pedestrian and bicycle linkages.
6. Protect native plants and conservation features within the corridor, and
7. Control outdoor lighting.

These policies and controls have been gradually included in this and other planning documents. Updates to this element, adoption of the Loop 303 Specific Area Plan and the Peoria Zoning Ordinance provide much of the protection that the purposes and goals were designed to accomplish. The City has created expanded residential and commercial General Plan categories that are effective in conveying City policy in the location of nodal and cluster type uses. The City of Peoria has also adopted a Desert Lands Conservation Ordinance, Parks, Recreation and Open Spaces Master Plan and updated the Landscape Ordinance to codify protection policy included in the plan.

In 2005 the City adopted the Loop 303 Corridor Specific Area Plan that makes available planning policy for the Lake Pleasant Parkway from Dixileta Drive to Carefree Highway, and for Carefree Highway and SR 74 from Lake Pleasant Parkway to the Agua Fria River bridge. This plan superceded the land use and transportation planning of the LPPCSAP for these parts of Lake Pleasant Parkway, the Carefree Highway and SR 74.

#### Land Use Planning

Land Use planning for the parkway corridor is designed to be unique. Overall planning is included in this element and the Loop 303 Specific Area Plan. Policies for the corridor encourage nodal and cluster type development to allow for open spaces between developments to open view corridors where these spaces occur. Small office areas providing essential services to neighborhoods should be located away from major nodal development or as a transition to less intensive uses and near access points to the Lake Pleasant Parkway. Office areas along the corridor are supportable located as shown below.

<u>Intersection</u>	<u>Compatibility Criteria</u>	<u>Uses Allowed</u>
<u>Yearling Road</u>	<u>1. Scale and Architecture</u>	<u>Office Only</u>
<u>Pinnacle Peak Road</u>	<u>2. Height</u>	

Commercial nodes are planned to be located at various intersections along Lake Pleasant Parkway, Carefree Highway and SR 74 with a regional employment center located north of Dynamite Boulevard. Planning for these "nodes" is as shown in the table below.

<u>Intersection</u>	<u>LPPCSAP</u>	<u>Peoria General Plan</u>	<u>LOOP 303 SAP</u>
<u>Deer Valley Road</u>	<u>Community Node</u>	<u>Community Commercial</u>	
<u>Happy Valley Road</u>	<u>Community Node</u>	<u>Community Commercial</u>	
<u>Dynamite Boulevard</u>	<u>Community Node</u>		<u>Community Commercial</u>
<u>Carefree Highway</u>	<u>Regional Node</u>		<u>Community Commercial</u>
<u>El Mirage Road/Castle Hot Springs Road</u>	<u>Community Node</u>	<u>Community Commercial</u>	
<u>Sarival Avenue</u>	<u>Community Node</u>	<u>Community Commercial</u>	
<u>North of Dynamite Boulevard</u>	<u>Employment Center</u>		<u>Employment Center</u>

Buffer policies first established in the LPPCSAP are effective in changing perceptions of the roadway to more a desert driving experience. Buffers are supplemental distances between the roadway and development that enhance view corridors for observation of additional amenities on the horizon and afford richer desert experiences with Sonoran Desert plants along the roadway. Buffers should continue to be used as shown in the table below.

<u>Urban Section (Rose Garden Lane to Happy Valley Road)</u>	<u>Suburban Section (Happy Valley Road to Dynamite Boulevard)</u>	<u>Rural Section (North of Dynamite Boulevard)</u>
<u>Buffer - 15 feet</u>	<u>Buffer - 30 feet</u>	<u>Buffer - 50 feet</u>

### Circulation

Circulation policies for Lake Pleasant Parkway are now shown in the Loop 303 SAP and the Circulation Element of the Peoria General Plan. These policies are designed to preserve a desert driving experience along the parkway and internalize circulation occurring in residential neighborhoods. Access to the parkway is limited to mile and half-mile street intersections.

### Residential Neighborhoods

Residential development is encouraged adjacent to the parkway. Development guidelines for neighborhoods and individual housing projects are found in the City's Zoning Ordinance and Design Review Guidelines. Circulation policies should guide subdivision design to limit access to the parkway and intrusion of external traffic into the neighborhood.

Essential to the concept of sustainable neighborhoods is the proximity of shopping and services. Where possible, neighborhoods should be walkable with services, parks, schools and shopping within reasonable walking distances. Community and regional commercial nodes are limited to designated intersections.

### Trails

Pedestrian, bicycle and multi-use trail policies for this part of Peoria are now contained in this General Plan and the Parks, Recreation, Open Space and Trails Master Plan published by the Community Services Department.

### Environmental Protection

Protection of native plants, conservation features and dark skies are currently being implemented through various sections of the City's Zoning Ordinance. Preservation and use of native plants, archaeological sites, washes, rock outcroppings and other unique desert features is the primary function of the Desert Lands Conservation Overlay district. Limitation of artificial lighting in desert areas is also addressed in the Peoria Zoning Ordinance

## Chapter 3 Circulation Element

(Page 3-8)

### Objective 3.1.D:

Develop and maintain Lake Pleasant Parkway and State Route 74 as scenic, limited-access arterial roadways.

### Policy 3.1.D.1:

The City shall enforce the goals, objectives and policies of the Loop 303 Specific Area Plan. ~~Lake Pleasant Parkway Corridor Area Plan.~~

### Policy 3.1.D.2:

The City shall enforce the goals and objectives of the State Route 74 Access Management Plan.

*The Loop 303  
Specific Area Plan  
The Lake Pleasant  
Parkway Corridor  
Area Plan and the  
State Route 74  
Access  
Management Plan  
provide specific  
guidelines  
regulating design,  
access, and land  
management  
around the  
Parkway and State  
Route. A copy of  
these documents  
can be obtained  
from the Peoria  
Community  
Development  
Department.*

## Chapter 5 Growth Area Element

(Page 5-12)

### NORTH CENTRAL PEORIA/LAKE PLEASANT PARKWAY CORRIDOR

**Description:** Lake Pleasant Parkway was originally adopted as part of the 1987 General Plan Transportation Element. From its inception, this parkway was intended as a limited access roadway consisting of three lanes of traffic in each direction and a raised median. Access to the parkway would be limited to right in, right out only, with the exception of full turning movement arterial intersections and median breaks every half mile. Due to the linear nature of the City and topographic constraints, Lake Pleasant Parkway will continue to serve as the regional connector between North Peoria and the rest of the

Exhibit A



Phoenix Metropolitan Area. Additionally, although a final Loop 303 route has yet to be finalized, this corridor is expected to experience very high traffic volumes in the future.

The Loop 303 Specific Area Plan addresses several parts of the parkway, from Dixileta Drive to Carefree Highway. This recognition led to the preparation and adoption of the Lake Pleasant Parkway Corridor Specific Area Plan (2000). One of the primary objectives of this plan was to The Land Use Element recognizes the scenic amenities of the parkway and deters strip commercial development by channeling attractive commercial development into 'nodes' at selected intersections. The Parkway is broken up into three defined sections: Urban, Suburban and Rural. This growth area generally coincides with the Suburban delineation beginning at the Happy Valley alignment with Lake Pleasant Parkway and extending northward near the Central Arizona Project (CAP).

## Chapter 10 Environmental Resources

(Page 10-2)

Fortunately for Peoria, most of the scenic desert landscape in the northern half of the city remains in its natural state. Several planning efforts have been completed in the last few years including the *Peoria Desert Lands Conservation Master Plan (1999)*, *Peoria Trails Master Plan (1999)*, *Peoria Rivers Master Plan (1999)*, *Lake Pleasant Parkway Corridor Specific Area Plan (2000)*, *Peoria Parks, Recreation and Open Spaces Master Plan (2002-1996)*, *Lake Pleasant North Area Specific Plan (1999)* and the Loop 303 Specific Area Plan. Although these plans each have their specific purposes, they do share common themes. Growth should be planned, attractive and directed into appropriate areas at reasonable densities with particular sensitivity to the natural landscape, recreational resources and viewsheds enjoyed by the community.

RESOLUTION NO. 06-175

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING VARIOUS ELEMENTS IN THE GENERAL PLAN TO REMOVE REFERENCES TO THE LAKE PLEASANT PARKWAY CORRIDOR SPECIFIC AREA PLAN; AND ADDING REFERENCES TO THE LOOP 303 SPECIFIC AREA PLAN; AND ESTABLISHING A SCENIC CORRIDOR FOR LAKE PLEASANT PARKWAY, CAREFREE HIGHWAY AND SR-74; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

WHEREAS, the General Plan heretofore adopted by the City of Peoria, Arizona provides for periodic review and amendment;

WHEREAS, the City of Peoria is required to follow the procedures of A.R.S. 9-461.06 in adopting any amendments to the General Plan; and

WHEREAS, the Peoria Planning and Zoning Commission, after due and proper notice as required by law, held public hearings regarding amendment number GPA 06-04 on October 26, 2006, and on November 2, 2006; and

WHEREAS, after such public hearing and consideration of GPA 06-04, the Peoria Planning and Zoning Commission recommended adoption on November 2, 2006, a copy of which recommendation is on file with the City Clerk of the City of Peoria, Arizona, and which said case number GPA 06-04 was transmitted to the Mayor and Council of the City of Peoria prior to the meeting of November 14, 2006; and

WHEREAS, after notice in the manner and form provided by law, a public hearing regarding case number GPA 06-04 was held by the City Council on November 14, 2006, as required by A.R.S. 9-461.06; and

WHEREAS, after due and proper consideration of such GPA 06-04, the Mayor and Council of the City of Peoria, Arizona have found that GPA 06-04 will properly aid in the orderly growth and development of the City of Peoria, Arizona.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AS FOLLOWS:

Section 1. Amendments to the Peoria General Plan

1. The City Council of the City of Peoria, Arizona, does hereby accept and adopt amendment number GPA 06-04, amending the Land Use, Circulation, Growth Areas and Environmental Resources Elements of the Peoria General Plan, as reflected in Exhibit A as attached to the Staff Report for the November 14, 2006 Council Communication.

SECTION 2. Separability.

In the event any part, portion or paragraph of this Resolution is found to be invalid by any court of competent jurisdiction, the invalidity of such part, portion, or paragraph shall not affect any other valid part, portion, or paragraph of this Resolution and effectiveness thereof;

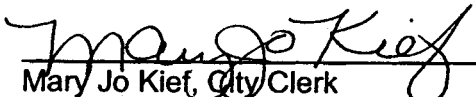
SECTION 3. This Resolution shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 14<sup>th</sup> day of November, 2006.

  
\_\_\_\_\_  
John C. Keegan, Mayor

Date Signed Nov. 16, 2006

ATTEST:

  
\_\_\_\_\_  
Mary Jo Kief, City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Stephen M. Kemp, City Attorney

**MINUTES OF THE PEORIA CITY COUNCIL  
CITY OF PEORIA, ARIZONA  
COUNCIL CHAMBER  
November 14, 2006**

A **Special Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 7:04 p.m.

Following a moment of silence, Boys Scouts from Troop 752 and Troop 762 led the Pledge of Allegiance.

**Members Present:** Mayor John Keegan; Vice Mayor Vicki Hunt; Councilmembers Cathy Carlat, Patricia Dennis, Joan Evans, Patrick Hickson, and Carlo Leone.

**Members Absent:** None

**Other Municipal Officials Present:** Terrence Ellis, City Manager; Carl Swenson, Deputy City Manager; Susan Thorpe, Deputy City Manager; John Wenderski, Deputy City Manager; Steve Kemp, City Attorney; Mary Jo Kief, City Clerk; Stephen Bontrager, Maher Hazine, Bob McKibben, Grady Miller, Brent Mattingly, Steve Prokopek, Larry Ratcliff, Glen Van Nimwegen and Constance Copeland.

**Audience:** Approximately 20 members of the public.

**Note:** The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

**Presentations:**

**1. Peoria Sister City Young Ambassadors**

Kristen Matheson, one of four members of the Peoria Sister City Young Ambassadors Program, reported on the student exchange program with the Borough of Ards, and presented a video of Young Ambassadors' experiences during their trip to Northern Ireland this past summer.

**2. 2006 Best of the West Awards**

Vice Mayor Vicki Hunt presented the 2006 Best of the West Awards given by WESTMARC (Western Maricopa Coalition) to Thom Gyder of Wilhelm Automotive in the Building Business – 50 or Less Employees category; Chief McKibben for the Peoria Fire Department Customer Service Program; and the Utilities Department for the Desert Fusion Garden.

du/ac; target of 3 du/ac) to Office (GPA 06-05). Upon vote, the motion carried unanimously.

**7R Central Peoria Revitalization Plan Amendment, Land Use Categories**

RESOLUTION NO. 06-173

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE TEXT AND MAP OF THE CENTRAL PEORIA REVITALIZATION PLAN TO AMEND TEXT CONCERNING LAND USE CATEGORIES IN THE CENTRAL PEORIA REVITALIZATION PLAN TO EXPAND THE DEFINITION OF LAND USES, RENAMING LAND USE CATEGORIES, ADDING DENSITY AND TARGET DENSITY POLICIES, ADDING MIXED-USE DEVELOPMENT GUIDELINES, AND ESTABLISHING NEW LAND USE CATEGORIES "MEDIUM DENSITY RESIDENTIAL USE", "TOWN CENTER MIXED-USE" AND "OFFICE USE" FOR THE CITY OF PEORIA, ARIZONA; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

Dave Hickson, Planner, Community Development Department, summarized an amendment to update land use categories and establish density and target density policies in the Central Peoria Revitalization Plan.

Motion was made by Vice Mayor Hunt, seconded by Councilmember Carlat, to concur with the Planning and Zoning Commission's recommendation and adopt **RES. 06-173** updating text concerning land use categories in the Central Peoria Revitalization Plan by expanding the definition of land uses; renaming land use categories; adding density and target density policies; adding mixed-use development guidelines; and establishing new land use categories (GPA 06-02). Upon vote, the motion carried unanimously.

**8R Rescind Lake Pleasant Corridor Specific Area Plan**

RESOLUTION NO. 06-174

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA RESCINDING THE LAKE PLEASANT PARKWAY CORRIDOR SPECIFIC AREA PLAN; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

**Clerk's Note:** Item 8R and 9R were heard together.

Chris Jacques, Senior Planner, Community Development Department, briefed Council on amendments initiated by staff to rescind the existing Lake Pleasant Corridor Specific Area Plan.

Most of the substantive policies and regulations promulgated have been incorporated into other documents, and the Lake Pleasant Corridor Specific Area Plan has become redundant. The remaining policies would be incorporated into the Land Use Element of the General Plan.

Motion was made by Councilmember Carlat, seconded by Councilmember Hickson, to concur with the Planning and Zoning Commission's recommendation and adopt **RES. 06-174** rescinding the Lake Pleasant Corridor Specific Area Plan (GPA 06-09). Upon vote, the motion carried unanimously.

9R General Plan and Lake Pleasant Parkway Corridor Specific Area Plan Amendment, Land Use, Circulation, Growth Areas, and Environmental Resources

RESOLUTION NO. 06-175

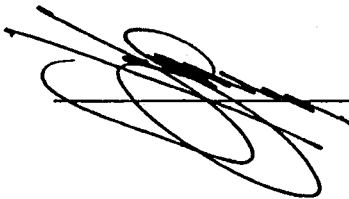
A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING VARIOUS ELEMENTS IN THE GENERAL PLAN TO REMOVE REFERENCES TO THE LAKE PLEASANT PARKWAY CORRIDOR SPECIFIC AREA PLAN; AND ADDING REFERENCES TO THE LOOP 303 SPECIFIC AREA PLAN; AND ESTABLISHING A SCENIC CORRIDOR FOR LAKE PLEASANT PARKWAY, CAREFREE HIGHWAY AND SR-74; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

**Clerk's Note: Item 8R and 9R were heard together. See discussion above.**

Motion was made by Councilmember Carlat, seconded by Councilmember Evans, to concur with the Planning and Zoning Commission's recommendation and adopt **RES. 06-175** revising Chapter 2, Land Use; Chapter 3, Circulation; Chapter 5, Growth Areas; and Chapter 10, Environmental Resources; by removing references to the Lake Pleasant Corridor Specific Area Plan, inserting references to the Loop 303 Specific Area Plan, and establishing a scenic corridor (policies and standards) on Lake Pleasant Parkway, Carefree Highway, and SR-74 (GPA 06-04). Upon vote, the motion carried unanimously.

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 8:34 p.m.



John C. Keegan, Mayor

ATTEST:

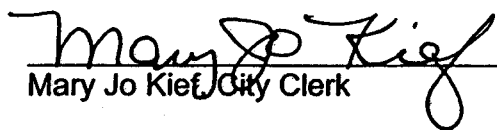
  
Mary Jo Kief, City Clerk

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting of the City Council of Peoria, Arizona held on the 14<sup>th</sup> day of November, 2006. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 2<sup>nd</sup> day of January, 2007.

(Seal)

  
Mary Jo Kief, City Clerk

9



# ARTICLE 14-22A HILLSIDE DEVELOPMENT OVERLAY DISTRICT

(Revised Ord. No. 04-201)

## CONTENTS

- 14-22A-1 INTENT
- 14-22A-2 DENSITY
- 14-22A-3 SLOPE DETERMINATION
- 14-22A-4 GENERAL PROVISIONS FOR CONSTRUCTION ON A HILLSIDE LOT
- 14-22A-5 HEIGHTS AND APPEARANCES
- 14-22A-6 DISTURBED AREA
- 14-22A-7 GRADING AND DRAINAGE
- 14-22A-8 DRIVEWAYS
- 14-22A-9 PERIMETER WALLS, PRIVACY WALLS, RETAINING WALLS AND SPILL SLOPES
- 14-22A-10 LIGHTING, SEWERS, UTILITIES
- 14-22A-11 MOUNTAIN RIDGE PROFILE
- 14-22A-12 SUBMITTAL REQUIREMENTS FOR CONSTRUCTION ON A HILLSIDE LOT
- 14-22A-13 RESERVED
- 14-22A-14 INSPECTIONS
- 14-22A-15 ENFORCEMENT/COMPLIANCE
- 14-22A-16 DEFINITIONS

## SECTION 14-22A-1 INTENT (Ord. No. 99-105)

- A. It is the purpose of this Article to establish regulations which recognize that development of land in hilly or mountainous areas involves special considerations and unique situations which result from the slope of the land. These special considerations and unique situations include but are not limited to increased hazards to development from rock falls, storm water runoff, geologic hazards, increased limitations on vehicular travel, and increased difficulties in providing public services. In addition, steeply sloped lands introduce design limitations to roadways, cuts and fills, and building sites. In general, the more steeply the land slopes, the greater the hazard and development limitation.
- B. The Hillside Development Overlay District is an overlay district that applies to all land wherever the natural terrain of any lot or parcel or any portion thereof has a slope of ten percent (10%) or greater. The Hillside Development Overlay District shall apply to all lots or parcels less than five (5) gross acres in size which have over fifty percent (50%) of the gross area of the lot or parcel having a slope of ten percent (10%) or greater. For those lots or parcels not having fifty percent (50%) or greater of the gross lot or parcel area within a Hillside Development Area or those lots or parcels in excess of five (5) gross acres in size, the requirements of the Hillside Development Overlay District shall be applied only to that portion of the lot

**ARTICLE 14-22A HILLSIDE DEVELOPMENT OVERLAY**

containing slopes of ten percent (10%) or greater. Commercial, Office, Industrial and Resort Developments shall comply with all applicable provisions of the Hillside Development Overlay District. The provisions of this Article may not be modified, except as expressly provided within this Article. All rezoning applications to Planned Community (PC) and Planned Area Developments (PAD) shall conform with the provisions of this Article unless expressly modified through an approved PC or PAD District Standards/Guidelines Report and Development Plan. (Ord. No. 02-27)

- C. Conservation features identified in Article 14-22B shall be preserved in accordance with that Article.

**SECTION 14-22A-2 DENSITY**

- A. The maximum number of residential lots or units permitted within hillside development areas shall be the sum of the number of lots allowed by the zoning district, or the sum of the number of lots allowed in each slope category of land as shown by the following table, whichever is the lesser number.

**TABLE - 1  
DENSITY ALLOCATION**

Slope of Land	Maximum Number of Lots Per Gross Acre
10% to 15%	1.50 <sup>(1)</sup>
15% to 20%	1.00 <sup>(1)</sup>
20% to 25%	0.70 <sup>(1)</sup>
25% to 30%	0.50 <sup>(1)</sup>
30% to 35%	0.30
35% to 40%	0.20
40% & Over	0.10

<sup>(1)</sup> The allowable density these slope categories may exceed the Maximum Number of Lots Per Gross Acre shown above when density is transferred from a higher slope category. In no case shall the density exceed the sum of the number of lots allowed by the zoning district and in no case shall units be transferred to a location of higher elevation within the project. Plateau geographical features shall be addressed according to slope category and not according to elevation.

There shall be no more lots created than permitted by the slope category, except that lots not placed in a slope category may be placed in a lower slope category so long as the total number of lots in the Hillside Development Area shall not exceed the sum of the lots permitted in each slope category. Lots shall comply with the underlying zoning requirements or as set forth in Section 14-22A-2.C.

- B. Disturbance and dwelling units/development rights that are allowed within preserved public and private open space may be transferred to other parcels within the same development. When all of the allowable dwelling units are transferred from a Hillside Development Area above the ten percent (10%) slope line to a non-hillside development area, resulting in a minimum fifty (50) acre undisturbed area above the ten percent (10%) slope line, the density transfer from the Hillside Development Area to the non-hillside development area may occur at a rate of 1:1.25 allowable dwelling units.
- C. The transfer of density within a Hillside Development Area shall not be an assumed right and in no case shall a transfer of density occur without the approval of the Planning Manager. Approvals of a density transfer shall be made only upon a finding that the proposed transfer will not be detrimental to the intent of the Hillside Development Overlay District and upon a finding that the transfer will advance the City's interests in protecting a Hillside Development Area.

**SECTION 14-22A-3 SLOPE DETERMINATION**

- A. A Slope Category Determination Study shall be required by the Community Development Department prior to the initiation of any Site Disturbance Activities for all land located north of Pinnacle Peak Road and shall be prepared pursuant to the requirements of this Section. (Ord. No. 05-44)
- B. A property owner subject to Subsection A above shall prepare a Slope Category Determination Study utilizing one of the two methodologies outlined in this Article. A property owner or authorized agent shall submit to the Planning Manager a Slope Category Determination Study pursuant to this Section, or request for a waiver from such, as follows:
  - 1. Simultaneously with a rezoning application;
  - 2. If a rezoning action is not required, simultaneously with a preliminary plat or site plan; or
  - 3. If a rezoning, plat, site plan, or minor land division is not required, prior to the issuance of any building permit or site grading permit.
- C. Applicants seeking a waiver from the provisions of this Section may request a waiver of the requirements for a Slope Category Determination Study to the Planning Manager. A written waiver request shall be submitted to the Planning Manager with an explanation of why a waiver is warranted and shall include such supporting materials as follows:
  - 1. Site photographs;
  - 2. Site specific topography information;

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3. An analysis by the Applicant of 207 Claims and whether the Owner will enter into a Waiver of Proposition 207 regarding the property that is the subject of the waiver request;
4. All other such information which may provide information on the request.

The Planning Manager may approve or deny an application as submitted or may request additional information if necessary. In addition to any other grounds the City may have, the City expressly reserves the right to reject the waiver request in the event the Owner is unwilling to enter into a Waiver of Proposition 207 regarding the property that is the subject of the waiver request. It shall be the sole burden of the applicant requesting such a waiver to show that the subject property does not qualify as a Hillside Development Area under this Article. The Planning Manager may grant the requested waiver upon a finding that reasonable evidence exists that the subject site does not contain potential slope area that would qualify as a Hillside Development Area.

(Section 14-22A-3 amended by Ordinance No. 07-14. Enacted April 17, 2007 and effective May 17, 2007.)

- D. Applicants may prepare a Slope Category Determination Study utilizing a methodology differing from those outlined in this Article, if acceptable to the Planning Manager. Applicants seeking to utilize an alternative methodology shall provide both a written explanation of the proposed alternative methodology and a graphical example of its use. If, upon review of the proposed alternative Slope Category Determination Study by the Planning Manager, the slope analysis is not acceptable, the applicant shall utilize one of the adopted methodologies contained herein. Appeals from the Planning Manager decision pursuant to this paragraph may be appealed to the Administrative Hillside Hearing Officer subject to the provisions of Article 14-39 of the Zoning Ordinance. (Ord. No. 05-44)
- E. To determine parcel density and the location and extent of slope categories, carry out one of the following procedures:
  1. *Manual Slope Determination Method:*
    - a. Utilize a topographic map at a scale of two hundred (200) feet or less to the inch and with contours shown at two (2) foot intervals. Applicant may utilize maps containing contours at five (5) foot intervals for grades of more than twenty percent (20%). All contour lines shall be extended onto adjacent properties to a distance that establishes the overall slope of the land but in no case shall they be extended less than fifty (50) feet onto the adjacent properties.
    - b. The Hillside Development Area shall commence at the midpoint of the one hundred (100) foot horizontal dimensions used to determine the slope as illustrated by Figure 1, attached hereto and by this reference made a part hereof. The one hundred (100) foot slope determination lines shall be located perpendicular to the site or property contour bands. Those properties containing multiple slope planes should provide slope information for all such planes.

- c. To determine those locations where slopes of ten percent (10%), fifteen percent (15%), twenty percent (20%), twenty-five percent (25%), thirty percent (30%), and thirty-five percent (35%) begin by the application of one hundred (100) foot straight lines that fall within each category. The one hundred (100) foot slope determination lines shall be extended onto adjacent properties to a distance that establishes the overall slope of the land but in no case shall they be extended less than fifty (50) feet onto the adjacent properties.
- d. Connect the midpoints of each series of one hundred (100) foot lines of the same slope category to establish the limits of that slope category.
- e. Measure the areas resulting between each series of straight lines to determine the areas in each slope category.
- f. Figure 2, attached hereto and by this reference made a part hereof, illustrates the method used in calculating the slope categories.

2. *Computer Generated Slope Determination Method:*

- a. Utilize digital topographic information with contours shown at a maximum of two (2) foot intervals, except as established herein. Areas known or shown to contain slopes of more than twenty percent (20%) may utilize digital topographic information with contours shown at five (5) foot intervals.
- b. Utilizing a slope generating software application, slope categories shall be determined utilizing the slope categories established in Section 14-22A-2 of this Section.
- c. Computer generated slope analyses shall be prepared utilizing the following modeling parameters:
  - i. Maximum two (2) foot slope contour intervals for slopes less than twenty percent (20%);
  - ii. Maximum five (5) foot slope contour intervals for slopes more than twenty percent (20%);
  - iii. The slope analysis shall utilize the above noted slope contour intervals through the modeling basis of grid evaluation to determine slope facets or contours;
  - iv. The analysis shall utilize a twenty-five (25) foot grid system.
- d. All data generated through the use of a computer generated slope determination shall be presented in both chart and graphical formats. The presentation of all graphical slope information shall be presented in a clear and easily understandable format.

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- e. The final map shall be plotted at 1" = 200' and submitted to the Planning Manager for review. If the Planning Manager finds the analysis acceptable, the final slope determination map shall be approved. The Planning Manager may reject the analysis and require correction(s) to the digitized slope category lines to more accurately reflect the generalized slope conditions of the property or other revisions necessary to ensure compliance with this Article. Appeals from the decision of the Planning Manager may be filed for disposition by the Administrative Hillside Hearing Officer pursuant to Article 14-39 of the Zoning Ordinance.(Ord. No. 05-44)
  
- 3. *The Final Slope Category Map* resulting from either Section 14-22A-3.E.1 or Section 14-22A-3.E.2 shall be utilized in determining allowable densities, lot area, lot disturbance and lot coverage requirements. Preliminary Plats shall reflect proposed disturbance/coverage envelopes for each lot and shall contain tabular information necessary to determine compliance with this Article.

**SECTION 14-22A-4 GENERAL PROVISIONS FOR CONSTRUCTION ON A HILLSIDE LOT**

- A. In those situations where a density transfer is being utilized, the increased density permitted under Table 1 shall only be permitted in an amount equal to the number of lots being transferred.
  
- B. In those situations where density has been transferred from a higher slope category to a lower slope category minimum lot sizes shall be limited as shown in Table 2. The Planning Manager shall have authority to further reduce lot sizes by up to twenty percent (20%) provided that all dwelling units/development rights have been transferred off of slope categories greater than twenty percent (20%).

Slope Category	Minimum Lot Size
10% to 15%	10,000 square feet
15% to 20%	32,000 square feet
20% to 25%	43,560 square feet
25% to 30%	75,000 square feet
Over 30%	Same as Table 1

- C. No residential lot within the Hillside Development Overlay District and having slope areas in excess of fifteen percent (15%) shall have a front lot width less than seventy-five (75) feet. The front lot width of all flag lots located within the Hillside Development Overlay District shall be measured from the point at which the drive access intersects with the main body of the lot or at a point not to exceed two hundred and fifty (250) feet from the front lot line of the flag lot.
  
- D. Building setbacks shall be as required by the zoning district.

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- E. Maximum lot coverage by the main building and all accessory buildings shall not occupy more than that permitted by the zoning district or Table 3, whichever is the lesser area.
- F. No building shall exceed a height of twenty-eight (28) feet, above the natural grade of the land at any section through the structure.
- G. All hillside lots shall conform to Table 3 and an individual analysis of each lot or parcel shall be prepared prior to recording the final plat or minor land division. For existing lots of record as of the date of adoption of this ordinance, an individual site analysis shall be submitted prior to the approval of any development permits. Following review and approval of the Slope Category Determination Study by the Planning Division, the individual site analysis shall be submitted in conjunction with a grading and drainage plan. No building permit shall be issued prior to approval of the grading and drainage plan and individual site analysis.
- H. All Hillside lots or parcels which abut a dedicated public open space or preserve area shall provide a one foot (1') non-vehicular access easement along the common property line.

### **SECTION 14-22A-5 HEIGHTS AND APPEARANCES**

For development within hillside areas, the height of structures shall be determined by the following Sections and not by the definitions described in Section 14-2 of the Zoning Ordinance.

- A. No part of any structure shall penetrate an imaginary plane, the height of which is twenty-eight (28) feet measured vertically from any point outside of the building where the face of the building or support intersects natural ground (see Figure 3), except that:
  - B. Where natural grade is not restored back against the building, no exposed face in any vertical plane shall exceed a height of twenty-eight (28) feet measured from the lowest exposed base.
  - C. Materials used for exterior surfaces of all structures shall blend in color, hue and tone with the surrounding natural setting to avoid high contrasts.
    - 1. Structures, walls, roofs and fences shall blend with the surrounding terrain and there shall be no material or colors used which have an LRV (Light Reflecting Value) greater than forty percent (40%). Mirror surfaces, or any treatment which changes ordinary glass into a mirror surface is prohibited. Bright untarnished copper or other metallic surfaces shall be treated so they are non-reflective.
    - 2. All electrical service equipment and subpanels and all mechanical equipment including, but not limited to, air conditioning and pool equipment, solar panels, and antennas, shall not be visible from outside the property when viewed from the same or a lower elevation. Restrictions on visibility of solar panels and

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mechanical equipment may be modified if they are integrated into the roof design.

- D. The principal and accessory buildings, excluding chimneys, shall not exceed forty (40) feet from the highest point of the building to the lowest exposed base of a supporting structure (see Figure 3). The subterranean portion of a structure is not included in the total height calculation.

### **SECTION 14-22A-6 DISTURBED AREA**

Lots shall be developed to provide for the minimum amount of ground disturbance during the time of construction so as to prevent rock slides and falls, erosion and seepage. At final construction, disturbed areas shall be hidden or supported by retaining walls, buildings, finished surfaces or restored and landscaped to its original natural condition to the maximum extent possible. All cut and fill areas visible from off-site locations shall be treated with a natural staining or aging agent.

- A. All buildings, structures and roads shall to the fullest extent practicable, utilize the natural contours of the land so as to minimize the disturbed area.
- B. The maximum height of any cut or fill used to establish a building site or a driveway shall not exceed fifteen (15) feet and must comply with the provisions of the Peoria Building Codes. The maximum height of any cut or fill used to establish a road or roadway shall not exceed thirty (30) feet. All areas of cut or fill necessary to establish a public or private roadway and falling outside of the public right-of-way or private roadway easement shall be counted against the total disturbed lot area of the individual lot or parcel. All roadway cuts shall be re-vegetated and all roadway fills shall utilize retaining walls to minimize spill areas. All spill slope areas shall be re-vegetated and all retaining walls shall be designed to minimize the visual impact of any required retaining wall.
- C. The limits of construction and proposed disturbed areas shall be clearly designated on the property prior to and during construction with visible roping and shall conform to the approved individual site analysis plan. No disturbance outside the designated area shall take place.
- D. All lots less than 24,000 sf net area are eligible for mass grading.
- E. All lots greater than 24,000 sf net area shall establish a construction envelope equal to the combined area of the maximum disturbed area and maximum lot coverage from Table 2, below.
- F. All surplus excavated material shall be removed from the lot.
- G. Up to ten percent (10%) of the gross land area above the ten percent (10%) slope line may be used for roadways (public and private) that shall not be included in disturbed area calculations. The disturbed area and roadways and driveways (that exceed the 10% roadway allowance), storm water retention areas and accessory use areas, shall not exceed the total disturbed area as set forth in Table 3.



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<b>Building Site Slope Category</b>	<b>Disturbed Area</b>	<b>Maximum Coverage</b>	<b>Total Disturbed Area</b>
10% to 15%	25%	30%	55%
15% to 20%	20%	25%	45%
20% to 25%	20%	20%	40%
25% to 30%	15%	15%	30%
30% to 35%	12%	10%	22%
35% to Over	10%	7.5%	17.5%

- H. Transfer of Disturbed Area and dwelling units/development rights to a lower slope category shall be subject to the following conditions:
1. The Disturbed Area for each individual development or development parcel shall be the sum of the amount of disturbance allowed within each of the individual slope categories found on the development parcel.
  2. Permitted Disturbed Area from a higher slope category may be transferred to a lower slope category only with the sum of the transferable disturbed area and the permitted disturbed area comprising the new Disturbed Area amount.
  3. The transfer of a disturbed area allowance to a lower slope category shall only occur when accompanying the actual transfer of dwelling units for residential development and transfer of disturbable area and development rights for non-residential development.
  4. The transfer of Disturbed Area within a Hillside Development area shall not be an assumed right and in no case shall a transfer of Disturbed Area occur without the approval of the Planning Manager.
  5. Approvals of a disturbed area transfer shall be made only upon a finding that the proposed transfer will not be detrimental to the intent of the Hillside Development Overlay District and upon a finding that the transfer will advance the City's interests in protecting a Hillside Development Area.
  6. Transfer of all Disturbed Area and dwelling units/development rights shall be to the lowest slope category of the development or development parcel. Transfers that exceed the maximum allowable densities or Disturbed Area in the lowest slope category shall be transferred to the next highest slope category.
  7. The location of the Disturbed Area and the allocation of Disturbed Area among parcels or lots shall require approval of the Planning Manager; such approval shall be made upon a finding that:

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- a. The proposed location will not be detrimental to the intent of the Hillside Development Overlay District and, to the maximum extent feasible, is located in the lowest slope categories;
  - b. The difference of allocated Disturbed Area does not vary by more than twenty percent (20%) among lots of comparable size and location;
  - c. The resulting change in Disturbed Area on an individual lot is taken from a Transitional Area and does not interfere with the preservation of Natural Open Space;
  - d. The resulting change in Disturbed Area does not result in more cuts into hillside slopes above the twenty percent (20%) slope line or changes in contours that will remain unrestored;
  - e. The location will advance the City's interest in protecting a Hillside Development Area; and
  - f. The development or development parcel is otherwise in compliance with this article.
- I. Within the ten to fifteen percent (10-15%) slope area only, the amount of Disturbed Area being transferred may exceed one hundred percent (100%) and any excess Disturbed Area may be transferred to a parcel other than the receiving parcel within the development lot. In no case shall excess permitted Disturbed Area not associated with transfer of dwelling units/development rights be transferred to parcels or portions of parcels above the twenty percent (20%) slope line.
- J. In those cases where an increase in the maximum lot coverage is desired due to a transfer of density, the maximum lot coverage shall only be increased on the parcels receiving density transferred from a higher slope area. In those cases where all of the density has been transferred from a higher slope category to lower slope areas, all parcels or portions thereof within those slope categories may utilize the increased lot coverage allowance.
- K. A Disturbed Area (up to 50% over Table 3, for slope areas over 10%) may be excluded from Disturbed Area calculations when the applicant has committed to comply with the following restoration conditions:
1. The restored area shall be re-contoured to match pre-existing contours.
  2. The restored area shall be re-vegetated to its pre-development condition utilizing native plant types arranged and placed at a density matching the surrounding native desert.
  3. The restoration area shall be treated with an aging agent approved by the Planning Manager and restored with indigenous desert material.

4. The restoration plan and process shall be prepared by a registered engineer or landscape architect and shall be approved prior to issuance of a building permit.

**SECTION 14-22A-7 GRADING AND DRAINAGE**

All proposed development within a Hillside Development Area shall be required to submit for and receive Grading and Drainage Plan approval through the City of Peoria Engineering and Public Works Department prior to the commencement of any development or Site Disturbance Activities.

**SECTION 14-22A-8 DRIVEWAYS**

- A. If any portion of a driveway grade is more than twenty percent (20%), the entire residence and all accessory buildings over one hundred twenty (120) square feet of roof area shall be protected with an approved fire sprinkling system.
- B. Driveways with turning radii of less than forty (40) feet may be used provided all structures are protected with an approved fire sprinkling system.
- C. To reduce the visual impact of driveways the following is intended to be an incentive to preserve the natural mountain vistas. Driveways surfaced with paving bricks, colored concrete or with exposed aggregate, colored to blend with existing native color of the site, shall only be included in disturbed area calculations at fifty percent (50%) of their total area.
- D. Any driveway cut greater than eight (8) feet in depth shall not have a length greater than one hundred (100) feet; and the maximum height of any cut or fill used to establish a driveway shall not exceed fifteen (15) feet.

**SECTION 14-22A-9 PERIMETER WALLS, PRIVACY WALLS, RETAINING WALLS AND SPILL SLOPES**

- A. The design of all retaining walls and ground coverings shall be prepared by a registered engineer or architect and shall be designed to blend with the surrounding environment and/or development in color, materials and style.
- B. Raw spill slopes are prohibited.
- C. All exposed disturbed area fill shall be contained behind retaining walls or covered with a natural rock veneer and treated with an aging agent and landscaped with indigenous plant material.
- D. Residential retaining walls shall not exceed six (6) feet in height; non-residential retaining walls shall not exceed eight (8) feet in height; if additional height is needed, the wall shall be offset at a minimum of four (4) feet or one (1) foot per one (1) foot of height, whichever is greater. View fences not exceeding 6 (six) feet in

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height above the highest part of adjacent natural grade may be added to a retaining wall. Increases in the height of view fences may be granted by the Planning Manager provided that the retaining wall contains unique design and materials or other amenity features that, in the determination of the Planning Manager, mitigate the impact of the additional height. (Ord. No. 05-44)

- E. Fences or walls on lots within a hillside district shall be restricted to privacy walls attached to or directly screening a portion of the main residence. Privacy walls shall not exceed six (6) feet in height, shall be architecturally compatible with the main residence and shall be limited to the development envelope area only. Perimeter walls and fences surrounding a lot, tract or parcel shall be prohibited except as provided by Section F of this Article. Privacy walls shall not be erected on a retaining wall and shall be offset a minimum of four (4) feet when utilized.
- F. Within the ten to fifteen percent (10-15%) slope category only, exceptions to the limitations on fences or walls may be permitted. In those instances where an exception is desired, applicants shall submit a detailed Wall Plan to the Planning Manager for review and action. In conjunction with the submittal of the Wall Plan to the Planning Manager, the applicant shall submit a copy of the Wall Plan to the Public Works / Engineering Department for review and approval for conformance with all City Grading and Drainage requirements. Wall Plans shall indicate the proposed locations of walls or fences, the proposed materials, colors and design of any wall or fence, and fence construction and disturbance mitigation measures. Such plans shall be accompanied by a narrative explaining the reasons why such an exception should be made. Upon completion of the review of the Wall Plan by the Planning Manager, and following the review and approval of the Wall Plan by the Public Works / Engineering Department, the Planning Manager may approve the Wall Plan. Wall Plans may be approved by the Planning Manager upon a finding that the proposed location and design of the wall(s) is in accordance with this Article and further that the proposed wall will not be contrary to the intent and purpose of this Article.
- G. Perimeter walls or fences approved by the Planning Manager within the ten to fifteen percent (10-15%) slope category and abutting an open space area or tract, shall be a maximum of six feet eight inches (6'-8") in height with no more than three (3) feet being constructed of a solid or opaque material. That portion of the wall or fence not constructed of a solid or opaque material shall be open in design and may not include chain-link or wood materials. Notwithstanding the foregoing, walls exceeding six (6) feet eight inches in height and constructed of solid or opaque material may be approved by the Planning Manager if the wall is for the purpose of screening non-residential uses.
- H. All fences and walls within a Hillside Development Area shall be required to obtain a fence permit from the Community Development Department, in addition to all other necessary City of Peoria permits, prior to the initiation of any fence or wall related construction activities.

### **SECTION 14-22A-10 LIGHTING, SEWERS, UTILITIES**

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- A. All outdoor lighting concepts, fixture types, lamps and wattage shall be indicated on the site plan.
- B. Connection to a public sewer system is required in connection with Chapter Twenty-Five (25) of the City Code where available.
- C. Private individual lot sewer systems shall be designed by a registered engineer.
- D. All on-site utilities shall be placed underground.

**SECTION 14-22A-11 MOUNTAIN RIDGE PROFILE**

- A. Within a hillside development area and above the twenty percent (20%) slope line, no construction shall occur which will alter the mountain top profile and no building or structure shall be constructed which will project above a ridge line of significance when viewed from adjacent properties. Ridge lines of significance shall be identified in the hillside analysis accompanying the project submittal for a subdivision or shall be shown on the individual site analysis plan for individual lots. Upon review of the project submittal, the Planning Manager or their designee, shall determine the ridges of significance for the site. Ridge lines of significance shall include, but not be limited to the following, and may include ridge lines or ridge line complexes which meet the criteria listed below:
  - 1. Ridge lines and ridge line complexes which are visible from existing and/or planned collector and arterial roadways,
  - 2. Ridge lines and ridge line complexes which are visible from surrounding vantage points when viewed from a location with an elevation difference of a maximum of three hundred (300) vertical feet from the property line of the subject parcel/structure,
  - 3. Ridge lines and ridge line complexes which have a vertical height increase of more than three hundred (300) feet as measured from the point of the ten percent (10%) slope line of the ridge or ridge complex, and
  - 4. Other significant ridge lines or ridge line complexes as determined during the site analysis process.
- B. Prior to the issuance of any building permits, cross-sections shall be submitted showing the relationship of the proposed development with established mountain top ridge lines and ridge lines of significance when applicable.

**SECTION 14-22A-12 SUBMITTAL REQUIREMENTS FOR CONSTRUCTION ON A HILLSIDE LOT**

- A. In addition to drawings, plans, specifications and details necessary to obtain a building permit, the following documentary requirements and certifications shall be provided for staff review:
1. A topographic map at an appropriate scale on a 24" x 36" sheet presenting the total lot and a twenty (20) foot area beyond the property line shall be submitted with the application. This map shall show existing and proposed finished contours at two (2) foot intervals within a twenty (20) foot perimeter from any proposed building, five (5) foot intervals elsewhere. Existing contours shall be shown with dashed lines. This map shall show limits of excavation and fill, slope of cut and fill, total cubic yards of excavation and fill. The location and area of the sewage disposal systems, if public sewers are not provided.
  2. Detailed site plans and landscape plans at an appropriate scale, shall be submitted with each application and shall include, but not be limited to, the following: grade and slope in percent at all disturbed areas. Dimensions and calculations of all cut and fill for the building site, roads, drives, swimming pools, septic systems and the method of concealment for each fill or exposed cut. Dimensions of length and height of retaining walls, fences and other attachments; the location and grade of all drainage channels, swales, drain pipes, etc. The amount and degree of surface disturbance, destruction or removal of natural vegetation. Protected desert vegetation shall be preserved in an appropriate manner in accordance with the Desert Lands Conservation Overlay district. (Ord. No. 05-44)
  3. Cross sections at 1:1 scale, at two (2) or more locations perpendicular to the contours through the building site. Location of the cross-sections shall be clearly shown on the topographic map. Properties impacting ridge lines shall provide additional cross-sections indicating their relation and impact on such ridge lines as established in Section 14-22A-9.
  4. An overall excavation, grading and drainage plan shall be prepared in accordance with sound professional engineering practices and to address minimum standards adopted by the City. Said plans shall be prepared and certified by a professional engineer registered in the State of Arizona. If any drainage structures or culverts are involved, it will be necessary to include calculations for peak flows for a 100 year storm to establish appropriate drainage facilities, cross-sections and details. Storm water diverted from its original drainage pattern shall be returned to its natural course before leaving the property.
  5. Where possible and appropriate on less complex lots and lots with acceptable site conditions, the combining of the above maps into one drawing may be acceptable.
  6. The Planning Manager, or their designee, may require an accurate oblique view architectural rendering in color; showing the appearance of the building, lot, landscaping, and skyline. The Planning Manager may also require a model if determined necessary to evaluate the project. The model may be a three dimensional physical model or it may be a computer generated model in a three dimensional format and presented by a series of prints or by a disc that

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can be viewed on a monitor. The rendering and the model will remain in the custody of the Planning Manager until a Certificate of Occupancy is issued. On the rendering or attached thereto, the applicant shall list all colors depicted on the exterior of all structures according to Section 14-22A-4.B.

7. Plans for any structure to be constructed on any land governed by these Hillside Regulations shall be sealed by a registered engineer or architect.
8. The plans for any hillside development of any kind or nature whatsoever, must be approved by the staff and appropriate permit(s) issued, before any grading, bulldozing, blasting, or movement of earth is commenced.

### **SECTION 14-22A-13 RESERVED**

### **SECTION 14-22A-14 INSPECTIONS**

- A. Inspections may be made to insure compliance with this Article.
- B. Prior to the inspection of property, an authorized employee shall attempt to obtain the consent of the property owner or representative pursuant to this Article. If consent is denied, the employee may conduct an inspection as permitted pursuant to applicable state or federal law.

### **SECTION 14-22A-15 ENFORCEMENT / COMPLIANCE**

- A. Violations should be reported by the City to the property owner, together with a Compliance Order describing the measures required to correct the violation(s). Failure to comply with the terms of a Compliance Order shall constitute a violation of this Article.
- B. In those instances where a Site Disturbance Activity has commenced within a Hillside Development Area without an approved Slope Category Determination Study or where another violation of this Article has occurred, the City may issue a Stop Work Order to terminate immediately all development or construction related Site Disturbance Activity on the site, parcel or property. In addition, the City may revoke any or all of the permits issued by the City for the site, parcel or property. Upon the issuance of a Stop Work Order, the responsible party shall immediately terminate all activities on the site and then contact the City of Peoria Planning Division regarding what measures should be taken to eliminate any problems resulting from the development activity. Failure to comply with the terms of a Stop Work Order shall be a violation of this Article.
- C. Violations of this Article are subject to prosecution by the City of Peoria as a Misdemeanor violation under the City Code and shall be punishable as provided by law.

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### SECTION 14-22A-16 DEFINITIONS

**Alter the Mountain Top Ridge Line.** Means to alter or change the view or appearance of an established ridge line or ridge line of significance with cuts, fills or structures when viewed from a distance.

**Construction Envelope.** A specific area defined by the sum of the maximum allowable disturbed area plus the maximum coverage allowed for the lot or parcel.

**Cut.** The land surface which is shaped through the removal of soil, rock, or other materials.

**Disturbed Area.** That area of natural ground that has been or is proposed to be altered through grading, cut and fill, removal of natural vegetation, placement of material, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation.

**Disturbed Area Reclaimed.** Disturbed areas may be reclaimed if they are restored to their natural contours, vegetation and colors to the satisfaction of the Staff.

**Fill.** The deposit of soil, rock, or other materials placed by man.

**Finished Grade.** The final grade and elevation of the ground surface after grading is completed.

**Grading.** Any excavating, or filling or combination thereof, including the conditions resulting from any excavation or fill.

**Hillside Development Area.** Building areas, other than sloped areas within washes and rivers, with a building site slope of ten percent (10%) or greater, measured as a vertical rise of ten (10) feet in a horizontal distance of one hundred (100) feet.

**Landscape Development Areas:** Areas within a site with different recommended plant palettes based on their proximity to natural open space, soil stabilization attributes and the desired visual character for the area.

1. **Oasis Area:** A landscaped area consisting of enclosed courtyards, similar semi-private areas and other areas located within the Disturbed Area where the use of Native Sonoran, Sonoran Character and Arid Zone plants are strongly encouraged, but where Exotic Zone plants are also allowed.
2. **Transitional Areas:** A landscaped area consisting of open backyards, commercial and public areas, streetscapes and common areas where use of Arid Zone plants is limited to 30% by area and where a buffer of Native Sonoran Zone plants is required at the perimeter of the lot or parcel or between the Disturbed Area and Natural Open Space.
3. **Buffer Area:** A landscaped area consisting of open areas adjacent to



preserved wash corridors and Natural Open Space areas where the use of plants is limited to the Native Sonoran Zone palette.

**Natural Grade.** The grade and elevation of the ground surface in its natural undisturbed state.

**Natural Open Space.** Areas dedicated for public ownership or retained in private ownership containing naturally occurring conservation features and accreted Sonoran Desert that have not been altered except to allow decomposed granite trails (private or public) in accordance with ADA guidelines, roadways and utility easements as necessary.

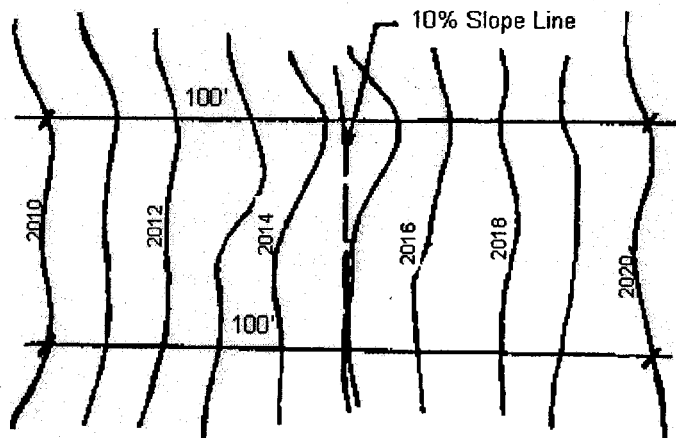
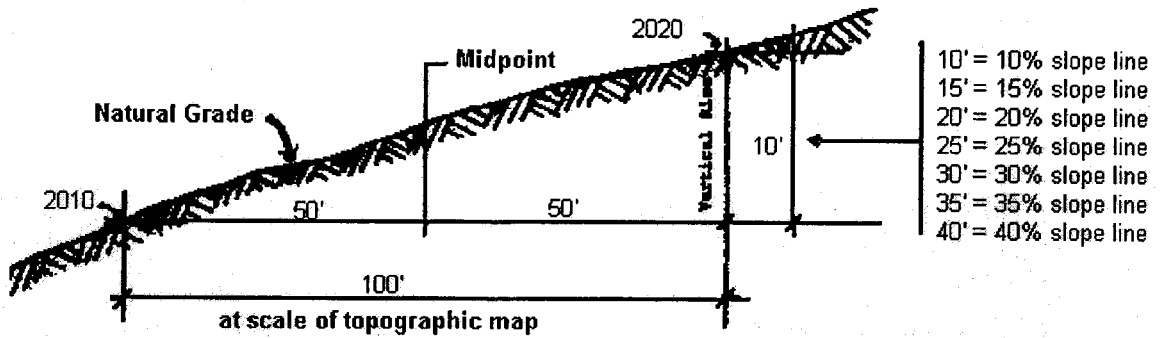
**Retaining Wall.** A retaining wall is a wall used solely to retain more than eighteen inches (18") of material but not to support or to provide a foundation or wall for a building.

**Site Disturbance Activity.** Any action which results in a cutting of the natural soil grade, creation of an un-natural soil fill or movement of a significant natural landscape feature. A Site Disturbance Activity may include, but not be limited to the following activities: digging, trenching, filling, drilling, grading or clearing.

**Slope Category Determination Study.** A detailed study of the topography and slope of a development site, parcel or property. The study shall include a detailed graphic showing all slope areas on the site utilizing the methodologies established in this Article and shall be composed of both graphical, numerical and textual information.

**Spill.** To cause or allow earth or other material to fall, flow or run down a slope, thereby creating a change in the natural appearance and topography.

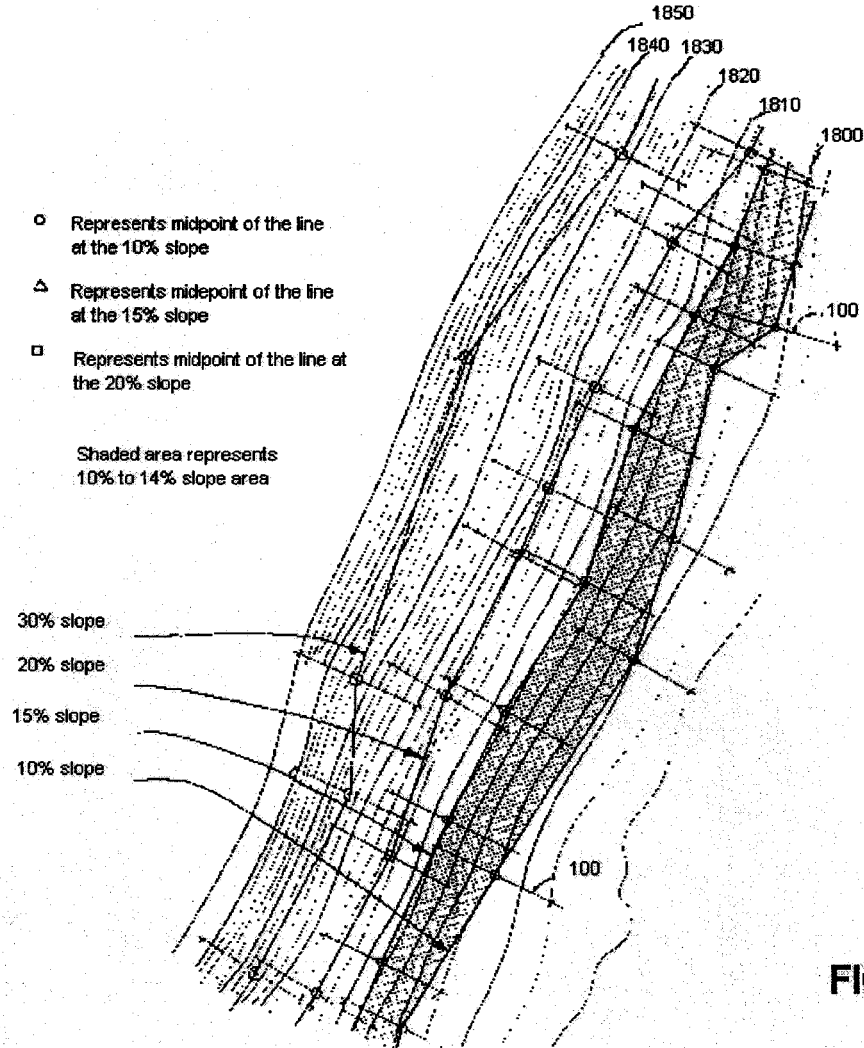
### SLOPE CALCULATION



Typical Example for determining 10% slope line.

FIGURE 1

HILLSIDE DEVELOPMENT



MAXIMUM BUILDING HEIGHTS

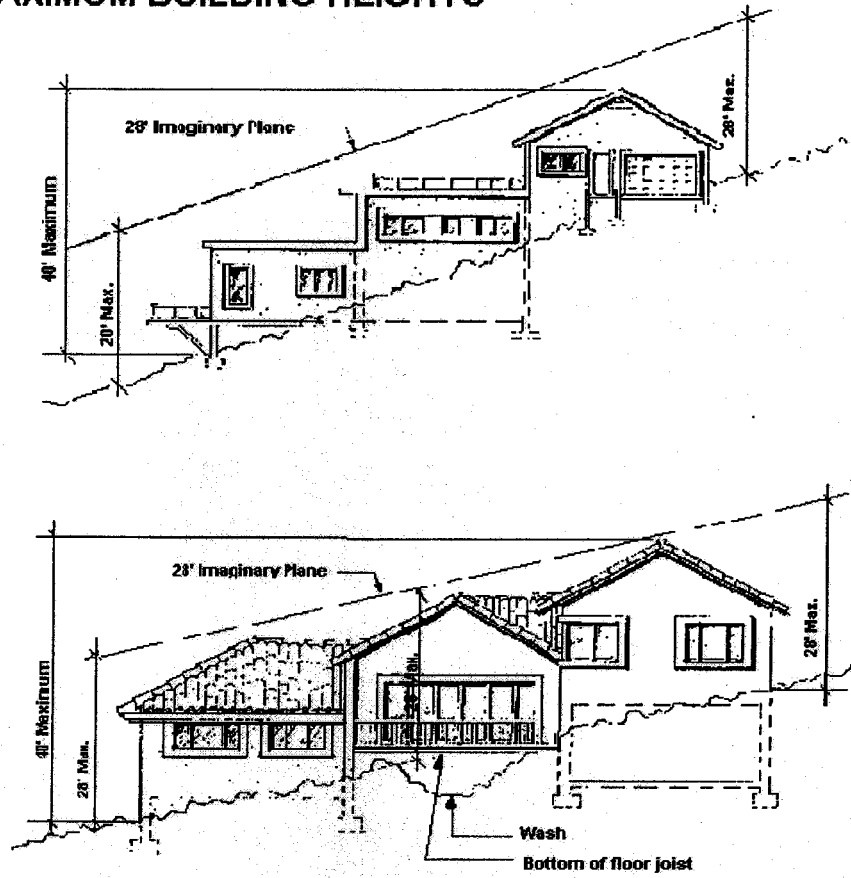


FIGURE 3

**10**

# ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY

(Ord. No. 04-201)

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## SECTION 14-22B-1 INTENT

The purpose of the Desert Lands Conservation Overlay (DLCO) is to identify and protect the unique and environmentally sensitive Sonoran Desert lands in the City and to promote the public health, safety and welfare by providing appropriate and reasonable controls for the development of such lands. Specifically the lands are located north of Pinnacle Peak Road. The DLCO is intended to:

- A. Identify sensitive desert conservation features and resources.
- B. Protect and preserve Peoria's distinctive desert landscapes and wildlife habitats for the enjoyment of current and future generations.
- C. Protect people and property from hazardous conditions characteristic of environmentally sensitive lands and their development.
- D. Integrate conservation design into the development of sensitive desert lands and employ development standards and guidelines that equitably balance conservation and development objectives.

In addition, the DLCO is intended to implement the goal, policies and objectives of the Desert Lands Conservation Master Plan (DLCMP). The overlay establishes a holistic approach to evaluating the environmental conditions of each site that allows both City staff and the development community a better basis for determining conservation areas. The overlay also establishes criteria for determining conservation priorities based on the potential to expand or extend a regional open space corridor, the opportunity to provide a link to an existing or future trail system, the possibility of expanding an existing open space, or the possibility of creating a buffer zone between different intensities of uses.

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The DLCO not only preserves sensitive and unique desert features, but also native plants and plant communities in order to enhance the City's aesthetic appeal by conserving distinctive scenic character. Native plant communities are also preserved because they thrive in the local desert environment and provide soil stabilization to fragile desert soils, stabilization that is lost after development activity that disturbs plants and top soil layers. Canopied plants such as mesquite provide nurturing shade and protection for lower level plants. Native plants identified for preservation are chosen on the basis of their slow growth habit, the fact that the plant alone or in combination with others provides unique wildlife habitat and soil stabilization support, its rarity in this environment, and its proven success rate for salvage in this region.

Finally, the DLCO establishes standards and design guidelines for development within desert areas and adjacent to conservation areas. These regulations and guidelines vary by landform type in order to address the three distinctive types of geography (Desert Floor, Bajada and Hillside) found in the Peoria desert areas. The classification system assumes a single vegetation type in Peoria, Lower Sonoran, consisting of creosote, bursage, and saltbush associations. The DLCO is to be applied in conjunction with the 2003 International Urban-Wildland Interface Code (IUWIC). In cases where there is conflicting provisions, the IUWIC will take precedence.

### SECTION 14-22B-2 APPLICABILITY

- A. The Desert Lands Conservation Overlay (DLCO) establishes a special overlay zoning district, which applies to specific resources and environmental conditions north of Pinnacle Peak Road. In order to accomplish the purpose of this district, the City of Peoria shall apply these provisions to these lands that contain any of the following special conservation features and resources:
- B. Conservation Features:
1. **Cultural Resource:** Prehistoric and historic sites identified according to standards established by the State Historic Preservation Office. Includes artifacts such as rock walls, etc.
  2. **Isolated Peak:** The prominent peaks which jut out of a typically flatland area. These are landmark features whose rugged vertical form contrasts sharply with the horizontal ground plain.
  3. **Mountainous Area:** Areas such as the Hieroglyphic Mountain Range which include numerous peaks, rugged topography, steep slopes and small v-bottomed washes flowing out of the area. The limits of a mountainous area is established when more than 60% of the area has slopes of 25% or greater.
  4. **Plateau:** An extensive land area characterized by slopes leading to a relatively level surface and situated at a uniformly higher elevation than adjacent land on at least one side.
  5. **Primary Peak:** Prominent peaks that are visual landmarks from various

## ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY

points of view and rise at least 400 feet above the surrounding base elevation.

6. **Riparian Vegetation:** Native vegetation that grows where there is a concentration of sustainable drainage water resulting in larger plants, greater species diversity and greater density. Generally lines washes, rivers, tanks and springs.
7. **Riverine Area:** Environmentally diverse riparian areas associated with the New River and Aqua Fria Rivers and Major Washes.
8. **Rock/Boulder Formation:** Formations including escarpments, cliffs or pinnacles which consist of exposed rock faces with limited vegetative cover.
9. **Significant Vegetation Area:** A stand of Sonoran Desert vegetation that is thirty percent more concentrated than the general aspect of the immediate context area and difficult to salvage due to slope, rocky soil conditions or exposed roots due to an adjacent wash. Generally located adjacent to a wash or other source of water and maintains the character of the site best when protected in place.
10. **Significant Vegetation Specimen:** A native tree with an 8" or greater caliper trunk and multi-trunk in good health, a saguaro over 20 feet in height and/or multiple arms or crest or other unusual configuration in good health, or other mature protected species, such as Ocotillo.
11. **Skyline Ridge:** Ridge lines and ridge line complexes which are visible from existing and/or planned collector and arterial roads, have an elevation difference of a maximum of three hundred (300) vertical feet from the property line of the subject parcel, have a vertical height increase of more than three hundred (300) feet as measured from the point of the ten percent (10%) slope line of the ridge or ridge complex, are composed primarily of a cliff face with a total height of at least 50 feet measured from the base of the cliff, or are determined by Staff to be significant during the site analysis process.
12. **Spring:** A permanent small stream or source of water coming out of the ground.
13. **Talus Slope:** A slope strewn with a layer of loose rock debris, usually over unconsolidated soils.
14. **Unstable Slope:** A slope that exhibits one or more of the following conditions: boulder collapse, boulder rolling, rock falls, slope collapse and talus slopes.
15. **Wash, Major:** Washes that by their size are more riverine in character than washes. They are characterized by extraordinary depth and width,



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strewn rock and vegetative rubble, diversity, density and sizes of vegetation and volumes of water that they can accommodate. Major washes include Morgan City Wash, Big Spring Wash and Twin Buttes Wash. Maximum flow capacity exceeds 500 cubic feet per second.

16. **Wash, Primary:** Wide, sand bottom washes that carry drainage from a relatively broad watershed and are fed by a number of smaller tributary washes. These washes generally have dense thickets of tree and shrub vegetation along their edges and are easily identified from aerial photographs. Maximum flow capacities are between 20 and 500 cubic feet per second.
17. **Wash, Secondary:** Tributaries to the significant washes and the rivers. The majority of these washes are the finger washes, which occur between slopes in the rugged areas. They have narrow sand bottoms or are V-shaped. There is increased vegetation density along these washes but the vegetation is more in the large shrub category. Maximum flow capacities are up to 20 cubic feet per second.
18. **Wildlife Corridor:** Pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, and other natural factors in combination with urbanization, and which 1) permit animals to move between remaining habitats allowing depleted populations to be replenished and promoting genetic exchange; 2) provide escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events, such as fire or disease, will result in population or species extinction; 3) serve as travel paths for individual animals as they wander throughout their home ranges in search of food, water, mates, and other needs, or for dispersing juveniles in search of new home ranges.
19. **Wildlife Habitat:** Locations where native wildlife has a tendency to congregate due to provision of food, shelter and/or water.

### SECTION 14-22B-3 DEFINITIONS

- A. **Archaeologist:** A person engaged in the study of human activity, primarily through the study of its material remains, which includes structures still standing, and has received certification from the Register of Professional Archaeologists.
- B. **Alter:** Change or modify natural vegetation an/or topography by removal, cuts, fills, grading or the building of structures.
- C. **Conservation Features or Areas:** Individual conservation features, defined above, and/or areas of the highest significance and preservation priority.
- D. **Cut:** A land surface, which is shaped through the removal of soil, rock, or other materials.

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- E. **Desert Lands Conservation Report (DLCR):** A submittal required with any development application to the City for property within the Desert Lands Conservation Overlay, and which contains the following individual documents: Project Identification and Descriptive Data, Project Narrative and Overview, and Existing Conditions Data Report.
- F. **Destroy:** To kill, or cause the death of any protected native plant by any means.
- G. **Developer:** the property owner or his representative that is undertaking the development of land subject to the Desert Lands Conservation Overlay District.
- H. **Disturbed Area:** That area of natural ground that has been or is proposed to be altered through grading, construction, cut and fill, removal of natural vegetation, placement of material, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation. The Disturbed Area is coterminous with the Disturbed Area identified in the Hillside Development Overlay District of this code and shall be subject to the same requirements of that Article.
- I. **Disturbed Area, Reclaimed:** Disturbed areas that have been restored to their natural contours, vegetation and colors to the satisfaction of the City of Peoria.
- J. **Fill:** The deposition of soil, rock or other materials place by man.
- K. **Finished Grade:** The final grade and elevation of the ground surface after grading is completed.
- L. **Grade, Natural:** The elevation through any section of a site on an undisturbed lot at the time of adoption of this overlay by City Council. On lots that have been disturbed previously, the natural grade is the pre-existing grade if it can be determined; otherwise it shall be determined by an average of off-site elevations at points taken around the boundary of the site. All determinations shall have been made by an engineer or land surveyor licensed to practice in the state of Arizona.
- M. **Grading:** Any excavating, or filling or combination thereof, including the conditions resulting from an excavation or fill.
- N. **Habitat Value:** the suitability of the landscape to support wildlife, considering site conditions. Suitability shall be ascertained by comparing similar sites and conditions and may require returning the habitat as closely to its original condition as possible when natural conditions have been changed.
- O. **Landform Type:**
  - 1. **Bajada Landform Type:** Characterized as the irregular terrain near or at the base of mountain ridges or isolated mountain outcrops. This area is located in the transition zone between the Desert Floor and the Hillside

## **ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY**

landform types and exhibits relatively high vegetation density and diversity. The lower portions of alluvial fans dominated by palo verde and mixed cacti vegetation typify this area, such as the bases of low mountain ranges. Saguaro is a visually dominant and important component of this area. Higher density and diversity of vegetation results in higher wildlife density and diversity that is dispersed between both wash and upland areas. It is comprised primarily of bedrock materials with land slopes generally in the range of ten (10) to fifteen (15) percent. Drainage courses are typically well incised. Typical hazards include boulder rolling, rock falls, debris movement and general slope instability. The surface movement of materials occurs as a result of both gravity and water transport. The surface material size includes large boulders, rocks and gravel, as well as grainy soil materials.

2. ***Desert Floor Landform Type:*** Characterized in general by level plains and expanses that typically occupy the broad lowlands floodplains between desert mountain ranges. The area is dominated by low growing shrubs, such as creosote and bursage, and supports larger shrubs and trees, such as palo verde and ironwood, and cacti, such as saguaro. Because the uplands support a greater diversity and density of plants, wildlife density and diversity are higher and important wildlife resources occur in both wash and upland areas. The terrain is relatively flat, with typical slopes of less than five (5) percent, although the slope of this landform classification extends up to ten (10) percent. Soils are generally deep and alluvial. The more numerous smaller washes that are found in more sloped areas are consolidated into fewer, but larger washes. Because of the flatter terrain, streambeds are typically sandy bottomed, wide braided channels that carry high volumes of floodwaters.
3. ***Hillside Landform Type:*** Consists of the higher elevation rugged areas, with relatively steep slope and high vegetation density and diversity. These areas include mountains, hills, buttes, or escarpments predominantly composed of bedrock materials. The slope is greater than fifteen (15) percent, and in many cases is greater than thirty-five (35) percent. Upper portions of alluvial fans and the foothills of low mountains dominated by palo verde and mixed cacti vegetation typify this area. The saguaro is a visually dominant and important component of this area and higher density and diversity of vegetation results in higher wildlife density and diversity. Streambeds are typically narrow, rocky and incised. Drainage courses are relatively poorly defined on the slopes, but collect into deep canyon bottom courses strewn with large-sized rubble. Typical hazards include boulder rolling, rock falls, debris movement and general slope instability. Soils are generally shallow and rocky. Cultural resource sites are smaller and more scattered. There are a greater number of petroglyphs and few sites related to prehistoric agricultural uses.

- P. ***Landscape Character Zone:*** An association of plants that create an identifiable landscape character, and further defined by specific plant palettes found in the Desert Lands Conservation Guide.

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1. ***Native Sonoran Zone:*** Landscape character zone that represents indigenous plants typically found in the desert of the northern Phoenix metropolitan areas.
  2. ***Sonoran Character Zone:*** Landscape character zone with an associated plant list which represents plants that are generally native to the southwest deserts or have the appearance of being native to those deserts.
  3. ***Arid Character Zone:*** Landscape character zone where plants are generally compatible with the look of an arid landscape. The associated plant list is a broader representation of drought tolerant plants and includes non-natives that are considered appropriate for the area.
  4. ***Exotic Zone:*** Landscape character zone where plants are permitted which are not included on the other landscape character zone lists, as long as they are not on the prohibited plants list. The use of these plants is limited to Oasis Landscape Development Areas and areas included in the Disturbed Area.
- Q. ***Landscape Development Areas:*** Areas within a site with different recommended plant palettes based on their proximity to natural open space, soil stabilization attributes and the desired visual character for the area.
1. ***Oasis Area:*** A landscaped area consisting of enclosed courtyards, similar semi-private areas and other areas located within the Disturbed Area where the use of Native Sonoran, Sonoran Character and Arid Zone plants are strongly encouraged, but where Exotic Zone plants are also allowed.
  2. ***Transitional Areas:*** A landscaped area consisting of open backyards, commercial and public areas, streetscapes and common areas where use of Arid Zone plants is limited to 30% by area and where a buffer of Native Sonoran Zone plants is required at the perimeter of the lot or parcel or between the Disturbed Area and Natural Open Space.
  3. ***Buffer Area:*** A landscaped area consisting of open areas adjacent to preserved wash corridors and natural open space areas where the use of plants is limited to the Native Sonoran Zone palette.
- R. ***Master Conservation Plan (MCP):*** A submittal required with any site plan or subdivision plat application to the City for property within the Desert Lands Conservation Overlay, and which contains the identification of conservation features, native plants to be preserved, development areas, and conservation areas.
- S. ***Mature Trees:*** Healthy, full-bodied trees with a shape characteristic of the species and of the following minimum sizes: Ten (10) feet-twelve (12) feet height

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times six (6) inches-eight (8) inches wide or two-inch single trunk caliper or one-inch average trunk caliper for a multiple trunk tree.

- T. **Mutilate:** To deface, maim, damage or disfigure any protected native plant by shooting, chopping, pushing over, burning, cutting or any other means.
- U. **Native Plant Permit:** A permit issued by the city pursuant to the provisions of this Article for the purpose of removing from the premises, relocating on the premises, or destroying any protected native plant.
- V. **Native Plant Preservation Plan:** A development plan specifying the proposed treatment of plants with Protected Plant Status for which a native plant permit is required.
- W. **Natural Open Space:** Areas dedicated for public ownership or retained in private ownership containing naturally occurring conservation features and accreted Sonoran Desert that have not been altered except to allow decomposed granite trails (private or public) in accordance with ADA guidelines, roadways and utility easements as necessary.
- X. **Plant Protection:** Any project which affects any indigenous plant from the specified Protected Native Plant List is required to submit a Native Plant Preservation Plan detailing the existing location and proposed treatment of each protected plant. Protected plants should, at the most optimal situation, remain in place.
- Y. **Plant Salvaging:** Those plants which must be disturbed due to construction are required to be salvaged unless the applicant can demonstrate how conditions such as poor health or orientation make successful relocation impossible. Salvaged plants are to be replanted within the project.
- Z. **Private Buffer:** An area located adjacent to a public or private preserve open space edge that is used as an undisturbed or enhanced landscape setback. The buffer may be platted as common open space for the development or as individual lots. The area shall contain no improvements or be used for any purpose other than a landscaped setback.
- AA. **Protected Plant Status:** Native cacti which are three (3) feet or greater in height and native trees which are four (4) inches or greater in caliper.
- BB. **Relocate:** To transplant a protected native plant to another location on the premises.
- CC. **Remove:** To transport a protected native plant from the premises on which it has been growing.
- DD. **Restore:** To replant areas of burned, damaged or disturbed naturally occurring Sonoran Desert vegetation and topographical features with trees and plants of the same species, size, density and placement as the surrounding area; and re-

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contour, if necessary, to appear similar to nearby slopes.

- EE. **Retaining Wall:** A wall used solely to retain more than eighteen inches (18") of material but not to support or to provide a foundation or wall for a building.
- FF. **Ridge Line:** That line running along the highest elevation between mountain peaks.
- GG. **Rip Rap:** A bank protection measure composed of fractured rock of differing sizes. Undisturbed natural desert: Naturally occurring Sonoran Desert vegetation and topographical features, including washes, are not altered except to allow decomposed granite natural trails or as necessary for utility easements. Vegetation is not pruned or removed and allows natural habitat for native animal species. Dead trees or cacti also form an integral part of the wildlife habitat.
- HH. **Spill:** To cause or allow earth or other material to fall, flow or run down a slope, thereby creating a change in the natural appearance and topography.
- II. **Unique Feature:** A unique and identifiable feature that varies from the immediate surroundings, such as springs, tanks, saddles, expansive saguaro or cholla forests, etc.
- JJ. **Unsalvageable Plant:** means a protected native plant that cannot be successfully relocated due to any of the following:
1. Deteriorated health from disease, infestation, or natural causes; or
  2. Physical constraints related to plant location, orientation, or general condition which obstruct and/or prevent the application of approved relocation techniques.

### **SECTION 14-22B-4 REVIEW AND APPROVAL PROCESS**

A. Exemption for Single Lot Construction

The development of a single-family custom home shall not require a Desert Lands Conservation Report or Master Conservation Plan. The developer of a single-family custom home shall indicate on the site plan the location of conservation features to be preserved.

B. Properties Located North of Pinnacle Peak Road without Conservation Features (Ord. No. 05-44)

Owners of properties containing no conservation features shall submit a statement and aerial photo confirming this information.

C. Pre-Application Conference; Timing of Submittals (Ord. No. 05-44)

**ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY**

1. A pre-application conference is required prior to submittal of any application for development approval for property containing Conservation Features or Natural Open Space to discuss environmental characteristics of the site. Developments of 10 acres or less shall be exempt from the pre-application meeting requirement but shall be subject to all other applicable requirements in this Article.
2. Submittal of the reports listed below are subject to the type of planning action involved as shown in Table 1. Submittals for one type of action need not be duplicated for another type of action.

**Table 1**

Type of Permitting Action	DLCR	MCP	Native Plant Inventory	Archaeological Site Review and/or Survey	Native Plant Preservation Plan
Rezoning	X	X		X	
Rezoning (PCD or PAD greater than 100 acres, more than one plat)		X (Location of Conservation Areas and Habitat Only)		X	
Minor Land Division		X	X	X	
Preliminary Plat	X	X	X	X	
Preliminary Plat (10 acres or less)		X	X	X	
Final Plat		X	X	X	
Grading Permit	X	X	X	X	X
Site Plan	X	X	X	X	
Building Permit	X	X	X	X	X

**D. Desert Lands Conservation Report**

A comprehensive report shall be submitted as part of a rezoning, platting site plan or building permit request that reviews existing conditions and site and project characteristics. For projects larger than 10 acres, this shall be the Desert Lands Conservation Report (DLCR). Projects of 10 acres or less may submit a Master Conservation Plan (MCP), as specified in this Section in order to meet this requirement. If a development request is being proposed on a property for

## **ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY**

which an existing DLCR is on file with the City, the Planning Manager shall determine what information, if any, needs to be updated.

A request to modify some or all of the submittal requirements listed in this Section may be submitted to and approved by the Planning Manager based upon a finding that sufficient information will be provided to make a determination as to compliance with the provisions of the DLCO.

A narrative description of the proposed development and information included on exhibits shall be submitted as the essential document of the report. The DLCR shall contain information specified in the Desert Lands Conservation Guide. (Ord. No. 05-44)

### **E. Master Conservation Plan**

In addition to the DLCR, a Master Conservation Plan (MCP) shall be submitted at the time of site plan or preliminary subdivision plat review and shall consist of the following items. For phased projects, submittal requirements shall correspond to the areas included in each phase. For projects of 10 acres or less submitting only the MCP, identification and descriptive data required for the DLCR and Projective Narrative and Overview shall also be included. Submittal requirements for the MCP are found in the Desert Lands Conservation Guide. (Ord. No. 05-44)

### **F. Site Inspection**

For those sites with particularly complex conditions, the City may arrange for a site inspection of the property by the City. The applicant shall distribute copies of the Existing Conditions Data Report for the on-site meeting. Applicants, their site designers, and the landowner will participate in the site inspection. The purpose of this visit is to review the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the prioritization of conservation features, and possible locations for buildings and street alignments.

### **G. Approval Process**

The Planning and Zoning Commission or the City Council shall review and either approve or disapprove any DLCR and/or MCP that is submitted as part of a development request requiring approval by the Planning and Zoning Commission or the City Council. The Planning Manager or his/her designee shall review and either approve or disapprove a DLCR and/or MCP for development request requiring building permit, site plan or subdivision plat approval. Appeals of the decision(s) regarding a DLCR and/or MCP will be addressed in the same manner as the development request which it accompanies. Approvals of the DLCR shall be valid for the same period of time accorded to the accompanying development request. After a period of one year from the submittal date of the MCP the Planning Manager shall determine the continued sufficiency of the MCP for future development planning applications. The Planning Manager shall not approve or



**ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY**

recommend approval of any DLCR and/or MCP unless the Planning Manager has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the DLCR and/or MCP.

(Section 14-22B-4 amended by Ordinance No. 07-14, enacted April 17, 2007 and effective May 17, 2007.)

**SECTION 14-22B-5 CONSERVATION STANDARDS**

In order to protect the public health, safety and welfare, preserve sensitive environmental conditions, retain and protect meaningful desert open space, and conserve ecological and aesthetic resources, all development within the DLCO shall be subject to requirements for the preservation of Natural Open Space and native plants. In Hillside Areas, requirements of the Hillside Overlay District and the DLCO shall be coordinated as specified below. Individual residential lot developments not part of any subdivision, or part of a subdivision with final plat approval prior to September 14, 2004, shall be exempt from the requirements of the following NOS Slope/Landform Matrix. The NOS area shall not exceed the percentages shown in the following NOS Slope/Landform Matrix.

A. Natural Open Space

1. Natural Open Space (NOS) within each development shall be preserved according to slope and landform type as provided in the following NOS Slope/Landform Matrix:

Table 2 (Ord. No. 05-44)			
NOS SLOPE/LANDFORM MATRIX			
LANDFORM TYPE	SLOPE RANGE	MAXIMUM REQUIRED NOS	MINIMUM REQUIRED NOS
Desert Floor	0% - 10%	25%	Minimum NOS requirements for all zoning districts shall be 15%.
Bajada	10% - 15%	45%	
Hillside	15% - 20%	55%	
	20% - 25%	60%	
	25% - 30%	70%	
	30% - 35%	80%	
	35%+	85%	
NOTE: Usable Open Space requirements of this ordinance may be satisfied by NOS containing dedicated trails, floodway areas or reserved or dedicated steep slope areas.			

2. The required NOS shall be comprised of the conservation features listed and defined in this Article. If the total acreage of these elements does not meet the minimum NOS requirements, then areas with 25% or greater slope shall be added in such a manner as to expand or extend the NOS

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until the required percentage is achieved. If after incorporating all areas with slopes of 25% or greater and the minimum NOS requirement is still not met, then additional open space shall be provided in the following priority:

- a. expands or extends a regional open space corridor,
  - b. increases the size of an existing or adjacent open space area,
  - c. creates a linkage to an existing or planned trail, or
  - d. provides a public access point to existing or planned natural open space.
3. In the event that the combined area of all required NOS exceeds the maximum required acreage, the following criteria listed in priority order shall be used to guide the determination of which features shall be preserved:
- a. Conservation Features;
  - b. Land that expands or extends a regional open space or drainage corridor;
  - c. Land that abuts existing and/or planned open space;
  - d. Land that allows opportunity to provide a link to existing or future trail systems; and
  - e. Land that provides a non-motorized access route from the nearest public right-of-way to an open space area.
4. The minimum contiguous area for NOS is 7,500 square feet, provided that not more than 15% of the required NOS shall be included in areas less than 10,000 square feet.
5. The minimum horizontal dimension for NOS is seventy-five (75) feet.
6. Where the minimum finished lot size is twenty-four thousand (24,000) square feet or less, NOS shall not be allowed on individual lots and must be placed in common tracts.
7. If land designated as NOS is located in a common tract owned by a homeowners association, the property shall be maintained through a common maintenance agreement.
8. Any NOS being considered for dedication to the City of Peoria, regardless of size and location, will be reviewed by the Community Services Director and staff for a recommendation as to the acceptance or rejection of the

## **ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY**

dedication.

9. Whether the NOS is located on individual lots or in common tracts, the boundaries of Disturbed Areas shall be delineated in the field with permanent markers in order to prevent encroachment into NOS areas.
10. Areas not specifically identified as Disturbed Area or NOS shall be considered Transition Areas.
11. Identification of NOS shall be coordinated with the Peoria Hillside Overlay District, Article 14-22A, and the planning of NOS shall specifically consider transfer of density and disturbed area. For Hillside Areas, NOS shall be located in areas planned to be undisturbed.
12. Within areas identified as NOS, no grading or other disturbance shall occur except the minimum grading required for trails, roadways and utility easements. No walls are permitted within the NOS. Restoration of the Disturbed Area not used to support buildings or Oasis or Transitional Landscape Areas is mandatory and shall follow plans reviewed and approved by the City.
13. For residential lots, the area between the buildings and the street and, for lots in excess of 24,000 square feet in size, side yard setback areas not utilized for driveways or parking areas shall be improved with landscaping using indigenous plant materials and groundcovers in addition to the NOS. In addition:
  - a. Perimeter walls or privacy walls shall be allowed in accordance with the provisions of Article 14-22A, and
  - b. The location of all buildings shall be within the delineated boundaries of the Disturbed Area.
14. Developments abutting any public NOS shall provide an access plan for public entry onto the NOS. The plan may take into consideration all points of visual and physical access to the NOS from any public or private property. A minimum of 40% of the linear distance along the edge of any public NOS shall consist of one or a combination of the following:
  - a. a public or private street;
  - b. a public or private improved open space having public access with minimum dimensions of 100 feet in length and 75 feet in depth along the NOS;
  - c. a minimum length of 100 feet along the frontage of a public or private street directly connecting the NOS to the street;
  - d. a termination of a public or private street in a configuration that

## **ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY**

provides on-street parking for four (4) vehicles and sufficient width for maneuvering; or

- e. an equivalent creative alternative as approved by the City that provides visual and physical access and results in diversity of the edge treatment.

- 15. The total length of lots backing up to the NOS shall not exceed 1,000 feet without incorporating one of the edge treatments described in this Article or providing a trail access point to the NOS.

### **B. Rivers and Washes**

- 1. All Washes shall be preserved in an undisturbed condition and the habitat value preserved in its original condition. Secondary Washes having no vegetation or plants being preserved in place may be altered or eliminated. (Ord. No. 05-44)
- 2. An undisturbed area of twenty-five (25) feet measured from the edge of riparian vegetation or the floodplain, whichever is greater, shall be preserved on both sides of a Wash that has a one hundred-year peak flow greater than seven hundred (700) cfs.
- 3. If a Wash has a one hundred-year peak flow of less than seven hundred (700) cfs, the area to remain undisturbed should be determined by a width sufficient to allow for wildlife passage outside of the incised wash.
- 4. No major structural changes or improvements shall be allowed in preserved Washes. Protected plants shall be left in place except as follows: (Ord. No. 05-44)
  - a. to prevent erosion from channelization or combination of smaller washes;
  - b. to allow wash crossings of roadways, trails and utility easements. Trails and utilities may cross washes, but in no way shall they be placed in the wash bed running within and parallel to the wash bottom. Public utility easements shall be restored when construction is completed;
  - c. to prevent wash migration, where structures are placed behind the required wash setback; and
  - d. to allow discharge from adjacent retention or drainage facilities, as approved by the City Engineer as part of a drainage system improvement plan resulting from a drainage study performed by an engineer registered in the state of Arizona.

### **C. Wildlife Habitat**

## **ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY**

1. Corridors shall be established along both sides of washes identified for conservation which include the estimated 100-year floodplain and an additional upland buffer of 25 feet or the outer edge of the erosion hazard zone, if identified in a map as part of a drainage system improvement plan resulting from a drainage study performed by an engineer registered in the state of Arizona, whichever is greater. Non-motorized trails shall be permitted within the upland buffer.
2. Linear utility lines shall be placed parallel to, but just outside, the conserved wash and associated upland buffer to provide a more gradual transition to developed areas. Utility lines shall be buried in accordance with the City of Peoria Infrastructure Development Guidelines and restored using indigenous plants so that there is no net loss of habitat function or value.

### **D. Scenic Resources**

1. A scenic corridor of 100 feet, measured from the edge of floodplain, shall be established along both sides of the Agua Fria River within which the immediate foreground is kept intact with native or enhanced desert vegetation and no structures are permitted, except for those associated with utilities, stormwater management, and roadways.
2. Scenic corridor buffers, measured from edge of right-of-way, of 50 feet within the Rural Section, 30 feet within the Suburban Section, and 15 feet within the Urban Section, shall be established along both sides of the Lake Pleasant Parkway Corridor within which the immediate foreground is kept intact with native or enhanced desert vegetation and no structures are permitted, except those associated with utilities, stormwater management, and roadways. The limits of the Rural, Suburban, and Urban Sections are shown on Figure 4, Development Section Map, of The Lake Pleasant Parkway Corridor Specific Area Plan dated March 6, 2000, as may be amended.

### **E. Cultural Resources**

1. Preliminary Archaeological Site Review

Provide a letter report, to be submitted with the Existing Conditions Data Report, from the Arizona State Museum, the State Historic Preservation Office (SHPO), or an Archaeologist that reviews all of the available archaeological information for the site. This record check shall: determine whether the site has been field surveyed for cultural resources; identify any previously-recorded archaeological or historic resources known to exist on the property; state the probability that buried archaeological resources not visible from the surface would be discovered on the site; and make a recommendation as to whether an archaeological survey of the site is needed.

## **ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY**

### **2. Archaeological Survey; Duties of the Archaeologist**

If an archaeological survey of the site is recommended then the following tasks shall be completed by an Archaeologist.

- a. Complete a field survey and submit the results with the Existing Conditions Data Report. Any cultural resources identified shall be entered by the Archaeologist making the discovery into the Arizona State Museum site file system.
- b. Describe and map archaeological and historic sites identified on the property in either the records check or the field survey. Detailed location maps of such sites should not be included in the site analysis, but should be available from the Archaeologist for staff review as necessary.
- c. The Archaeologist shall complete an archaeological report that:
  - i. Determines the significance of the reported cultural resource(s);
  - ii. Assesses the impact of the proposed development on the cultural resource(s). If the resource cannot be preserved in place or protected by acceptable means, it must be mitigated;
  - iii. Makes a determination that the cultural resource must be either preserved/ protected or mitigated;
  - iv. Identifies mitigation measures and a mitigation plan that have been reviewed and approved by the City and/or SHPO.

3. Any proposed mitigation measures shall be reviewed and approved by SHPO, having primary responsibility, and/or the City, as the Certified Local Government with jurisdiction, prior to the commencement of any activity on the site.

### **F. Native Plants**

1. No person shall destroy, mutilate, remove from the premises, or relocate to another place on the premises any protected native plant on land that is subject to the provisions of this Article without first obtaining a Native Plant Permit.
2. Minimum size requirements necessary to establish Protected Plant Status include 4 inch caliper or greater for trees, 5 feet diameter or greater branch reach for shrubs, and 3 feet tall or greater for cacti. Creosote (*larea tridentada*) shall be exempt from designation as a Protected Plant.

## ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY

(Ord. No. 05-44)

### 3. Protected Native Plant List

The rationale for inclusion on the Protected Plant List includes one or more of the following:

- a. Preservation of the plant enhances the City's aesthetic appeal by conserving unique scenic character;
- b. The plant is slow growing and therefore it is difficult and cost prohibitive to find comparable nursery-grown stock for replacement;
- c. The plant alone or in combination with others provides unique wildlife habitat; and
- b. The proven success rate in the region of salvaging plants of a certain size.

<b>PROTECTED NATIVE PLANT LIST</b>	
<i>Botanical Name</i>	<i>Common Name</i>
<b>TREES</b>	
Cercidium floridum	Blue Palo Verde
Cercidium microphyllum	Foothills Palo Verde
Chilopsis linearis	Desert Willow
Juniperus mono sperma	One-Seeded Juniper
Olneya tesota	Ironwood
Populus fremontii	Fremont Cottonwood
Prosopis velutina	Velvet Mesquite
<b>SHRUBS</b>	
Acacia constricta	Whitethorn Acacia
Acacia greggii	Catclaw Acacia
Celtis pallida	Desert Hackberry
<b>CACTI/SUCCULENTS/ACCENTS</b>	
Carnegieia gigantean	Saguaro
Ferocactus species	Barrel Cactus
Fouquieria splendens	Ocotillo
Peniocereus greggii	Desert Night-Blooming Cereus
Yucca baccata	Banana Yucca/Blue Yucca/Datil Yucca
Yucca elata	Soaptree Yucca

**ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY**

4. Native Sonoran Desert vegetation should not be pruned or removed from areas identified as Natural Open Space unless demonstrated to the City that a health, safety or welfare issue exists. This includes removal of dead trees or cacti.
5. Plants specified on the prohibited plant species list shall not be allowed. Certain plants that do well in this region present a distinctly non-desert appearance and/or pose potential hazards to the native vegetation, wildlife and landscape due to their invasive nature. The following plants exhibit these characteristics:

<b>PROHIBITED PLANT SPECIES LIST</b>	
<b>Botanical Name</b>	<b>Common Name</b>
<b>TREES</b>	
Brachychiton populneus	Bottle Tree
Eucalyptus sp. (except those specifically identified in Arid Character Zone – see Desert Lands Conservation Guide)	Eucalyptus
Olea sp.	Olive Tree
Parkinsonia aculeata	Jerusalem Thorn/Mexican Palo Verde
Pinus sp.	All species of Pine
Prosopis chilensis (prohibited in parking areas only)	Chilean Mesquite
Rhus lancea	African Sumac
Washingtonia sp.	Fan Palm
<b>SHRUBS</b>	
Oleander sp. (except petite varieties)	Oleander
Thevetia peruviana	Yellow Oleander
<b>GROUNDCOVERS, ANNUALS, PERENNIALS, VINES, ETC.</b>	
Cenchrus ciliaris or Pennisetum cileare	Buffel Grass
Cynodon dactylon (except in private backyards, enclosed courtyards, and public use areas buffered from Native Sonoran Zones by Sonoran Character Zones - see Desert Lands Conservation Guide)	Common Bermuda Grass
Eragrostis lehmanniana	Lehmann's Lovegrass
Gutierrezia sarothrae	Snakeweed
Hordeum jubatum	Foxtail Barley
Pennisetum sp.	Fountain Grass



## **ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY**

6. The prohibited plant species list shall be provided by the Developer to all purchasers of property within the development. Exceptions to the Prohibited Plant Species List may be approved by the Planning Manager or designee subject to a report from a registered landscape architect and a satisfactory recommendation from the Community Services Department.
7. In areas designated as NOS, where a portion has been burned or previously damaged, the area shall be restored by the property owner. Restoration shall be typical of the surrounding area, i.e., tree-lined washes shall be restored with trees of the same species, size, density and placement; graded slopes shall be re-contoured similar to nearby slopes, etc. The property owner shall be responsible for the management of private restored areas. Where this occurs at the edge between public and private development, the public open space shall be restored by the owner of property immediately adjacent to the public open space at the same time as the private open space.

### **SECTION 14-22B-6 NATIVE PLANT PERMIT**

The process of preparing a site for development that contains native plants is authorized by a Native Plant Permit and guided by a Native Plant Preservation Plan (NPPP). The entire site development process shall be managed by the person that prepares the NPPP. The builder of a single family dwelling on an individual lot not part of a subdivision or part of a subdivision plat approved prior to September 14, 2004 shall not be required to prepare a NPPP, but shall be required to perform plant salvaging and transplanting tasks for Protected Plants.

- A. The Native Plant Preservation Plan shall be prepared by a botanist that has received a formal education in Botany, Biology or Ecology, a Licensed Landscape Architect or other professional with similar training and that has experience working with plants and ecosystems of the Sonoran Desert. The plan shall contain information and procedures regarding the following tasks:
  1. Plant Inventory,
  2. Plant tagging,
  3. Plant salvaging,
  4. Establishing and managing the temporary salvage plant nursery, and
  5. Transplanting the salvaged plants.
- B. The Native Plant Permit authorizes a process for preservation and salvaging of native plants. The process includes the following activities:
  1. Preparation of a Native Plant Preservation Plan,

## ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY

2. Plant Inventory,
3. Acquisition of a Native Plant Permit,
4. Tagging of all native plants as to disposition,
5. Establish the temporary native plant nursery,
6. Move native plants to be salvaged to the nursery,
7. Transplant the salvaged plants, and
8. Termination of the temporary native plant nursery and restoration of the nursery site.

### C. Submittal Requirements

Any submittals made for a Native Plant Permit shall comply with the requirements contained in this section. The developer of a single family custom home shall not require a Native Plant Permit. Submittals must be complete and submitted to the Community Development Department with the appropriate fee.

1. Native Plant Preservation Plan containing:
  - a. Project name and address
  - b. Owner name, address & phone number
  - c. Proposed salvage contractor, cacti salvage contractor, and tax license number
  - d. Quarter Section Number
  - e. Prior Peoria case numbers
  - f. Number of protected plants to be relocated
  - g. Number of protected plants to be destroyed
  - h. Total number of protected plants disturbed
  - i. Brief description of your project including estimated timing of salvaging and relocation of plants, plant nursery location, transplanting activities and any other relevant information.
2. Three (3) copies of the site plan aerial with plat overlay indicating the location by tag number each plant which is required to be protected per the Protected Native Plant List (from the NPPP).

## **ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY**

3. Three (3) copies of the plant inventory performed by a City of Peoria Approved Salvage Contractor (which corresponds to the tag number on the site plan) indicating the following (from the NPPP):
  - a. Plant type
  - b. Plant size in caliper inches
  - c. Plant salvageability (Any plant that is determined to be unsalvageable must have an explanation of the present status of the plant material.)
  - d. Whether the plant will remain in place, be moved to another location or be destroyed (Any plant that is destroyed must have an explanation detailing why the plant cannot remain in place or be moved.)
  - e. Current market value by species and size for all plants identified for salvage.
4. Temporary project nursery location shown on a map, in a written description or as an address (from the NPPP). Notice of when plant materials have been tagged in the field for City Staff review.
5. Letter of Authorization from the property owner identifying the city-approved salvage contractor for the project and verifying that all plants are to be replanted on site (from the NPPP).
6. A copy of the form notifying the Arizona Department of Agriculture, Native Plant Section, of the intent to destroy plant materials protected by state statutes (from the NPPP).

### **D. Responsibility for obtaining permit.**

A Native Plant Permit may be obtained by the property owner of record or by another party acting as agent upon presentation of written authorization by the property owner of record.

### **E. Action on applications.**

Applications may be approved, approved conditionally, or denied. Where the Planning Manager or designee determines that the application is in conformance with the provisions of this Article, a permit shall be issued, with such conditions attached as necessary to insure that the Native Plant Preservation Plan is successfully accomplished. Where it is determined that the application is not in conformance with the provisions of this Article, the application shall be denied. Action taken on applications may be appealed to the hearing officer appointed by the City Manager according to the procedures specified in this Article.

## ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY

### F. Timing of Permit approval

No Native Plant Permit shall be issued unless an application is submitted in conjunction with an existing or proposed development that requires administrative approval, Planning and Zoning Commission approval, City Council approval, Board of Adjustment approval, or approval of a plat as determined by the City Manager or designee. For proposed development, the Native Plant Permit shall not be issued until the necessary development approvals have been secured.

### G. Modification

It shall be unlawful to modify, alter, or amend an approved Native Plant Permit or an accompanying Native Plant Preservation Plan without reapplication for a Native Plant Permit according to the provisions of this Article.

### H. Expiration

1. Every permit issued by the City under the provisions of this Article shall expire and become null and void if the work authorized under the provisions of this Article is not commenced within ninety (180) days from the date of issuance, unless otherwise specified as a condition of the permit approval or if the work authorized under the provisions of this Article is suspended or abandoned for a period of ninety (90) days. Before such work can be recommenced, a new permit shall be obtained to do so pursuant to the provisions of this Article.
2. Work shall be completed within the time period specified on the Native Plant Permit. The Planning Manager or designee shall have the authority to grant a ninety (90) day extension of the time limit for completion of the work upon written request of the applicant. Failure to comply with the time limitation without an extension authorized by the city shall require application for a new permit pursuant to the provisions of this Article.

### I. Exemptions

Governmental agencies shall be exempted from the payment of fees herein required, provided that only such property occupied, operated, and maintained for government purposes by the above-mentioned agencies shall be so exempted. All other provisions of this Article shall apply to these agencies.

### J. Plants to be tagged; requirements.

1. All plants with Protected Plant Status scheduled to remain in place or authorized for destruction or relocation by the approved Native Plant Permit must be tagged and numbered prior to permit submittal. Tags shall be color-coded according to the following schedule so that the status of each plant affected by the development proposal may be easily identified:

## ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY

- a. Plants proposed for destruction shall be tagged with blue plastic tape
  - b. Plants proposed for relocation shall be tagged with red plastic tape
  - c. Plants proposed to remain shall be tagged with white plastic tape.
2. Tags required by this Article shall be affixed in a visible and uniform location (preferably the north side) on the plant. Once affixed, the tags shall not be removed until the plants are removed, relocated, or destroyed in compliance with the Native Plant Permit and a final inspection has been made.
  3. Tag numbers shall correspond to the site plan and the plant inventory.
  4. Tag numbers shall be transferred to the side of the box when site boxing is completed.
- K. Timing of work authorized by this chapter.

Time periods shall commence on the date of permit issuance. This requirement shall not apply to those native plants deemed to be unsalvageable by the City and noted as such on the permit.

1. Plants with Protected Plant Status authorized for destruction under the provisions of this Article shall not be destroyed within a time period specified as follows:
    - a. One (1) to five (5) plants with Protected Plant Status to be destroyed, fifteen (15) days.
    - b. Six (6) to fifteen (15) plants with Protected Plant Status to be destroyed, thirty (30) days.
    - c. Sixteen (16) or more plants with Protected Plant Status to be destroyed, sixty (60) days.
  2. In no instance shall destruction of plants with Protected Plant Status occur prior to issuance of a Native Plant Permit by the City unless the Planning Manager or his/her designee agrees to allow preliminary at-risk grading. Such decision will be based on a report by a registered landscape architect providing an assessment of the salvageability given the time of year, and concurrence from the Community Services Department.
- L. Compliance with approved permit; revocation.

## **ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY**

All work authorized by a permit issued in conformance with the terms of this Article shall be completed as authorized. Failure to comply with the conditions of permit approval or the approved Native Plant Preservation Plan shall constitute a violation of the Native Plant Permit and may be punishable by permit revocation and/or citation under the authority of this Article.

### **M. Inspections.**

All aspects of the work performed as a result of a Native Plant Permit issued under the provisions of this Article shall be subject to inspection by the City. Specific Inspections shall be performed 1) following completion of tagging, 2) following completion of relocation of plants to the plant nursery, and 3) following completion of all transplanting and removal of the nursery. Inspections may be performed by City personnel or may be required of the developer. Developer's inspections shall be signed and certified by one of the professionals listed as responsible for preparation or assisting in the preparation of the Native Plant Preservation Plan.

### **N. Penalties.**

1. Generally. Any violation of this Article is a Class 1 misdemeanor which, upon conviction, may be punishable by a fine not exceeding two thousand five hundred dollars (\$2,500.00), or by imprisonment for a term not to exceed six (6) months, or by both such fine and imprisonment, at the discretion of the city magistrate. Each day this violation continues shall constitute a separate offense.
2. A Native Plant Permit shall not be issued after a violation resulting in destruction, removal, or relocation of plants with Protected Plant Status has been discovered until such time as a restoration program has been approved and the property has been restored with plants included on the Protected Native Plant List of equivalent type, size, density, distribution, and condition as existed on the property prior to the violation. A program for restoration of the site shall be approved by the Planning Manager or designee and shall be based on the expected type, size, density, distribution, and condition of plants with Protected Plant Status within the vegetation communities in which the violation occurred. Appeal of a decision made by the Planning Manager or designee regarding a restoration program shall be heard by the Hearing Officer appointed by the City Manager. Appeal of a decision made by the Hearing Officer regarding a restoration program may be made to the City Council in accordance with the rules and procedures established in this Article.
3. Waiver of restoration requirement generally.

The City Manager or designee may waive the restoration requirement in this Article when it will further the purpose of this Article and be in the best

## **ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY**

interest of the community, and when it is demonstrated that development of the property is imminent as determined by the following criteria:

- a. A development proposal is submitted for approval by a development review board within ten (10) days of the notice of violation.
  - b. The general plan designation of the property is consistent with the proposed development.
  - c. The zoning of the property is consistent with the proposed development.
  - d. Infrastructure improvements are in place, which can support the proposed development.
4. Granting of waiver; cost of replacing and maintaining native plant materials.
- a. If a waiver is granted, a sum of money shall be paid to the city for the purpose of replacing and maintaining native plant materials. The development review board shall determine the sum of money to be paid to the city from the following schedule:
    - i. Protected native trees. Three hundred dollars (\$300.00) per caliper inch (measured one (1) foot above ground level).
    - ii. Protected native cacti. Two hundred dollars (\$200.00) per foot.
    - iii. Maximum per plant. Ten thousand dollars (\$10,000.00).
  - b. Determination of the sum of money to be paid to the City pursuant to this Section shall be based upon the type, size, density, distribution, and condition of plant materials that existed on the property prior to the violation, or upon inspection of the remains of plant materials or other physical evidence as may be available. Appeal of a decision of the Hearing Officer regarding this determination may be made to City Council in accordance with the rules and procedures established in this Article.
  - c. The sum of money required by this subsection shall be used to replace removed or damaged plant materials whose retention is required by a Native Plant Preservation Plan approved in conjunction with the development proposal specified in this Article and to maintain replacement plant materials for a period of three (3) years. Additionally, fifteen (15) percent of the total amount payable shall be kept by the City as payment for the enforcement

## **ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY**

of these regulations and administration of the agreement specified in this Article.

- d. Prior to issuance of any permits for construction on or development of the property, the property owner shall provide a mechanism acceptable to the City for replacement of plant materials for a period of three (3) years.

### **SECTION 14-22B-7 INSPECTIONS**

- A. In order to ensure compliance with this Article, inspections may be made by the Planning Manager or his or her duly authorized representative consistent with law.
- B. If such inspection reveals that any property or portion of a project is not in compliance with the requirements of this Article, the Planning Manager or his or her duly authorized representative shall report the discrepancy to the property owner, developer or their representative and shall order work on the project stopped or corrective action taken as appropriate.

### **SECTION 14-22B-8 DESERT LANDS CONSERVATION GUIDE**

The City Manager or his designee shall promulgate a Desert Lands Conservation Guide containing the principles and guidelines used for the implementing of desert lands conservation within the Desert Lands Conservation Overlay district. Considerations contained within the Desert Lands Conservation Guide may be used in design of methods used in desert development projects.

### **SECTION 14-22B-9 ENFORCEMENT**

- A. Enforcement Authority

The DLCO shall be enforced by the Community Development Director of the City of Peoria, or his or her duly authorized representative.

- B. Interference with Enforcement Personnel

It shall be unlawful for any person to willfully interfere with, hinder or obstruct enforcement personnel in the discharge of their duties pursuant to this Article.

- C. Penalties

A violation of any provision of this Article shall be subject to the violation and penalty provisions of the Zoning Ordinance.

- D. Notices (Ord. No. 05-44)



## **ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY**

Notices to adjacent property owners shall be sent prior to a hearing or determination on an application for a waiver. Letters containing information regarding the waiver application shall be mailed to property owners within 300 feet of the property that is subject to the waiver request not less than ten (10) days prior to the day scheduled for the waiver decision. The applicant for the waiver shall supply the City a list of all property owners within 300 feet of the property and stamped addressed envelopes for each address.

### **SECTION 14-22B-10 APPEALS**

#### **A. Appeals to the Hearing Officer**

1. Decisions of the Community Development Department Staff arising from the administration of the requirements contained in this Article may be appealed to the hearing officer, which shall be appointed by the City Manager to hear such appeals. The appeals shall be in writing and set forth the specific decision of the Community Development Department staff that is being appealed. The appeal shall be filed with the Community Development Director.
2. A copy of the appeal and complete file shall be transmitted to the hearing officer. The hearing officer shall hold a hearing and provide the applicant and Community Development staff an opportunity to present their position. Such hearings shall be informal and the rules of evidence and civil procedure shall not apply. Such hearings shall be noticed in accordance with the following provisions.
3. The hearing officer shall act upon an appeal within ten (10) days after filing and shall submit his or her decision in writing to the applicant and the Community Development Director.

#### **B. Appeals to the City Council**

1. An applicant or the City may appeal the decision of the hearing officer to the City Council. The appeal shall be in writing and shall specifically set forth the decision of the hearing officer which is being appealed. The appeal shall be filed with the Community Development Director.
2. A notice of the appeal shall be mailed at least ten (10) days prior to the council meeting in which the appeal is heard to each property owner situated wholly or partially within three hundred (300) feet of the property to which the plan relates. The applicant shall provide the Community Development staff with the names and addresses and addressed and stamped envelopes for all property owners within three hundred (300) feet of the property. The Community Development staff shall be responsible for mailing such notices.

**ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY**

3. A copy of the appeal letter, decision of the hearing officer and supporting material shall be transmitted to the City Council. At a regularly scheduled Council meeting the applicant and the hearing officer shall present their positions.
4. The City Council shall act upon the appeal within thirty (30) days after the appeal is filed with the Community Development Director, or at the next regularly scheduled City Council meeting, whichever date is later.

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# ARTICLE 14-36 PLANNED COMMUNITY (PC) DISTRICT

(Ord. No. 01-146)

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### 14-36-1 INTENT

The Planned Community (PC) District is intended to accommodate large-scaled, yet unified, comprehensively planned developments which conform with and enhance the policies and programs contained within the Peoria General Plan. This district is intended to provide an alternative zoning district and development process to accommodate substantial developments for residential, commercial, professional, industrial or other activities, including combinations of uses appropriately requiring flexibility under controlled conditions, not otherwise attainable under conventional zoning districts so that the following goals may be achieved:

- A. To enhance the City's development and to promote the public health, safety, and general welfare.
- B. To provide within such areas a combination of land uses, which may include a variety of residential types, commercial, industrial, public and semi-public areas, arranged and designed in accordance with sound site planning principles and development techniques; and in such a manner as to be properly related to each other, the immediate surrounding area, the planned thoroughfare system, and other public facilities such as water and sewer systems, parks, schools and utilities.
- C. To encourage a more creative approach in the utilization of land in order to accomplish an efficient, aesthetic, and desirable development which may be characterized by special features of the geography, topography, size or shape of a particular property.

- D. To establish planning and development control parameters tailored to the opportunities and constraints of the property while allowing sufficient flexibility to permit final detailed planning and the precise distribution of the approved density and intensity of the project at the time of site plan or subdivision application submittal.
- E. To provide reasonable assurances to the City and land developer that the proposed development may be planned and carried out in one or more phases over an extended period of time, in accordance with an approved PC "Development Plan" and "Standards Report".
- F. To assure that the PC District is developed in accordance with a PC "Development Plan" and "Standards Report." The PC "Development Plan" and "Standards Report" shall be designed to fulfill the goals established by the General Plan, provide development standards promoting an appropriate balance of land uses, and promote the planning of public facilities designed to serve the projected population.

**14-36-2 GENERAL PROVISIONS**

- A. *Conformance with the General Plan.* The proposed PC District shall be in general conformance with the Peoria General Plan. The Planning Manager shall not approve or recommend approval of any PC District unless the Planning Manager has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the PC District.

(Section 14-36-2 amended by Ordinance No. 07-14, enacted April 17, 2007 and effective May 17, 2007.)

- B. *Location of PC District.* PC Districts may be established on large parcels of land which, because of their ownership, size, topography, or exceptional or unusual locational characteristics, are suitable for planned development in a manner consistent with the purposes of this section.
- C. *Minimum PC District Area.*
  - 1. The minimum area required for a planned community district is six hundred (600) contiguous acres held under single ownership at the time of application submittal or under multiple ownership within a partnership as expressed through written correspondence and signatures provided with the PC application.
  - 2. Areas within rights-of way may be included in the computation of the minimum six hundred (600) acres.
- D. *Property Development Standards.* All land uses in a PC District shall be established within planned "development units." The PC District is intended to be combined with the general property development standards of various zoning districts in the Peoria Zoning Ordinance or as modified in the approved PC "Development Plan" and "Standards Report."

1. The proposed PC District shall comply with overlay districts of general applicability including, but not limited to, the Hillside Development Overlay and Floodplain Districts, except where modifications are expressly authorized through an approved Standards Report and Development Plan;
  2. The proposed PC District shall comply with the Subdivision regulations and other adopted policies, codes and ordinances of general applicability;
  3. The proposed PC District may include modified property development standards (contained within the zoning ordinance) to address defined opportunities and constraints related to the property, including, but not limited to, building placement and height, minimum lot size and parking area landscaping.
- E. *Permitted Uses.* Any use may be permitted in any specific "development unit" within a proposed PC district provided such use shall be specifically listed as a permitted use and shall be located and conducted in accordance with the approved "Development Plan" and "Standards Report" and other applicable regulations.
- F. *Conditional Uses.* Any use may be established as a conditional use in any specific development unit within a proposed PC district provided such use shall be specifically listed as a conditional use subject to the provisions of Article 14-24 ('Conditional Use Permits') and shall be located and conducted in accordance with the approved "Development Plan" and "Standards Report" and other applicable regulations.

**14-36-3 APPLICATION REQUIREMENTS**

In addition to complying with the provisions of Article 14-39, Section 14-39-6, "Rezoning," each application for a PC District shall be accompanied by a "Standards Report," "Development Plan" and "Development Schedule." The "Standards Report" and "Development Plan" shall, as approved by the City Council, become a part of the applicable zoning regulations within the respective PC District. Subsequent changes to the "Development Plan" shall be made in accordance with Section 14-36-8. (Ord. No 02-80)

- A. *Standards Report.* The "Standards Report" shall describe the purpose, nature and characteristics of the proposed PC district including, but not limited to, the proposed development unit use or uses to be conducted in the district in a manner sufficient to enable preparation and consideration of regulations governing permitted and conditional uses, site use and other development regulations which may be appropriate to govern development, use, and maintenance of the sites included within the PC district. The "Standards Report" shall include the following:
1. Contact listing of key project team representatives including the contact, owner, and developer.
  2. Vicinity Map.
  3. Legal description of the district boundary.

4. A statement by the applicant demonstrating the necessity of the application for the PC district, including information demonstrating compliance with the findings contained within Section 14-36-6.
  5. Existing conditions map drawn to a suitable scale showing the use and general condition of the land within the proposed PC district boundary and adjacent lands for one mile. The map will provide the total gross acreage, overall density proposed and a delineation of major physical constraints or opportunities, major environmental features, topography, existing roads, trails, utilities, generalized location of any hundred (100) year floodway and mapped stormwater drainage conditions.
  6. The delineation of development units including a parcel matrix inclusive of each proposed development unit indicating as appropriate: the approximate unit size in acres, proposed allocation of land uses, the proposed zoning district(s) (either an existing zoning district or a modified proposed district as further defined within the Standards Report), the projected number of employees, the maximum number of potential dwelling units, and intended floor area ratios (FAR) for the project.
  7. The parcel matrix shall also indicate the projected number of residential units or non-residential square footage for each development unit to guide the preparation of supporting infrastructure studies outlined herein.
  8. Such additional information as the Planning Manager may prescribe as necessary, to facilitate review and action on the application by the Planning and Zoning Commission and the City Council.
- B. *Development Plan.* The "Development Plan" must include a land use and circulation system concept that is consistent with the goals and policies of the General Plan, compatible with the environment, and capable of being served by existing and planned public facilities and utilities. The "Development Plan" submitted with the application for the PC District shall include the following, unless waived by the Planning Manager:
1. Submittal of a Development Plan Map divided into approximate development sub-areas or development units. The proposed Development Plan Map(s) shall be drawn to a suitable scale and include at least the following:
    - a. The boundary of the proposed PC District.
    - b. The existing and proposed topographic character of the land.
    - c. The approximate location of each proposed land use development unit.
    - d. The general location of all proposed major and minor arterial streets, including their proposed connections to major streets identified on the Circulation Map in the Peoria General Plan.
    - e. Major drainage elements.

- f. All proposed public schools, parks and open space areas.
  - g. Any trails and/or bikeways, including their proposed connections to conceptual trail locations identified in the Peoria Trails Master Plan and other relevant documents.
  - h. Conceptual location of any significant historical, cultural and archaeological features of the site, including proposed methods to incorporate and preserve such features into the proposed project.
2. Master Drainage and Hydrology Report, prepared by an Arizona registered engineer.
  3. Master Water and Sewer System Report, prepared by an Arizona registered engineer.
  4. Traffic Impact Analysis Engineering Report, prepared by an Arizona registered engineer.
  5. A Cost Impact Analysis of the proposed public facilities and infrastructure, prepared by a competent person or firm with experience in the preparation of such studies. The study shall provide the specific detailed accounting of the financing structure for the development of required facilities for parks, law enforcement, fire protection, public services, municipal government, and other necessary governmental services.
  6. Such additional information as the Planning Manager may prescribe as necessary, to facilitate review and action on the application by the Planning and Zoning Commission and the City Council.
- C. *Development Schedule.* The following schedule submitted with the application for a PC District shall include the following:
1. A schedule, indicating to the best of the applicant's knowledge, the approximate timeframe in which construction or development is expected to begin, the duration of time required for completion of the development; and
  2. Proposed phasing if the project will not be developed as one (1) unit, including a plan for the interim use and management of the undeveloped phase or phases.

**14-36-4 APPLICATION PROCEDURES**

- A. The applicant is encouraged to meet with the Planning Manager prior to making an application for a PC District to discuss the development concept, the review and approval process, and the submittal requirements.
- B. The applicant shall obtain the necessary application forms from the Planning Division. Application forms when properly completed and accompanied by the required fee and required material shall be submitted to the Planning Division.



- C. If the application request requires an amendment of the City's adopted General Plan and/or an adopted Specific Plan, the applicant shall submit an application to amend the General Plan or adopted Specific Plan prior to or simultaneously with the application for a PC District.
- D. The Planning Division shall distribute the PC application and supporting materials (pursuant to Section 14-36-3), and other relevant documentation to each responsible department for review and comment.
- E. Written responses shall be obtained by the applicant from public or quasi-public agencies identified by the Planning Manager as being stakeholders in the outcome of the development proposal within the timeframe defined above. The Planning Manager or assigned designee shall compile all of the comments and recommendations and submit a written report to the applicant.
- F. The revised PC "Development Plan" and "Standards Report" shall be resubmitted to the Planning Division for further evaluation by the Planning Manager and the reviewing agencies.
- G. A development agreement between the applicant and the City may be prepared and reviewed concurrently to afford resolution to issues and concerns identified through agency review.

**14-36-5 ADOPTION OF A PLANNED COMMUNITY DISTRICT**

- A. The Planned Community District shall be adopted in accordance with procedures set forth in Article 14-39, Section 14-39-6, "Rezoning." The Commission and Council shall consider the PC "Development Plan" and "Standards Report" as part of the rezoning application and all provisions and protocols therein set forth in Section 14-39-6 shall apply to said "Development Plan" and "Standards Report."
- B. At the time a PC District is approved by the City Council, the associated "Development Plan" and "Standards Report" shall become an integral part of the Peoria zoning regulations for the PC District established by the City on the property. All future development within the adopted PC District shall thereafter be in conformity with the "Development Plan and Standards Report."

**14-36-6 FINDINGS**

Before approval or adoption of an application for a PC District, the Planning and Zoning Commission and the City Council shall find:

- A. That the development proposed is in conformance with the General Plan.
- B. That the streets and thoroughfares proposed are in conformance with the General Plan Circulation Map and will be adequate to serve the proposed uses.
- C. The Planning and Zoning Commission and City Council shall further find:

1. In the case of proposed residential development, that the development will promote compatible buildings and uses and that it will be compatible with the character of the surrounding area; and
2. That the conceptual site locations proposed for public facilities such as schools, fire protection, law enforcement, water, wastewater, streets, public services and parks, are adequate to serve the anticipated population within the PC District.
3. In the case of proposed commercial, industrial, institutional, recreational and other non-residential uses or mixed-uses, that such development will be appropriate in area, location and overall planning for the purpose intended.
4. That the development is fiscally sound, as demonstrated in the Cost Impact Analysis, and is consistent with adopted policies, infrastructure plans and applicable Capital Improvement Programs (CIP).

**14-36-7 FUTURE DEVELOPMENT**

Upon adoption of the PC District, the applicant may then proceed with the development of the property in accordance with the "Standards Report" and "Development Plan" by filing subdivision plats for any portion of the PC District in accordance with Chapter 24 of the Peoria City Code (1977), which constitutes the City's Subdivision Regulations; or a site plan, pursuant to Article 14-39, Section 14-39-9, "Site Plan Review" of the City's Zoning Ordinance. Legal descriptions for each affected development unit must be provided with subdivision plats or site plan applications. (Ord. No. 03-06)

The Planning and Zoning Commission will not take any subsequent approval action on a project within thirty (30) days of the City Council's adoption of the PC District.

**14-36-8 AMENDMENTS TO AN APPROVED PC DISTRICT**

- A. Amendments to the PC District "Development Plan" or "Standards Report" may be requested by the applicant or its successors. Amendments to the approved PC District shall be delineated as *major* or *minor* amendments. Amendments to the approved PC "Development Plan" and "Standards Report" may be limited to one or more "development units" and any proposed change will not affect development units not included in the proposed amendment.
- B. Upon receipt of an amendment application to the Planning Division, the Planning Manager shall determine if the proposed amendment constitutes a *major* or *minor* amendment.
- C. *Major Amendments.* If the Planning Manager determines the amendment to be a *major*, the amendment request shall be processed in the manner set forth in Sections 14-36-4 & 5.
- D. An amendment will be deemed *major* if it involves any *one* of the following:
  1. A change in the overall PC District Boundary; or

2. An increase in the total number of approved dwelling units or gross leasable area (GLA) for the overall PC District; or
  3. A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the PC District, as determined by the Planning Manager. A change to an individual development unit generally shall be deemed to be significant if it represents a ten percent (10%) increase to the approximate gross area of the development unit as approved in the PC District.
  4. An increase of ten percent (10%) or more of the approved number of projected dwelling units or gross leasable area (GLA) for an individual development unit.
  5. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer.
  6. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PC District or to the overall major street system as determined by the City Engineer.
  7. Any other proposed change to the "Development Plan" and/or "Standards Report" which substantively alters one or more components of the PC District as determined by the Planning Manager.
- E. *Minor Amendments.* Amendments not meeting one or more of the criteria listed in subsection (D) shall be considered minor. If the Planning Manager determines the amendment to be minor, the Planning Manager may administratively act on the amendment and attach stipulations or conditions of approval thereto, to protect the public health, safety and welfare.
1. If the amendment proposes a change to the Development Plan Map, notice of the proposed minor amendment shall be mailed to each owner of property as last disclosed by County Assessor records, situated wholly or partly within three hundred (300) feet of the affected development unit(s) to which the amendment relates. For purposes of giving mailed notice, the Planning Manager shall require the applicant to furnish the names and addresses and stamped/addressed envelopes of all affected property owners as determined above. If the amendment proposes any other change to the "Development Plan" or "Standards Report", including but not limited to, text changes or changes to the development standards of the "Standards Report," notice of the minor amendment shall be published within a newspaper of general circulation.
  2. If written protest to any minor amendment is received from any notified property owner within ten (10) days of the notification mailing date in the case of mailed notice, or within ten (10) days of the final date of advertising in the case of published notification, and such protest cannot be resolved, then the Minor Amendment shall be reclassified as a Major Amendment. No additional application shall be required, however, all provisions governing Major Amendments shall then apply.

3. If written protest is not received as described above, the Planning Manager shall render a decision on the minor amendment request. The Planning Division decision shall be final unless appealed under Section 14-36-9. The Planning Manager or assigned designee shall send copies of the decision to the applicant, interested parties of record and members of the Planning and Zoning Commission.

**14-36-9 ADMINISTRATIVE DECISION APPEALS**

- A. An action or decision by the Planning Division on *minor* amendments may be appealed by the applicant within seven (7) days from the date of the Planning Manager's decision.
  1. Appeals shall be in writing on a form provided by the Planning Division and shall include only the specific items being appealed.
  2. The Planning Division will submit a report and any background material regarding the appeal to the Planning and Zoning Commission for its next scheduled meeting. Any persons associated with the action being appealed shall be informed by the Planning Division of the date, time, and location of the appeal hearing.
  3. The Planning and Zoning Commission's decision on the appeal will be sent out (in writing) to the applicant. The decision of the Planning and Zoning Commission will be final, unless the applicant initiates an appeal to the City Council.
- B. *Appeal to Council.* An action or decision by the Planning and Zoning Commission on minor amendments may be appealed by the applicant within seven (7) calendar days after the date of the Commission decision.
  1. Appeals shall be in writing on a form provided by the Planning Division and shall include the specific items being appealed and the nature upon which the decision was in error.
  2. The Planning Division shall transmit to the City Council a transcript, with exhibits, of the Planning and Zoning Commission's hearing. The City Council shall review the transcript and exhibits and may, at their discretion, hear further oral or written comments.
  3. The City Council may affirm the decision of the Planning and Zoning Commission; or remand the matter for further proceedings before the Planning and Zoning Commission; or reverse or modify the Planning and Zoning Commission's decision.

**14-36-10 ADMINISTRATION AND ENFORCEMENT**

- A. While ownership of a project may subsequently be transferred (in whole or in part), PC District zoning will continue to be implemented and maintained on the total acreage of the PC District zoned project. It is the responsibility of the owner to notify

all prospective purchasers of the existence of the PC District and the PC "Development Plan" and "Standards Report". It is also the responsibility of the owner to initiate a dialogue with the Planning Manager to ensure the program of development can be administered to comply with all of the processing time frames and hearing schedules required.

- B. In the event that the applicant has failed to comply with the conditions adopted by the City Council in conjunction with the approved PC District and the PC "Development Plan" and "Standards Report", the City may proceed in accordance with Section 14-4-6B of the Peoria Zoning Ordinance.

#### **14-36-11 DEFINITIONS**

*Development Unit:* An approximate "subarea" within a specifically defined PC boundary containing singular or multiple designated land use and zoning classifications. Multiple classifications or mixed-use classifications may be permitted in the PC District in conformance with the General Plan. A development unit in text or table format is the same area as referenced on a map but describes the area in more specific detail. The City Council may approve a particular definition of "subarea" or "development unit" for any individual PC District.

*Standards Report:* Consists of a narrative report, existing conditions map and background information describing the characteristics, components and timing of the proposed PC District by development unit(s). The Standards Report includes a development unit matrix describing density, projected employment, intended FAR's, zoning districts and applicable development standards.

*Development Plan:* Is a multi-faceted development plan, organized by development unit, demonstrating how the Standards Report will be implemented. The Development Plan will illustrate the proposal's relationship and conformity with adjacent land uses, circulation systems and the provision of utilities and other public services.

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**13**





**Planned Community District  
(PCD)**

May 25, 2006

**Zoning Case Number: Z01-10**  
(Previously Approved as White Peak Ranch)

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## Project Development Team

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## EXECUTIVE SUMMARY

Vistancia North is a master planned community located within the southern region of the Hieroglyphic Mountain Range and southwest of Lake Pleasant. The entire property is located within the incorporated boundaries of the City of Peoria. The property is bounded by the Cloud Road alignment on the north, the Lone Mountain Road alignment on the south, the 163<sup>rd</sup> Avenue alignment on the west and the 123<sup>rd</sup> Avenue alignment on the east. The total land area comprises approximately 3,985 acres or 6.2 square miles.

The Vistancia North property was approved as a Planned Community District (White Peak Ranch) by the Peoria City Council on October 2, 2001. Based on the success of the Vistancia South Planned Community District (PCD) (immediately south of the subject property), it was determined that the White Peak Ranch PCD required updating to incorporate the successful elements implemented within the Vistancia South PCD. As such, this application proposes a major amendment to the White Peak Ranch PCD, including formally changing the name of the PCD to Vistancia North. The major amendment will modify the overall land use plan, numerous master plan elements, as well as the residential and non-residential development standards that will guide the overall development of the PCD.

The Vistancia North PCD implements the extensive project visioning and community theming process that has thoughtfully evolved through the intent expressed by Vistancia LLC (the master developer), and will incorporate both components and lessons learned from the successful design and development of the Vistancia South PCD. Undertaking a similar visioning process as the Vistancia South PCD, this project, formally known as White Peak Ranch, was renamed Vistancia North Master Planned Community, based on its high standards for community open spaces, amenities, trails, streetscapes, and central community social spaces. The recommended project name recognized the natural assets of the northwest Peoria region and its linkage with the successful Vistancia South Master Planned Community.

The Vistancia North project has been designed to continue to offer a range of housing choices, appropriately sized and located retail/commercial services, linked expanses of open space and trails, as well as a minimum of 18 holes of golf located in Village 4. The potential exists to augment the identified 18-hole course with an additional 18-hole course (36 holes total), depending on the demand of the community's initial phases and the additional demand for golf facilities. The projected population of approximately 17,200 residents will be served by two elementary school sites, one fire station site, and three public neighborhood parks and two private parks as well as an extensive public natural open space system comprised of significant natural landforms, vegetation communities and natural wash corridors. The plan recognizes and respects the



presence and influence of the Hieroglyphic Mountain range. As such, the plan identifies the intended preservation of Twin Buttes and White Peak. There is also a significant abandoned mining operation (Clementine Mine) on the Vistancia North property, whose past operations have resulted in significant scarring. The plan intends to rectify the scarring, improving the visual quality of the development. In addition to the preservation of multiple peaks, the plan vision includes the establishment of an interconnected open space network through the preservation of steep sloped areas and primary natural wash corridors. Lower density residential uses (i.e. Residential/Estate and Residential/Low) have typically been located adjacent to or within proximity of these natural features to allow for the appropriate land use transition and sensitive integration of the natural and built environment.

Ample vehicular ingress and egress for Vistancia North will occur from the south, principally utilizing the future Loop 303 interchanges of Jomax Road, Westland Road and Lone Mountain Road via Vistancia Boulevard. Additionally, El Mirage Road has been carefully planned as the major linkage among Vistancia North, Lake Pleasant Heights and Saddleback Heights Planned Community Districts.

Vistancia North has been designed and will be developed in the future utilizing an environmentally sensitive, sustainable community ethic. The end result envisions a necklace of natural open space areas woven through the community, enhancing connectivity of residential enclaves, commercial uses and community gathering areas. The inclusion of one (and possibly two) 18-hole golf courses support the openness of Vistancia North and the ability to engage in both passive and active recreation activities within the community. The careful design is embodied in the provision of curvilinear street patterns which respect the topography of the property and the approach to drainage, by retaining the primary natural washes to continue their historic task of draining surface water from the area. Site planning principles that have been employed intend to orient residences to maximize their view of natural drainage washes, landforms, and significant stands of native vegetation and golf course features. The siting of parcels that accommodate a variety of unit densities, yet compatible architectural styles and building materials, will allow Vistancia North to continue the image established by Vistancia South as one of the premiere housing communities in the Northwest Valley.

Protecting more than 1,200 acres of open space, Vistancia North will allow the natural condition to serve as the cornerstone of the substantial community amenity program provided for its future residents and visitors. The natural open space will be augmented with 205 acres to be dedicated as a major golf course, and over 40 acres of public and private parks. These amenities will be linked with over 55 miles of public and private trails affording opportunities for walking, jogging, hiking and bicycling that will enhance unobtrusive accessibility for active recreational use. Sensitively integrating the topographical characteristics of the natural Sonoran Desert requires a careful assessment of the land use mix to maximize the opportunities afforded by the preservation of the higher elevation land forms, primary wash corridors and natural vegetation occurring within the



indigenous landscape. To that end, the inclusion of a significant passive recreation and trails component matches well with the intent for the land, and links carefully selected sites to provide active recreation opportunities within proximity to community residents. Utilizing technology and principles of appropriate land stewardship allows the natural condition to not only serve as the defining characteristic, but also as the most valued amenity, of this community.

To ensure that a quality community occurs, a comprehensive set of design guidelines and Codes, Covenants and Restrictions (CCR's) have been prepared and executed. Design guidelines will place a significant emphasis on the preservation of the natural environment (by preserving the community drainage network and hillside areas), the establishment of a community theme to create community identity and the promotion of housing diversity.









This document is organized into five chapters and supportive appendices which are identified and described below:

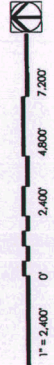
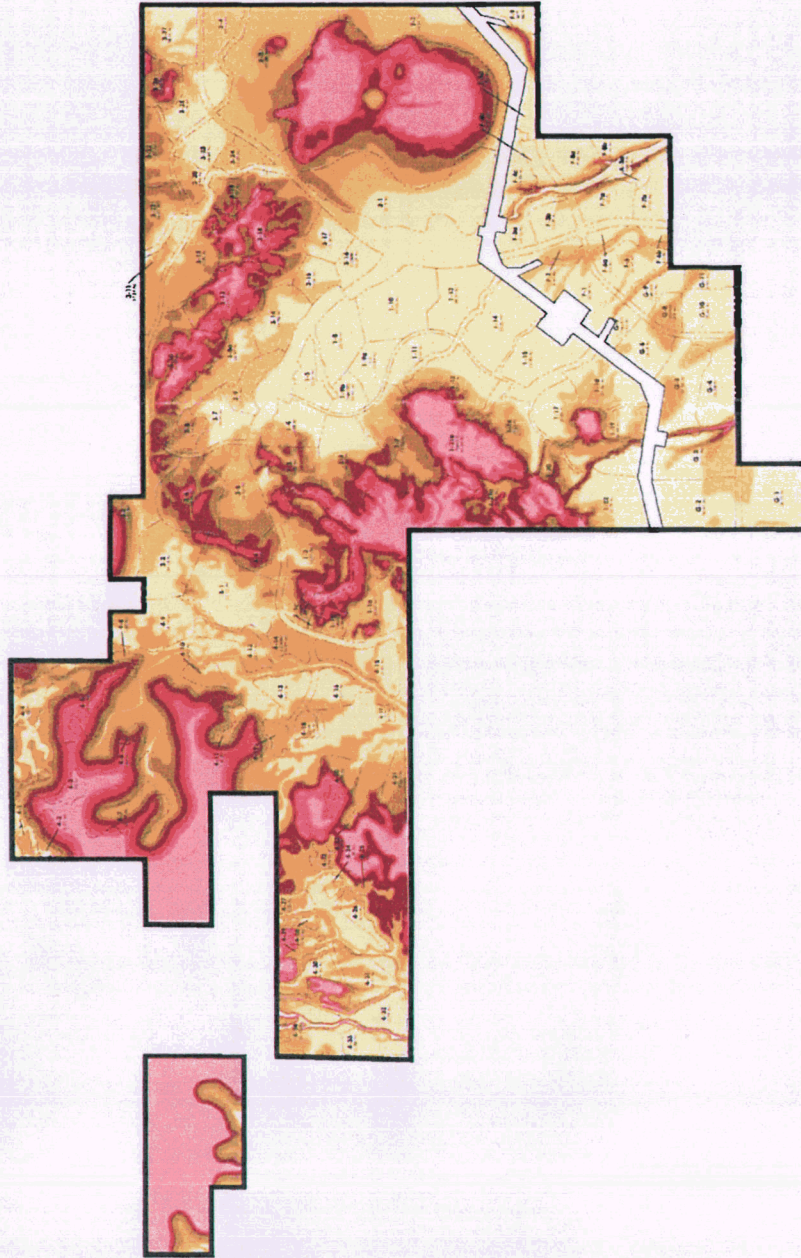
- **Chapter A: Location and Regional Context**-Identifies the characteristics of the property and an overview of the regional improvements to serve Vistancia North with adequate facilities and services.
- **Chapter B: Site Analysis**-Identifies the existing natural and intended development to occur within Vistancia North.
- **Chapter C: Master Plans**-Identifies the natural determinants, land use, circulation, drainage, streetscape, utilities and services, development schedule/phasing, and management and maintenance components of Vistancia North.
- **Chapter D: Slope Analysis and Parcel Density Calculations**-Identifies and quantifies the existing topographical conditions and permissible residential densities for each parcel within each of the five villages of Vistancia North.
- **Chapter E: Regulatory Development Standards**- Identifies the applicable zoning and development parameters to ensure the creation of a high quality living environment for Vistancia North residents.
- **Appendices**: Identifies and provides the background technical documentation that supports the design and development of a successful planned community district for Vistancia North.



## Planned Community District Generalized Slope Characteristics

SLOPE CATEGORY TOTALS FOR VISTANCIA NORTH

	Beg. Range	End Range	Acreage	Project %
	0%	10%	1279.49	32.1 %
	10%	15%	564.93	14.2 %
	15%	20%	621.01	15.6 %
	20%	25%	387.45	9.7 %
	25%	30%	344.08	8.6 %
	30%	35%	211.20	5.3 %
	35%	40%	179.27	4.5 %
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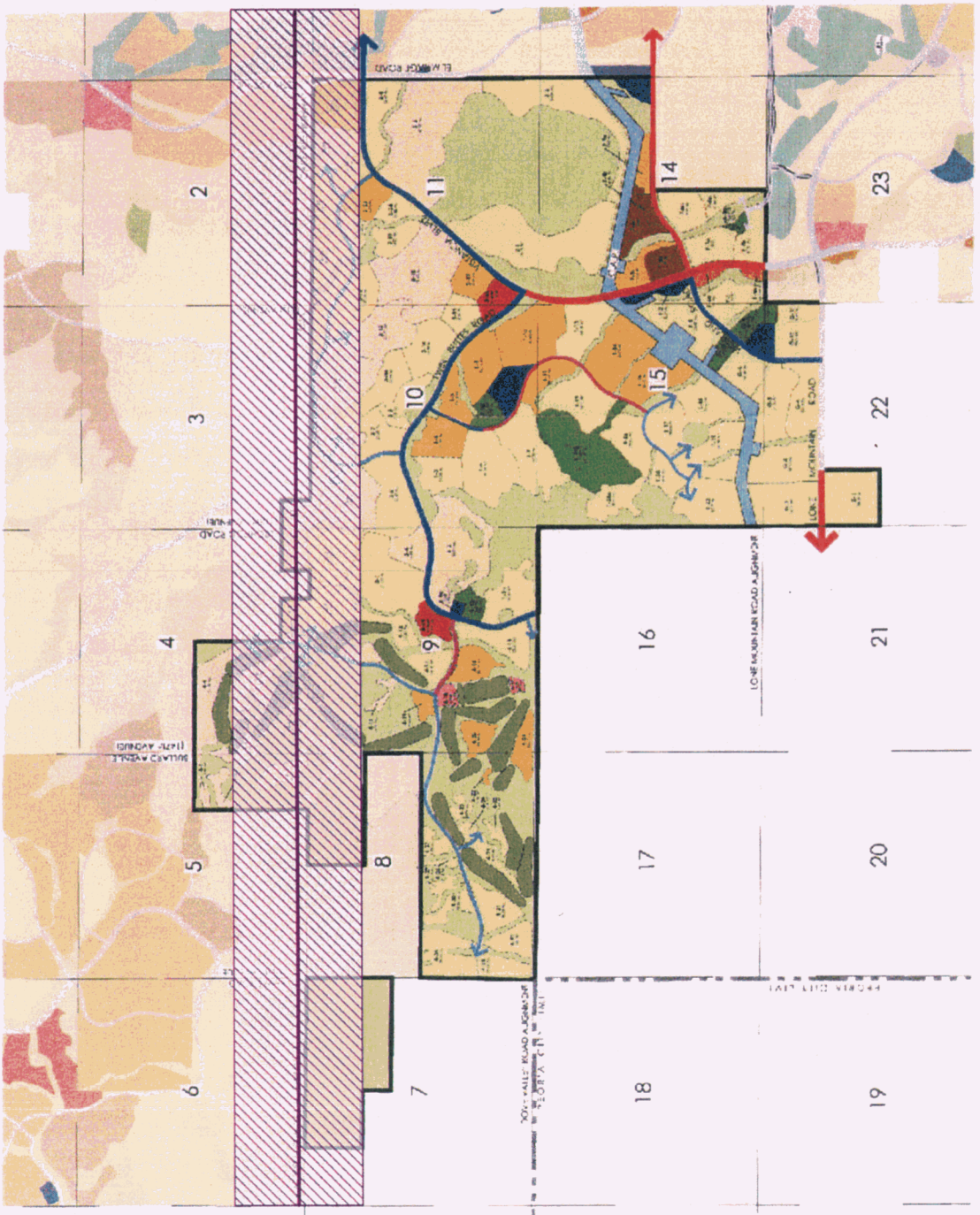


**14**

# VISTANCIA NORTH

## Planned Community District Land Use Master Plan 06/06/2006

LAND USES	Description
RE	Residential/Estate 0-2.0 du/acre
ID	Residential/Low 2.0-5.0 du/acre
MD	Residential/Medium 5.0-8.0 du/acre
MH	Residential/Medium-High 8.0-15.0 du/acre
MU	Mixed Use
SJ	Special Use
CC	Community Commercial
P/O/S	Park/Open Space
C	Golf Course
P/O/P	Public/Quasi Public
W	Water
MA	Major Arterial
MI	Minor Arterial
MC	Major Collector
MI	Minor Collector



GREY PICKETT  
 Stanley Consultants Inc. TRASK BIRD  
 WILSON & COMPANY  
 LVA  
 LAND USE ARCHITECTS  
 PLANNERS & ENGINEERS

Figure C-3

**15**

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

CC: 30C  
Amend No. \_\_\_\_\_

Date Prepared: August 04, 2008

Council Meeting Date: August 26, 2008

TO: Carl Swenson, City Manager

FROM: Dan Nissen, P.E., Acting Engineering Director

THROUGH: Maher Hazine, P.E., C.F.M., Assistant City Engineer

PREPARED BY: Lloyd Lane, Senior Engineering Technician

SUBJECT: Approve the Master Final Plat of Vistancia North Village 1, Village 2 and Village 3, a request made by Vistancia, LLC, a Delaware Limited Liability Company. (Project No. R080063)

**RECOMMENDATION:**

Discussion and possible action to approve the Master Final Plat of Vistancia North Village 1, Village 2 and Village 3, located north of the Central Arizona Project between the 115<sup>th</sup> and 135<sup>th</sup> Avenue alignment, and authorize Mayor and City Clerk to sign and record the Master Final Plat with the Maricopa County Recorder's Office, subject to the following stipulations:

1. All civil and landscape/irrigation plans must be approved by the City, prior to recordation of the Master Final Plat, unless specifically approved by the Engineering Director.
2. The Financial Assurance and Agreement to Install for construction of the infrastructure improvements off-site and on-site, including but not limited to water, sewer, street lights, grading and drainage, paving, curb, gutter, sidewalk, drainage features, and signing and striping, must be posted with the City in accordance with the City of Peoria Subdivision Regulations, prior to recordation of the Master Final Plat.
3. All required drainage improvements upstream and downstream, as determined by the developer's engineers and as approved by the Engineering Director, for this project must be designed, constructed, inspected and accepted by the City, prior to any occupancy.
4. In the event that the Master Final Plat is not recorded within 60 days of Council approval, the Master Final Plat will become void. At which time, the Developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

**CITY CLERK USE ONLY:**

- Consent Agenda
- Carry Over to Date: \_\_\_\_\_
- Approved
- Unfinished Business (Date heard previous: \_\_\_\_\_)
- New Business
- Public Hearing: No Action Taken

ORD. # \_\_\_\_\_ RES. # \_\_\_\_\_  
 LCON# \_\_\_\_\_ LIC. # \_\_\_\_\_  
 Action Date: \_\_\_\_\_

Council Communication – R080063  
Master Final Plat – Vistancia North Village 1, 2 & 3  
August 26, 2008  
Page: 2

**SUMMARY:**

The purpose of the Master Final Plat is to dedicate roadways and parcels for future residential and commercial construction. This development is dedicating required future rights-of-way and is within the City of Peoria water/sewer service area.

**ATTACHMENTS:**

1. Master Final Plat
2. Vicinity Map

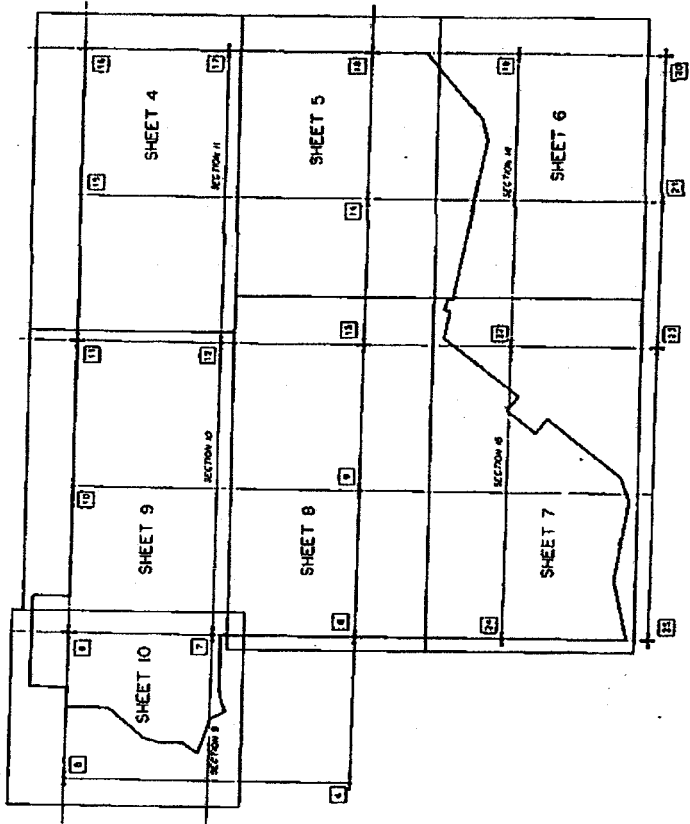




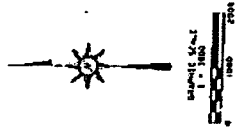


**MONUMENT NOTES**

- 1 ALL INFORMATION HEREON IS BASED UPON THE RECORDS OF THE PLAT BOOKS OF THE COUNTY OF ALABAMA, AND THE FIELD NOTES OF THE SURVEYOR.
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- 25 ALL MONUMENTS ARE TO BE PLACED AT THE CORNERS OF THE LOTS AS SHOWN ON THE PLAT.



KEY MAP & SECTION CONTROL



**ASAM**  
Alabama Surveying and Mapping  
1000 N. Park Avenue, Suite 100  
Tomball, Texas 77375  
Tel: 281-358-1100  
Fax: 281-358-1101  
www.asam-surveying.com



VISTANCIA NORTH, VILLAGE 1, VILLAGE 2 AND VILLAGE 3  
MASTER FINAL PLAN

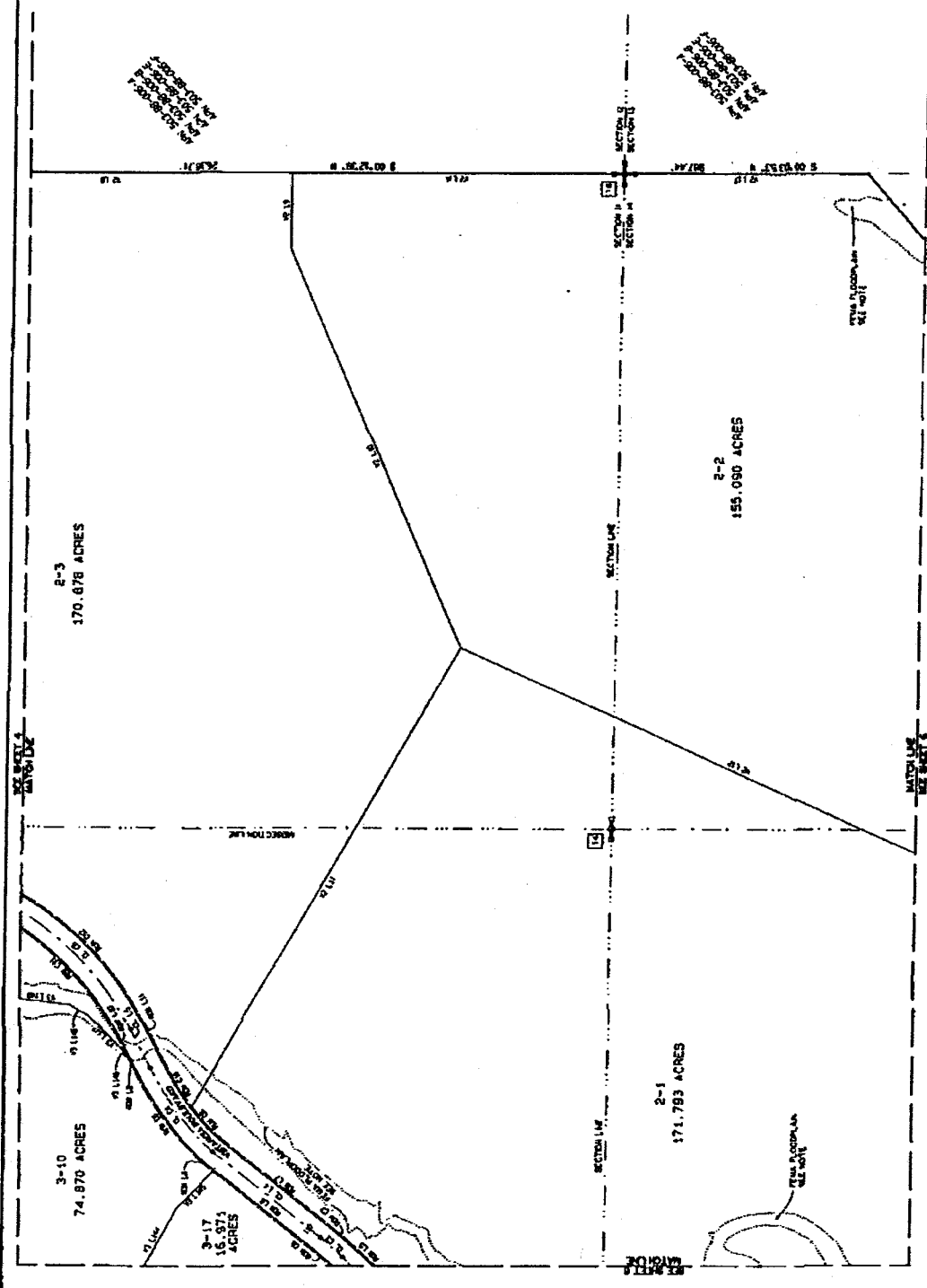
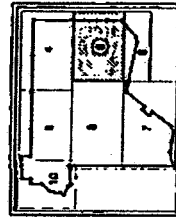
JUNE 30, 2008  
PRELIMINARY  
FOR REVIEW PURPOSES ONLY

SHEET 5 OF 12



Goodwin & Associates, Inc.  
PLANNING & ENGINEERING

22000 E. 1st Avenue, Suite 200  
Denver, CO 80231  
Phone: 303.755.1234  
Fax: 303.755.1235  
www.gai.com



PREPARED FOR THE CITY OF DENVER  
BY GOODWIN & ASSOCIATES, INC.  
DATE: MAY 2008  
PROJECT: VISTANCIA NORTH, VILLAGE 1, VILLAGE 2 AND VILLAGE 3  
SHEET 5 OF 12



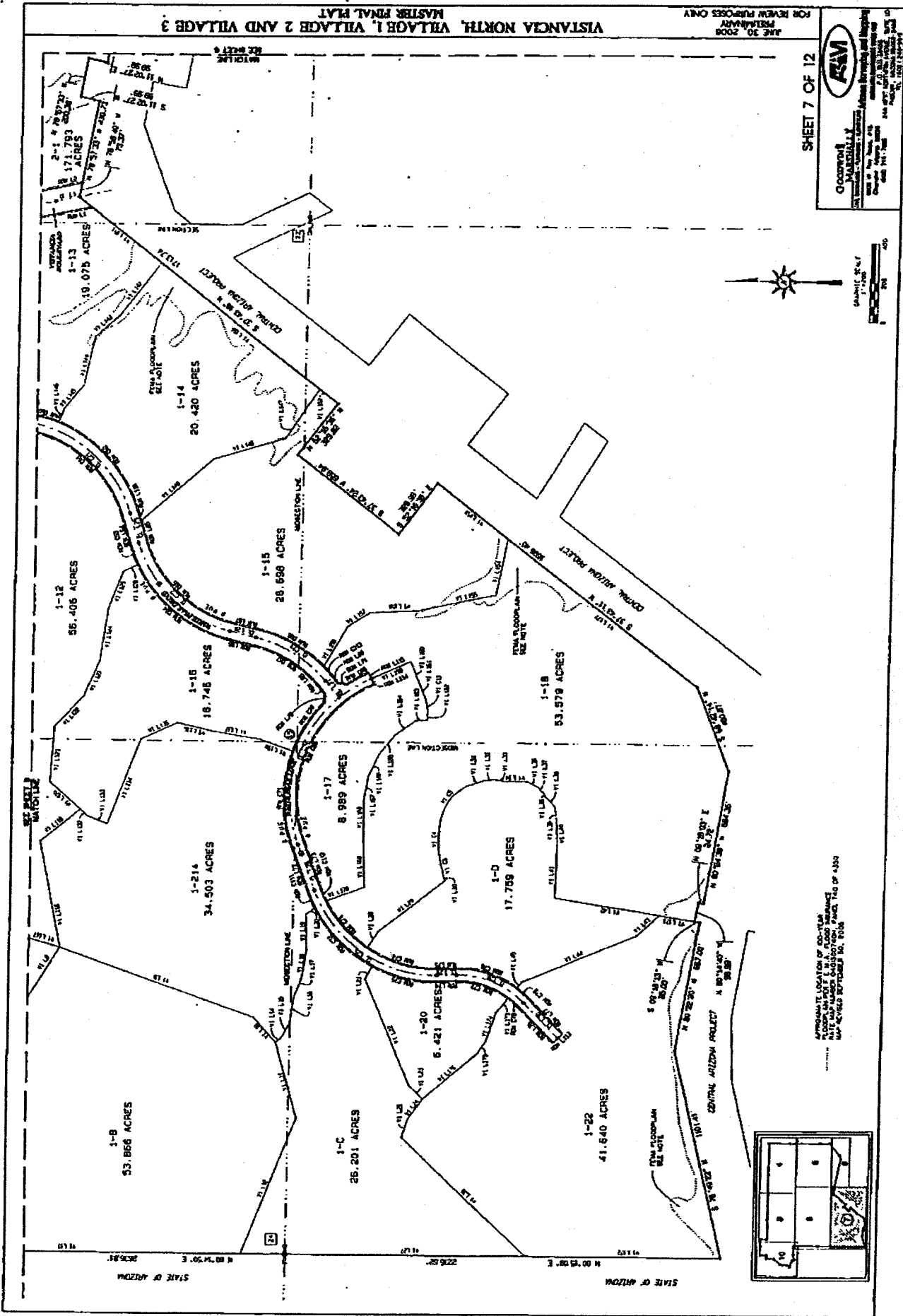
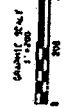
VISTANCA NORTH, VILLAGE 1, VILLAGE 2 AND VILLAGE 3  
MASTER FINAL PLAN

JUNE 30, 2008  
PRELIMINARY  
FOR REVIEW PURPOSES ONLY

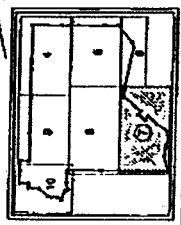
SHEET 7 OF 12



**Occasional**  
**MANUALLY**  
SPECIALTY SURVEYING AND MAPPING  
INCORPORATED  
1000 N. GILBERT ST., SUITE 100  
MESA, AZ 85204  
PH: 480.944.8800  
WWW.RAM-SURVEYING.COM



APPROXIMATE LOCATION OF COULDER  
ALUMINA PIT E. N. N. FLOOD WARNING  
AREA AS SHOWN ON SHEET 7.40 OF 4.00  
MAY BE FIELD BOTTLED FOR 2008



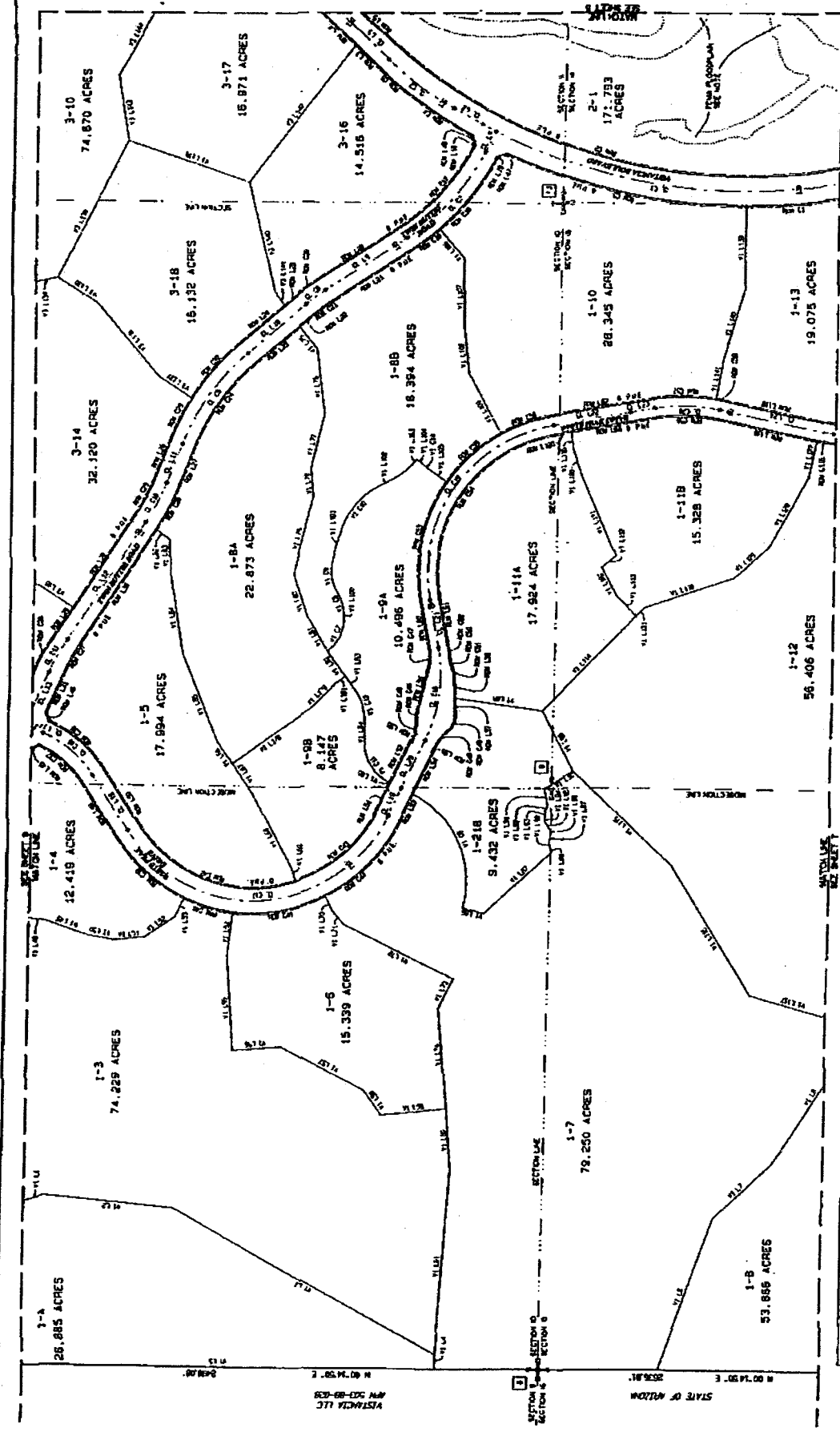
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VISTANCIA NORTH, VILLAG 1, VILLAG 2 AND VILLAG 3  
MASTER FINAL PLAN

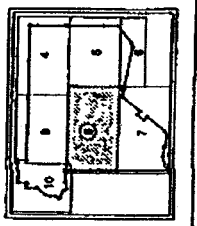
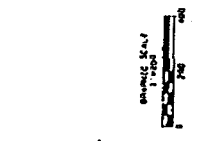
DATE 20 2008  
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**FSM**  
GEOGRAPHIC  
MAPPING  
INCORPORATED  
2000 W. 100th Street, Suite 100  
Denver, Colorado 80231  
Phone: 303.751.1000  
Fax: 303.751.1001  
www.fsm.com

SHEET 8 OF 12



APPROXIMATE LOCATION OF THE STATE  
OF COLORADO, SECTION 8, SECTION 9, SECTION 10  
AND SECTION 11, TOWNSHIP 36N, RANGE 10W OF 4350  
WEST 100TH STREET, DENVER, COLORADO



VISTANCIA LLC  
APN 203-00-003

STATE OF COLORADO

SECTION 8  
SECTION 9  
SECTION 10

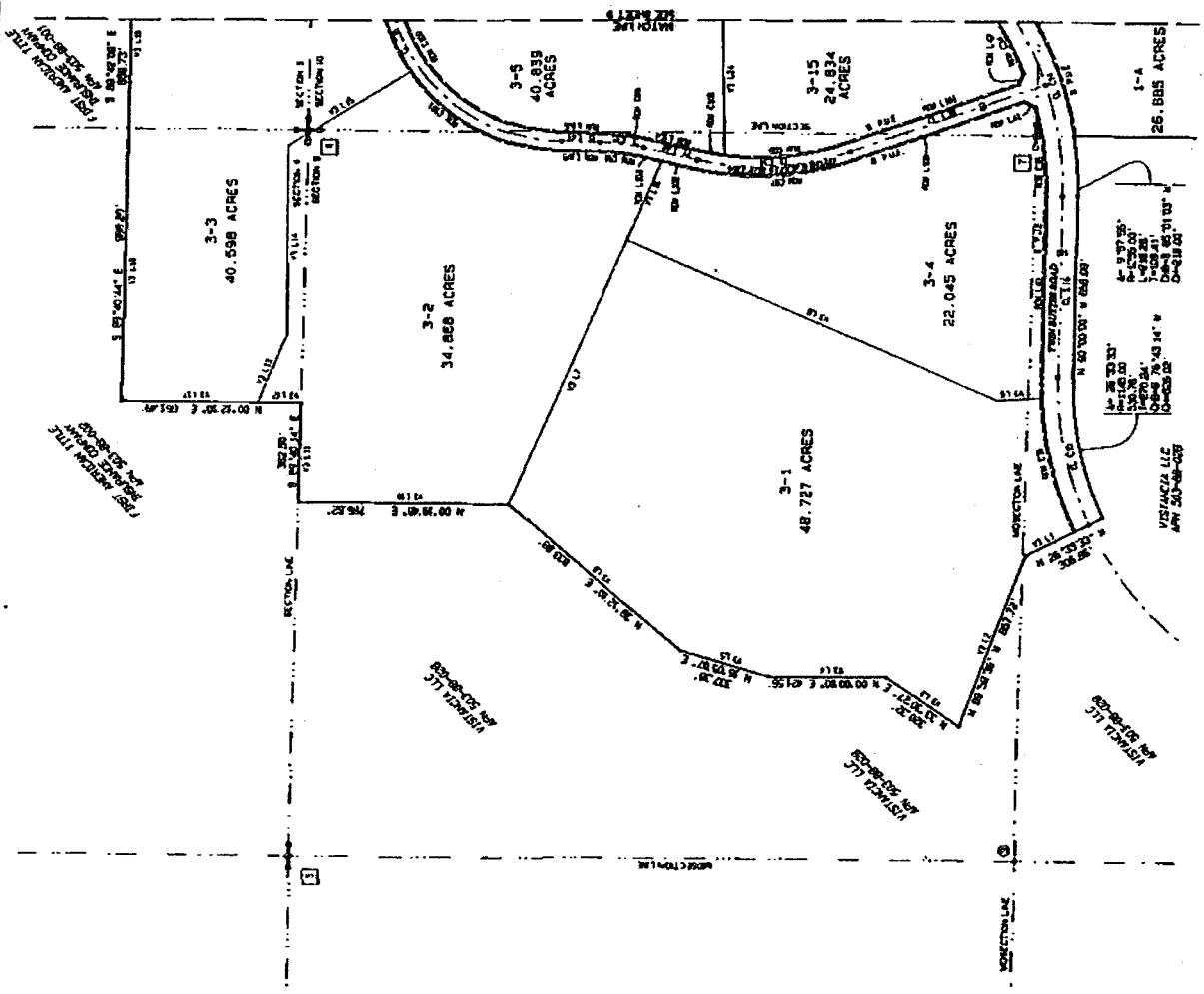
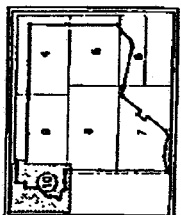


VISTANCIA NORTH, VILLAGE 1, VILLAGE 2 AND VILLAGE 3  
 MASTER FINAL PLAN

JUNE 30, 2008  
 PRELIMINARY  
 FOR REVIEW PURPOSES ONLY

SHEET 10 OF 12

ASAM  
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 Email: info@asam.com



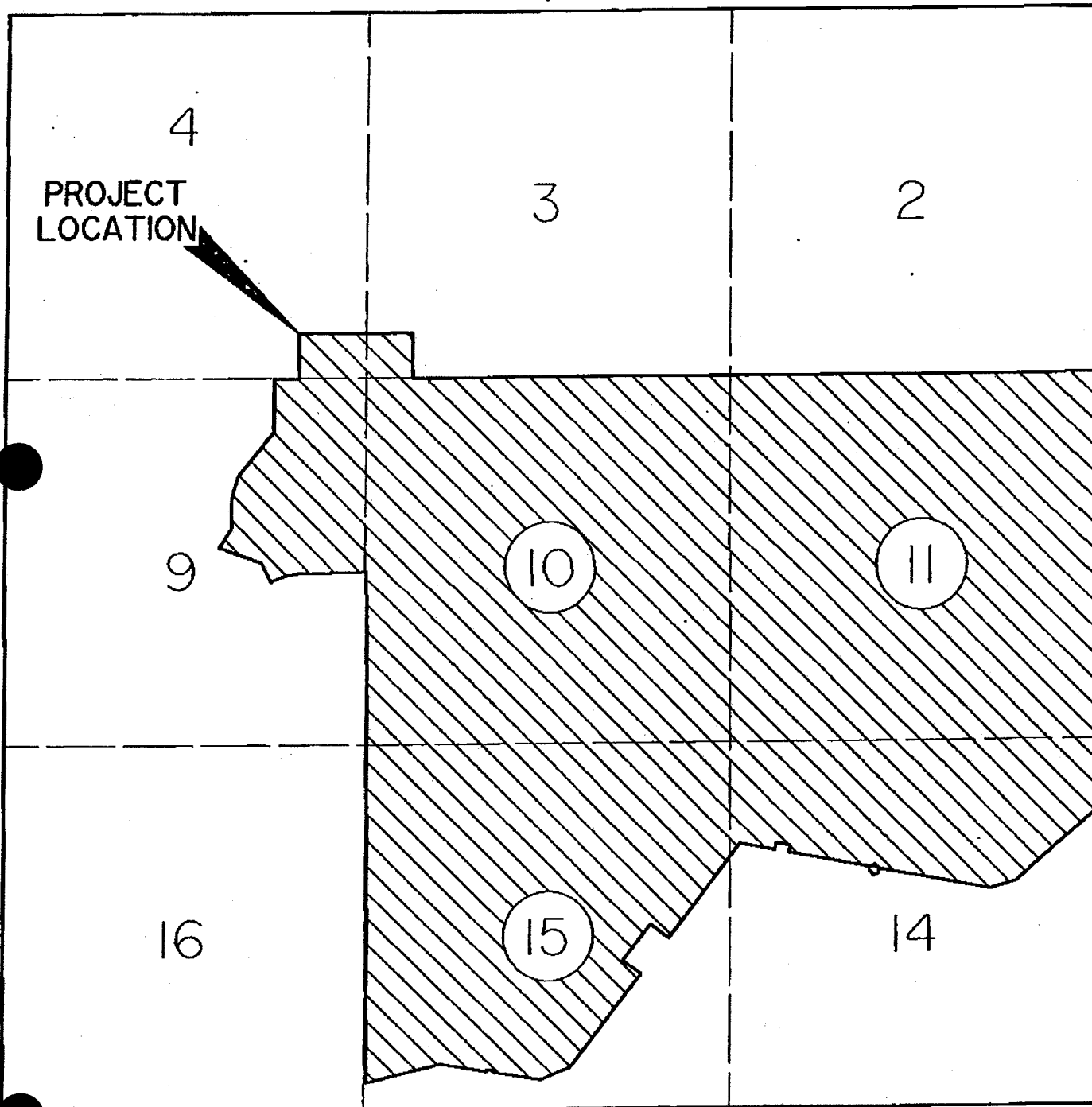
VISTANCIA LLC  
 APR 50-08-028







T5N, RIW



PROJECT  
LOCATION

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VISTANCIA NORTH  
VILLAGE 1, VILLAGE 2 AND VILLAGE 3  
VICINITY MAP

**MINUTES OF THE PEORIA CITY COUNCIL**  
**CITY OF PEORIA, ARIZONA**  
**PINE ROOM, CITY HALL**  
**August 26, 2008**

A **Special Meeting and Study Session** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 4:05 p.m.

**Members Present:** Mayor Bob Barrett; Vice Mayor Cathy Carlat; Councilmembers Ron Aames, Joan Evans, Vicki Hunt, Carlo Leone and Dave Pearson.

**Members Absent:** None

**Other Municipal Officials Present:** Carl Swenson, City Manager; Susan Thorpe, Deputy City Manager; John Wenderski, Deputy City Manager; Steve Kemp, City Attorney; Mary Jo Kief, City Clerk; Stephen Bontrager, J.P. de la Montaigne, Brent Mattingly, Grady Miller, Dave Moody, Dan Nissen, Steve Prokopek, Wynette Reed, Larry Rooney, John Schell, Jeff Tyne, Glen Van Nimwegen, James Mason and Rhonda Simmons.

**Audience:** Approximately 5 members of the public were present.

**Note:** The order in which items appear in the minutes reflects the order in which the items were discussed during the meeting, which may or may not be the order in which they appear on the agenda.

**CONSENT AGENDA:** All items listed with a "C" are considered to be routine or have been previously reviewed by the City Council, and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

**CONSENT - New Business:**

Mayor Barrett asked if any Councilmember wished to have an item removed from the Consent Agenda.

Having no requests to remove an item from the Consent Agenda for discussion, Motion was made by Councilmember Aames, seconded by Councilmember Hunt, to approve the consent agenda as submitted. Upon vote, the motion carried unanimously.

**29C Final Plat, Sol Rio Business Park, 88th Avenue and Thunderbird Road**

Approved the Final Plat of Sol Rio Business Park, located near the northwest corner of 88th Avenue and Thunderbird Road, subject to stipulations (Project R080018).

**30C Master Final Plat, Vistancia North, Village 1, 2 and 3, Between 115th Avenue and 135th Avenue Alignments**

Approved the Master Final Plat of Vistancia North Village 1, 2 and 3, located north of the Central Arizona Project between the 115th and 135th Avenue alignment, subject to stipulations (Project R080063).

**31C Condominium Plat, Plaza del Rio Condominiums, Thunderbird Road and Plaza del Rio Boulevard**

Approved the Condominium Plat for Plaza del Rio Condominiums, located south of Thunderbird Road and west of Plaza del Rio Boulevard, subject to stipulations (Project R080017).

**32C Replat, Lake Pleasant Promenade Commerce Park, Lot 2, Lake Pleasant Parkway and Jomax Road**

Approved the Replat of Lake Pleasant Promenade Commerce Park Lot 2, located at the northwest corner of Lake Pleasant Parkway and Jomax Road, subject to stipulations (Project R080030).

**33C Replat, Tierra del Rio, Parcels 7 and 8, Happy Valley Parkway and Tierra del Rio Boulevard**

Approved the Replat of Parcels 7 and 8 of the Re-Plat of Tierra del Rio, located at Happy Valley Parkway and Tierra del Rio Boulevard, subject to stipulations (Project R060035A).

**34C Amended Re-Plat, Mack Arrowhead Phases 1, 2 and 3, Lot 1B, Thunderbird Road and Loop 101**

Approved the Amended Re-plat of Lot 1B, being Lot 1B of a Re-Plat of Lot 1 for Mack Arrowhead Phases 1, 2, & 3 recorded in Book 959 of Maps, Page 17, records of Maricopa County Arizona, located north of Thunderbird Road and west of Loop 101, subject to stipulations (Project R080041).

Mr. Prokopek stated that something the City will be looking at further is State lands. When using State lands, universities are allowed to create a University Research Park. A University Research Park allows the Board of Regents to utilize State lands to be able to create university facilities but to be able to create research and development facilities as well. The City is looking at this through the healthcare cluster concept, to be able to bring together hospitals, healthcare, manufacturing and education.

Mr. Prokopek stated the process and timelines are as follows:

- Visioning – Complete
- Hire Consultant – November
- Identify Targeted Opportunities – March 2009
- Identify Resources – July 2009
- Complete Feasibility Analysis – July 2009
- Develop RFI – August 2009
- Solicit Universities - Ongoing

#### ADJOURNMENT

Being no further business to come before the Council, the meeting was duly adjourned at 6:12 p.m.



Bob Barrett, Mayor

ATTEST:

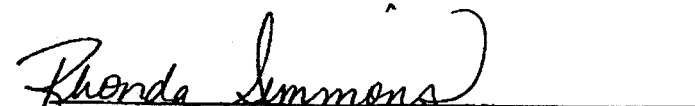
  
for Mary Jo Kief, City Clerk

#### CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting and Study Session of the City Council of Peoria, Arizona held on the 26th day of August, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of October, 2008.

(Seal)

  
for Mary Jo Kief, City Clerk

**16**

# **SADDLEBACK HEIGHTS**

**PEORIA, ARIZONA**

*DEVELOPMENT BY:*  
**DIAMOND VENTURES**

## **PLANNED COMMUNITY DISTRICT**

**SUBMITTAL DATE**  
**January 25, 2002**

**REVISED: September 16, 2002**

*PREPARED BY:*  
**SWABACK PARTNERS, PLLC,  
BISKIND, HUNT & TAYLOR, PLC  
AND  
GALLAGHER & KENNEDY, PA**



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- E. In the case of proposed commercial, industrial, institutional, recreational and other non-residential uses, or mixed uses, such development will be appropriate in area, location and overall planning for the purpose intended.

An appropriate mix of land uses is proposed for the Property including sustainable amounts of commercial, mixed use and recreational uses. These uses are located in areas envisioned by the approved Saddleback SAP. These locations are intended to maximize accessibility to the site by residents.

- F. The development is fiscally sound, as demonstrated in the Cost Impact Analysis, and is consistent with adopted policies, infrastructure plans and applicable Capital Improvement Programs.

The Saddleback Heights PC District has demonstrated in the Cost Impact Analysis, that the project is fiscally sound.

#### 1.1.2 PHYSICAL SETTING OVERVIEW

Saddleback Heights is located within the City of Peoria (the "City") and is more particularly described in Section 1.0.3 of the Overview. State Highway 74 bounds the Property on the north. The Property's southern boundary is approximately the Carefree Highway and Dove Valley Road alignments. The eastern boundary is approximately the 123<sup>rd</sup> Avenue (El Mirage Road) alignment. The western boundary is the 163<sup>rd</sup> (Sarival) Avenue alignment. Topographically, the Property is located at the southern edge of the Hieroglyphic Mountain Range and two (2) miles to the southwest of Lake Pleasant. It contains diverse landforms including: pristine washes, rock outcroppings, rolling hill forms and significant ridge forms. These topographic features create a "Sonoran" desert setting with sufficient topographical relief to provide virtually every potential homesite with a dramatic view of desert terrain and/or the surrounding mountain range. The western portion of the Property is bounded on the south by a mountain range and slopes gradually ascending northward, rising slightly in elevation as it approaches State Highway 74. Going eastward, the Property rises from 1,600 to 2,300 feet, consequently creating a "bowl" effect on the western 2,000 acres. The eastern portion of the Property is more undulating with topographical relief typically varying from 1,600 to 2,100 feet in elevation. The majority of this portion of the Property is characterized by gradually sloping ridges providing ideal locations for relatively low-density residential development. The topographical relief on the Property also provides exceptional views in all directions including views of the central

metropolitan Phoenix area, Lake Pleasant, Saddleback Mountain, the Hieroglyphic and Bradshaw Mountains to the north, as well as the distant Wickenburg Mountains to the West.

Saddleback Heights contains two drainage zones. The western 2,000 acres drains westerly through a clearly identifiable wash into the Padelford wash. The eastern and southeasterly portion of the Property drains eastward into the Agua Fria River basin.

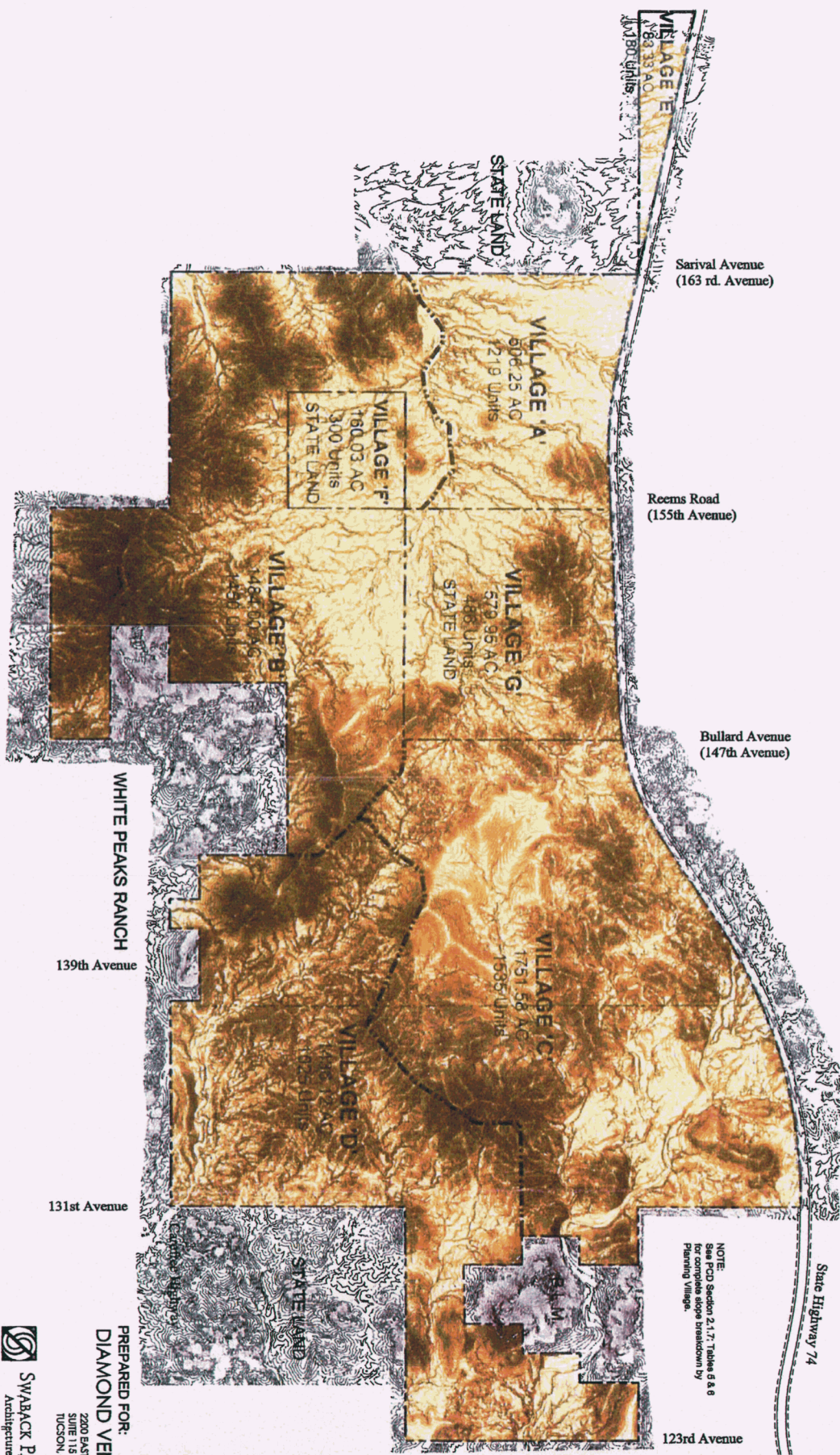
Saddleback Heights is a comprehensively planned community that is shaped by the natural features of the land and designed with sensitivity toward the appropriate preservation of existing vegetation. Saguaro cactus is abundant and dominates the vegetation on the Property. There are also a variety of other forms of cacti such as Barrel and Cholla. Other types of desert vegetation include Palo Verde, Ironwood and Mesquite trees. To preserve the vegetation, on-site grading will be kept to a minimum and protected vegetation will be relocated as necessary. The thoughtful and deliberate planning effort undertaken for the Property will help ensure that Saddleback Heights will truly be a special and unique place to live.

A large portion of Saddleback Heights is planned as contiguous open space. The majority of this open space is contained in mountainous areas, wash corridors, and centrally located recreation areas found throughout the Property. Many acres of open space are also distributed among open space corridors and in the natural arroyos that are used to provide internal and external links for the Saddleback Heights community and the nearby regional destinations. The on-site open space network is intended to provide important links to regional open space, parks, potential school site(s), potential municipal use sites, commercial sites, and a resort site(s). Other active recreation open space may include as many as three (3) championship golf courses. The golf courses will be designed to integrate with the site and will be developed as the market dictates.

The Saddleback Heights Planned Community District (the "Saddleback Heights PC District" or the "PC District") includes a variety of single-family residential home-sites that are linked through open space corridors, an extensive path and trails system, and a common thematic character that defines the Saddleback Heights community. The proposed PC District has a maximum density of 5,409 residential dwelling units on approximately 5,296 acres creating an overall gross density of approximately 1.04 dwelling unit per acre per the City of Peoria's General Plan formula. The PC District also includes 756 acres of State Land included in the Saddleback SAP with a total of 786 dwelling units with a gross density of approximately 1.09 per the City of Peoria's General Plan Formula. The total acreage for the PC District,

# Saddleback Heights

## Slope Analysis



NOTE:  
See PCD Section 2.1.7, Tables B & C  
for complete slope breakdown by  
Planning Village.

### SADDLEBACK HEIGHTS SLOPE ACREAGE

0 - 10% = 1100.00 AC
10 - 15% = 607.25 AC
16 - 20% = 607.73 AC
20 - 25% = 614.17 AC
25 - 30% = 602.34 AC
30 - 35% = 432.99 AC
35 - 40% = 508.01 AC
40%+ = 630.17 AC
TOTAL = 6311.29 AC

### STATE LAND SLOPE ACREAGE

0 - 10% = 500.00 AC
10 - 15% = 28.80 AC
16 - 20% = 13.30 AC
20 - 25% = 7.25 AC
25 - 30% = 4.28 AC
30 - 35% = 2.81 AC
35 - 40% = 1.20 AC
40%+ = 1.87 AC
TOTAL = 550.42 AC

### STATE LAND SLOPE ACREAGE

0 - 10% = 264.43 AC
10 - 15% = 118.17 AC
16 - 20% = 67.81 AC
20 - 25% = 63.82 AC
25 - 30% = 5.19 AC
30 - 35% = 24.79 AC
35 - 40% = 27.14 AC
40%+ = 24.73 AC
TOTAL = 578.98 AC

PREPARED FOR:  
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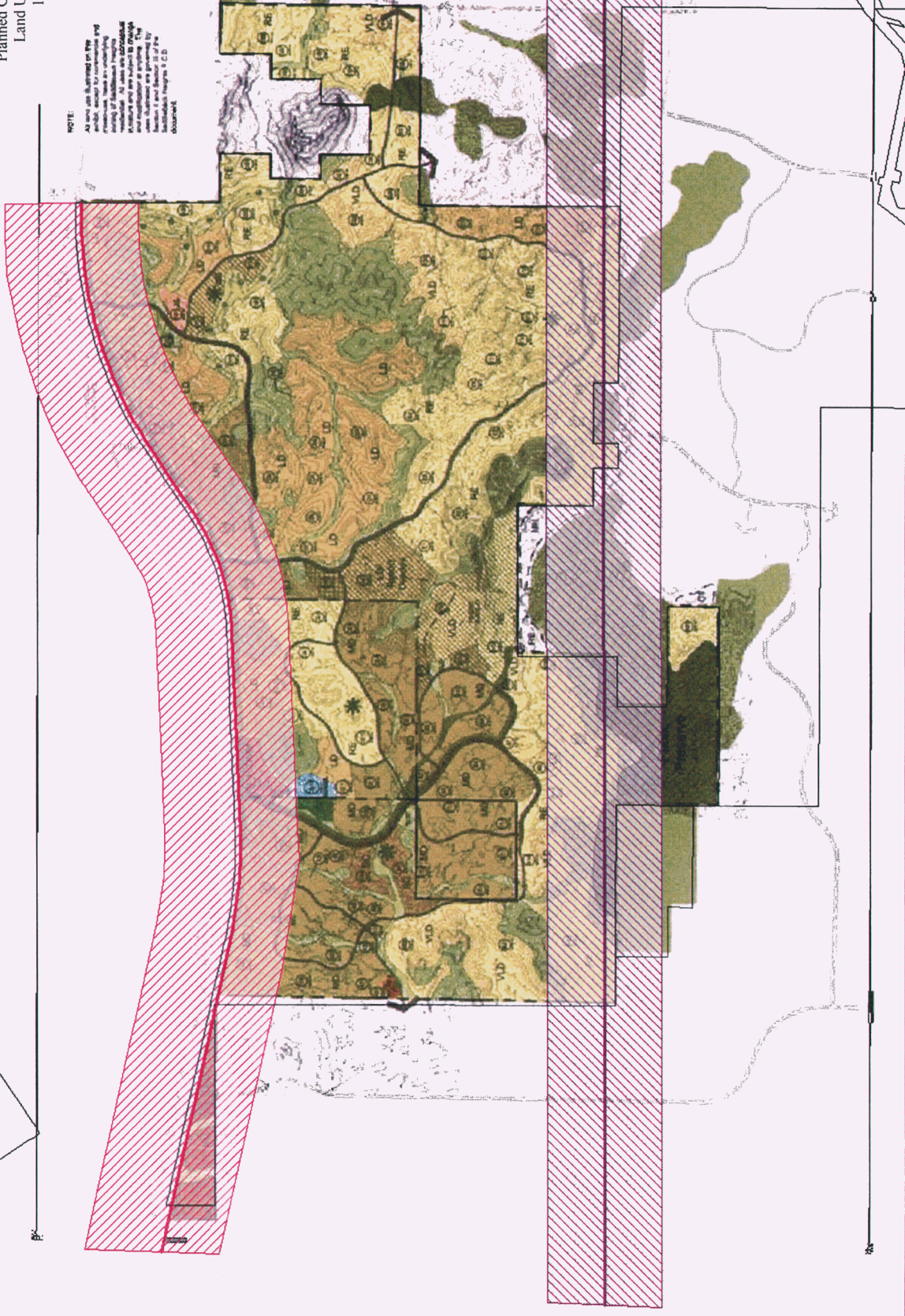
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# Saddleback Heights

Planned Community District  
Land Use Master Plan  
12/17/2002

**NOTE:**  
All areas shown on this map are subject to future development and are not guaranteed. All areas are shown as potential and are not intended to be used as a basis for any legal action. The information is provided for informational purposes only. The information is provided for informational purposes only. The information is provided for informational purposes only.

- LEGEND**
- PRIVATE OPEN SPACE (Hatched)
  - PUBLIC PRESERVE (Green)
  - PUBLIC OPEN SPACE (Light Green)
  - CHANGING OPEN SPACE (Yellow)
  - PUBLIC PARK (Dark Green)
  - WATER COURSE (Blue)
  - RESIDENTIAL (Single-Family) (Light Yellow)
  - RESIDENTIAL (Medium-Density) (Yellow)
  - RESIDENTIAL (High-Density) (Orange)
  - COMMUNITY COMMERCIAL (Red)
  - COMMERCIAL (Orange)
  - INDUSTRIAL (Light Brown)
  - OFFICE (Light Green)
  - SCHOOL (Yellow)
  - POTENTIAL (Hatched)



**18**

**LAKE PLEASANT HEIGHTS  
Planned Community District  
Peoria, Arizona**

**Master Plan and Development Regulations**

**An Application to Amend the Zoning Map and Text  
of the Peoria Zoning Ordinance**

Original Submittal: April 23, 2003  
1<sup>st</sup> Revision: September 9, 2003  
2<sup>nd</sup> Revision: February 6, 2004  
3<sup>rd</sup> Revision: December 29, 2004  
4<sup>th</sup> Revision: May 13, 2005  
5<sup>th</sup> Revision, June 27, 2005  
6<sup>th</sup> Revision, July 19, 2005

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# LAKE PLEASANT HEIGHTS Planned Community District

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## **Executive Summary**

Lake Pleasant Heights is situated within the southern foothills of the Hieroglyphic Mountain Range and southwest of Lake Pleasant, within the City of Peoria. The property generally lies between the Joy Ranch Road alignment on the north, the Lone Mountain Road alignment on the south, the 123<sup>rd</sup> and 131<sup>st</sup> Avenue alignments on the west and the 115<sup>th</sup> Avenue alignment on the east. The total land area is approximately 3,268 acres or 5.1 square miles.

The Lake Pleasant Heights property is currently zoned SR-43 (Suburban Ranch), R1-35 (Single-Family Residential), and AG (General Agricultural) and is entitled with an overall density of approximately 1.0 dwelling unit per gross acre. The land use document guiding the future development of the Lake Pleasant Heights property is the Lake Pleasant Heights Specific Area Plan, adopted May 7, 2002 (Resolution No. 02-92) through a major General Plan Amendment (01-04). The land use map within the Lake Pleasant Heights Specific Area Plan is the General Plan land use recommendation for the property. A Minor Amendment to the Lake Pleasant Specific Area Plan is concurrently being processed with the Planned Community District Application. As a result of more detailed studies, minor changes to the current Lake Pleasant Heights Specific Area are being proposed. These changes do not increase the overall density or intensity of the approved Lake Pleasant Heights Specific Area Plan.

Lake Pleasant Heights is compatible with the other master planned communities in the area, which are:

- White Peak Ranch, currently being renamed Vistancia North - Approximately 2.27 maximum dwelling units per gross acre;
- Vistancia South, formerly known as Lakeland Village - Approximately 3.2 maximum dwelling units per gross acre; and
- Saddleback Heights – Approximately 1.02 dwelling units per gross acre.

The Lake Pleasant Heights project is designed to offer a broad range of housing types, as well as retail and commercial services. An eighteen-hole golf course is proposed, along with custom home sites. The projected population of approximately 15,264 residents will be served by one elementary school, two neighborhood parks, the Big Spring passive desert environmental park and one fire station, as well as a natural open space network

The primary ingress and egress to the Lake Pleasant Heights property will be via El Mirage Road from the south. El Mirage Road is planned to connect north to Highway 74 in a later phase of the Lake Pleasant Heights development. Westland Drive is planned to provide connections to the east to access Loop 303 and west to access White Peak Ranch (Vistancia North).

The following action is requested of the Peoria City Council in association with the Lake Pleasant Heights Planned Community District:

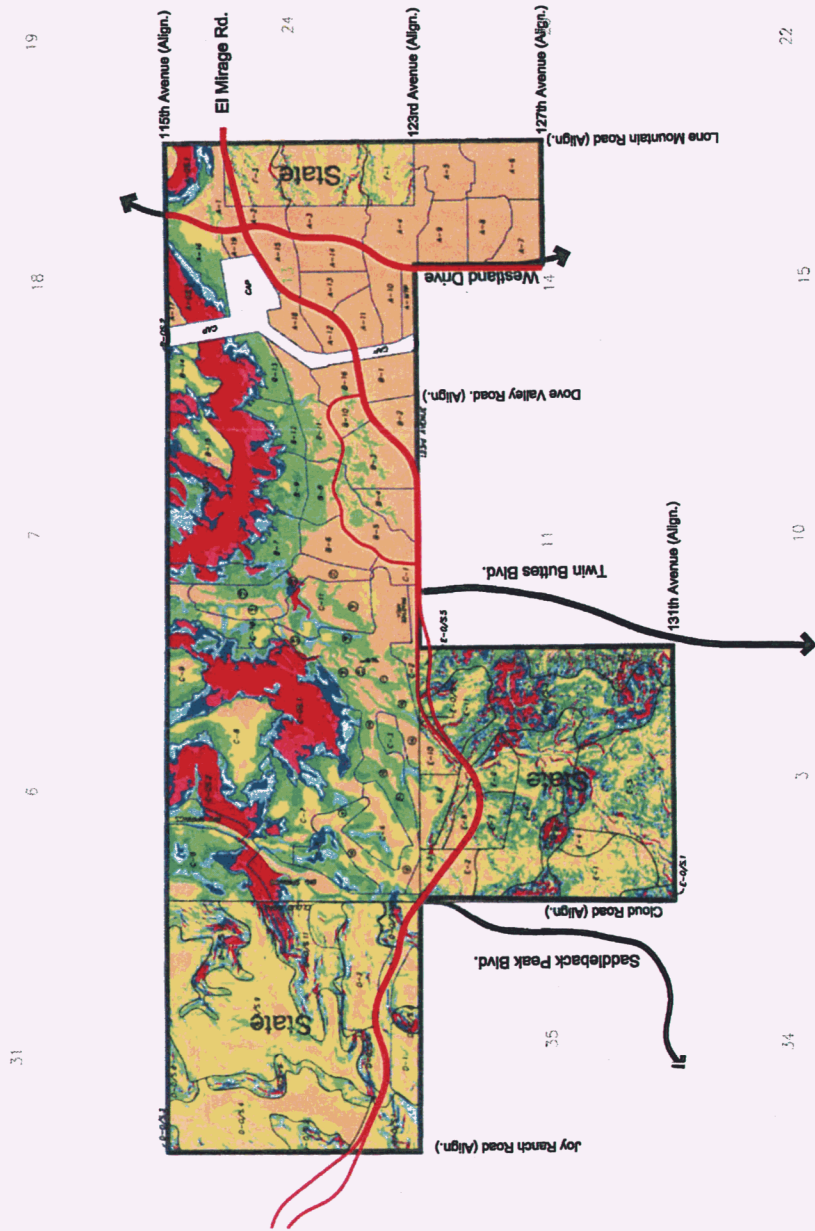
1. An ordinance approving the Planned Community District provisions of the Lake Pleasant Heights Planned Community District application.
2. An ordinance approving the Development Agreement addressing project infrastructure.
3. Minor Amendment to the Lake Pleasant Heights Specific Area Plan.

Original Submittal April 23, 2003  
1<sup>st</sup> Revision September 9, 2003  
2<sup>nd</sup> Revision February 6, 2004  
3<sup>rd</sup> Revision December 29, 2004  
4<sup>th</sup> Revision May 13, 2005  
5<sup>th</sup> Revision, June 27, 2005  
6<sup>th</sup> Revision, July 19, 2005



**Figure 9**  
**Generalized Slope**  
**Characteristics**

Slope Category	SLOPE ANALYSIS TABLE		Slope Units	
	Gross Area - Private	Ac	Private	State
0 - 10%	626.7	279.3	N/A	N/A
10 - 15%	331.3	231.0	497	347
15 - 20%	247.2	242.7	247	243
20 - 25%	185.7	216.8	130	152
25 - 30%	136.4	158.9	68	79
30 - 35%	117.1	96.9	35	29
35 - 40%	83.7	61.5	17	12
40%+	143.9	108.9	14	11
	1,872.0	1,396.0	1,008	873



**Lake Pleasant Heights**  
 Planned Community District

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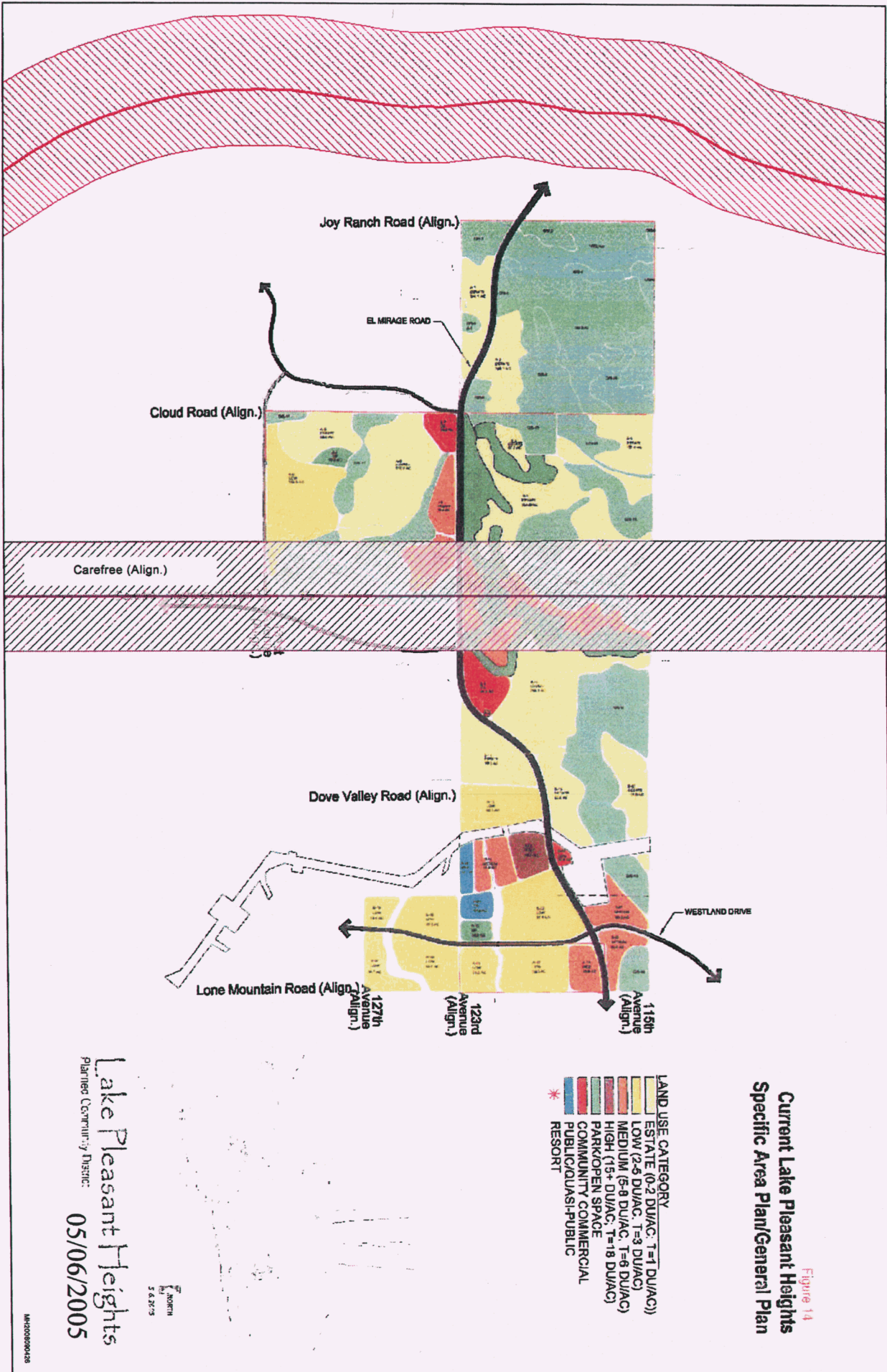


Figure 14  
 Current Lake Pleasant Heights  
 Specific Area Plan/General Plan

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MARICOPA  
COUNTY



2020

Eye To The Future

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**PREFACE**

Maricopa County recognizes that urban development will continue to change land use patterns. The major factor in development, especially in Maricopa County, has been significant population growth. In fact, the Arizona Department of Economic Security projects Maricopa County will have 4.5 million people by 2020. With that population growth it is inevitable that development will continue throughout Maricopa County. However, the question that needs to be asked is ... How will that development occur?

*Maricopa County 2020 Eye to the Future*, the Maricopa County Comprehensive Plan, provides a guide for decisions concerning growth and development, and considers strategies for addressing growth-related impacts. Among the many strategies is the creation of scenic corridors for unique locations in Maricopa County. The Castle Hot Springs Road area is one of these unique locations, and thus the State Route 74 Scenic Corridor Guidelines are established to help enhance this area's special characteristics.





## INTRODUCTION

The northwest valley is experiencing rapid growth and development. Table 1 shows past and future population growth in the communities surrounding the State Route 74 area.

Table 1: Population Changes

Community	1990 Population <sup>1</sup>	2000 Population <sup>2</sup>	Projected 2030 Population <sup>3</sup>	% Increase over 2000 Population
Peoria	50,675	108,364	253,400	134%
Buckeye	5,038	6,537	380,600	5,722%
Surprise	7,122	30,848	395,500	1,182%
Wickenburg	4,515	5,082	16,000	214%
Maricopa County	2,122,101	3,072,149	6,140,000	100%

The population increases expected in this region will impact area residents. Consequently, Maricopa County launched the study of a proposed scenic corridor for the State Route 74 area. The scenic corridor designation will help accommodate this growth in a way that is consistent with community recommendations. The main factors that help promote State Route 74 as a scenic corridor include:

- ◆ Varying topography, mountains at the east end of the corridor and flat land at the west end
- ◆ Native Sonoran Desert landscaping, including Saguaro Cactus
- ◆ Prominent washes, including Trilby Wash, Morgan City Wash, Iona Wash, Big Spring Wash and smaller washes that converge into Padelford Wash, which provide important wildlife and vegetation habitats
- ◆ Lake Pleasant Regional Park, one of the major recreation areas in Maricopa County
- ◆ Unique views and characteristics that attract residents in search of a distinct quality of life

The State Route 74 area is a unique place to live, provides many recreational opportunities, and is considered a place of regional significance. These guidelines have been developed to guide and enhance planning of this corridor as development occurs. This scenic corridor study is an update to the existing Highway 74 Scenic

<sup>1</sup> United States Census Bureau, 1990 Census

<sup>2</sup> United States Census Bureau, 2000 Census

<sup>3</sup> Maricopa Association of Governments, Interim Projections, June 2003





## **INTRODUCTION**

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Corridor found in the Maricopa County Zoning Ordinance. However, it is important to note that this update will not be part of the Zoning Ordinance and the design guidelines contained within this document will be policies, not regulations. The regulations in the Zoning Ordinance will still apply.

### **Scenic Corridor Overview**

Scenic corridors are used by cities and counties throughout Arizona and the United States as a way to highlight unique aspects of an area or region. There are four existing scenic corridors in Maricopa County, including Carefree Highway, Wickenburg Highway (Grand Avenue), Interstate 17, and State Route 74. Scenic corridors, including the State Route 74 Scenic Corridor, recognize that people live in these unique areas for their high quality of life, and are intended to highlight, promote, and preserve an area's scenic and environmental characteristics, and help reflect the character of the communities in which they are located. Although "scenic" is a subjective term, for this plan it means an inherent characteristic—existing and apparent—in the current landscape.

Based on principles outlined in the Maricopa County Comprehensive Plan, scenic corridors emphasize public involvement and reflect the comments, ideas, and recommendations of the public. Therefore, they give current and future residents of an area an opportunity to voice their opinions about how future urban growth will impact their lives, and to identify a vision, ideas, and concepts about their region. Through design guidelines, scenic corridors also provide development criteria that address several issues regarding how future development can help maintain the corridor's unique character and the residents' quality of life.

In Maricopa County, scenic corridors have neither deterred nor promoted growth. These guidelines assume that the historic pattern of urban growth and development will continue in Maricopa County. The State Route 74 Scenic Corridor is consistent with other scenic corridors in Maricopa County that were established ahead of urban growth and development. For instance, growth within the Wickenburg Highway Scenic Corridor has increased significantly, most notably with large master planned communities. Approved and pending master planned communities in this area will add an estimated 100,000 new residents, although additional urban development will likely increase this estimate significantly. Therefore, these guidelines are intended to help integrate urban growth into the community, to minimize impacts to personal property and quality of life, and to reflect residents' and stakeholders' recommendations.

### **Study Limitations**

While scenic corridors can give residents a greater say in the development of their region, it is important to identify their limitations. Most importantly, the design

## INTRODUCTION

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guidelines are policies, not regulations, meaning they are guides for public and private decision makers about how urban development should occur along State Route 74. These guidelines ONLY apply to NEW residential master planned communities, subdivisions, commercial, and industrial development. There are other limitations as well, which are briefly discussed on the next page.

This study DOES NOT:

- ◆ Prevent the sale or transfer of land— land can be bought and sold at the discretion of the responsible parties
- ◆ Prevent development of land— land can be developed in accordance with the Maricopa County Planning and Zoning policies and regulations
- ◆ Apply to existing homes, buildings, structures, etc.— only new residential master planned communities, subdivisions, commercial, and industrial development will be subject to the design guidelines
- ◆ Apply to residential development outside of recorded subdivisions— lot split property is exempt from these guidelines
- ◆ Designate historic land or buildings— designation of historic roadways is typically a federal process
- ◆ Identify future land uses— land uses are identified in county area plans. This project is a scenic corridor study and only provides design guidelines for the types of new development identified earlier.



# **INTRODUCTION**

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# BACKGROUND AND PROCESS



## BACKGROUND AND PROCESS

Adopted in 1997, Maricopa County 2020 Eye to the Future, the Maricopa County Comprehensive Plan, connects the importance of land use planning with available infrastructure and services. The State of Arizona requires preparation of a Comprehensive Plan in order to "conserve the natural resources of the county, to ensure efficient expenditure of public funds, and to promote the health, safety, convenience, and general welfare of the public" (A.R.S. §11-806). Maricopa County 2020 Eye to the Future seeks to create strong and vibrant communities within Maricopa County by encouraging orderly development while creating a healthy environment, a vibrant economy, and an efficient transportation system. The planning process for the Comprehensive Plan was structured to emphasize public involvement and reflect the comments, ideas, and recommendations of the public.

Included as part of the Comprehensive Plan, the Maricopa County Transportation System Plan (TSP) evaluates regional impacts of the transportation system and defines a comprehensive county transportation system with supporting plans, policies, and programs. The TSP identifies State Route 74 with a scenic and recreational overlay.<sup>4</sup> The scenic and recreational overlay acknowledges the need to minimize impacts to, or preserve, characteristics of the road's environment, or it recognizes a road's importance as access to recreational facilities.<sup>5</sup> Scenic and recreational overlays recognize the special importance of roads for purposes other than mobility.

The Comprehensive Plan also identifies land uses for unincorporated areas of the county. Because the county is so large, Maricopa County utilizes Area Plans that are developed and approved by the county and provide direction on land use decisions and policies for specific areas based upon community involvement and recommendations. Area plans give decision makers an understanding of how the residents of an area wish to see development occur and where they believe different types of development are appropriate.

The White Tank/Grand Avenue Area Plan, adopted in 2000, is the applicable Area Plan for this area of the county over the next ten to fifteen years, and is the result of a large scale public participation plan which included input and recommendations from property owners and other stakeholders. The future land use plan identifies the area covered by the State Route 74 Scenic Corridor for low density rural residential and proposed and dedicated open space in recognition of the area's scenic beauty, but also recognizes that private land owners and the State Land Department have the right to develop their respective lands.<sup>6</sup> New growth will be accommodated in

<sup>4</sup> Maricopa County 2020 Eye to the Future, Transportation System Plan, Figure 8, pg. 30

<sup>5</sup> Maricopa County 2020 Eye to the Future, Transportation System Plan, pg. 24

<sup>6</sup> White Tanks/Grand Avenue Area Plan, pg. 20



## **BACKGROUND AND PROCESS**

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a manner that is consistent with the plan's policies for protecting public health and safety, and for coordinating with available urban infrastructure and services. The plan's implementation program identifies long and short-term measures that can help implement the citizen driven goals, objectives, and policies. One of the implementation measures identified is the updating of existing scenic corridors, such as State Route 74.<sup>7</sup>

### **Public Participation**

To guide the process of formulating the State Route 74 Scenic Corridor guidelines, the Maricopa County Planning and Development Department identified several stakeholder groups, each of which provided unique perspectives on how these guidelines should be structured, what they should include, and what they should achieve. A group of public and private stakeholders was invited to comment on the draft guidelines and provide their unique insight on issues in this area that affect their organizations. Organizations invited to participate include the following groups listed on the next page:

- ◆ US Bureau of Land Management
- ◆ Arizona State Land Department
- ◆ Arizona State Historic Preservation Office
- ◆ Arizona Attorney General's Office
- ◆ Arizona Game and Fish Department
- ◆ Arizona Department of Transportation
- ◆ Arizona Department of Commerce
- ◆ Maricopa Association of Governments
- ◆ Flood Control District of Maricopa County
- ◆ Maricopa County Sheriff's Office
- ◆ Maricopa County Environmental Services Department
- ◆ Maricopa County Department of Emergency Management
- ◆ Maricopa County Parks and Recreation Department
- ◆ Maricopa County Department of Transportation
- ◆ Luke Air Force Base
- ◆ Home Builders Association of Central Arizona
- ◆ Morristown Elementary School District
- ◆ Peoria Unified School District
- ◆ City of Peoria Planning Division
- ◆ City of Peoria Engineering Division
- ◆ Circle City/Morristown Volunteer Fire Department
- ◆ Castle Hot Springs Community Area Association
- ◆ Whispering Sands
- ◆ Various property owners

<sup>7</sup> White Tanks/Grand Avenue Area Plan, Table 18 – Action Plan, pg. 73

## **BACKGROUND AND PROCESS**

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Another group of stakeholders included property owners and residents of the study area. To solicit their input, recommendations, and ideas, Maricopa County hosted two public meetings. An initial public meeting was held April 28, 2005 at the Morristown Elementary School to introduce the study to residents. Invitations announcing the meeting dates, times, and locations were sent to over 100 property owners in the study area, and meeting notices were published in the Wickenburg Sun newspaper. At this meeting, staff provided information on the study's purpose and what it will achieve, anticipated future urban growth along State Route 74 and the surrounding area, and the impact that other county scenic corridors have had on urban growth. Presentations were provided by county staff, and attendees were given questionnaires to solicit additional input.

A second public meeting with property owners and residents was held on February 15, 2006. Prior to this meeting, property owners and residents were sent a copy of Draft 1 of the State Route 74 Scenic Corridor Guidelines and given the opportunity to respond with comments. At the meeting, county staff presented proposed policies, and attendees were given the opportunity to ask questions and give recommendations. Attendees were also given questionnaires to provide any additional comments.

### **Study Boundary**

The boundaries of the State Route 74 Scenic Corridor extend ¼-mile on each side of the centerline of State Route 74 in Maricopa County (Figure 1). In discussions with agencies, residents, and stakeholders, Maricopa County provided information on the widths of other scenic corridors in the County; for example, the Wickenburg Scenic Corridor extends 2 miles on each side of the highway, while the Carefree Highway extends a quarter-mile. Based on this analysis and discussions, it was determined that a quarter-mile boundary would be most appropriate, since this is the area where future growth will most impact State Route 74.

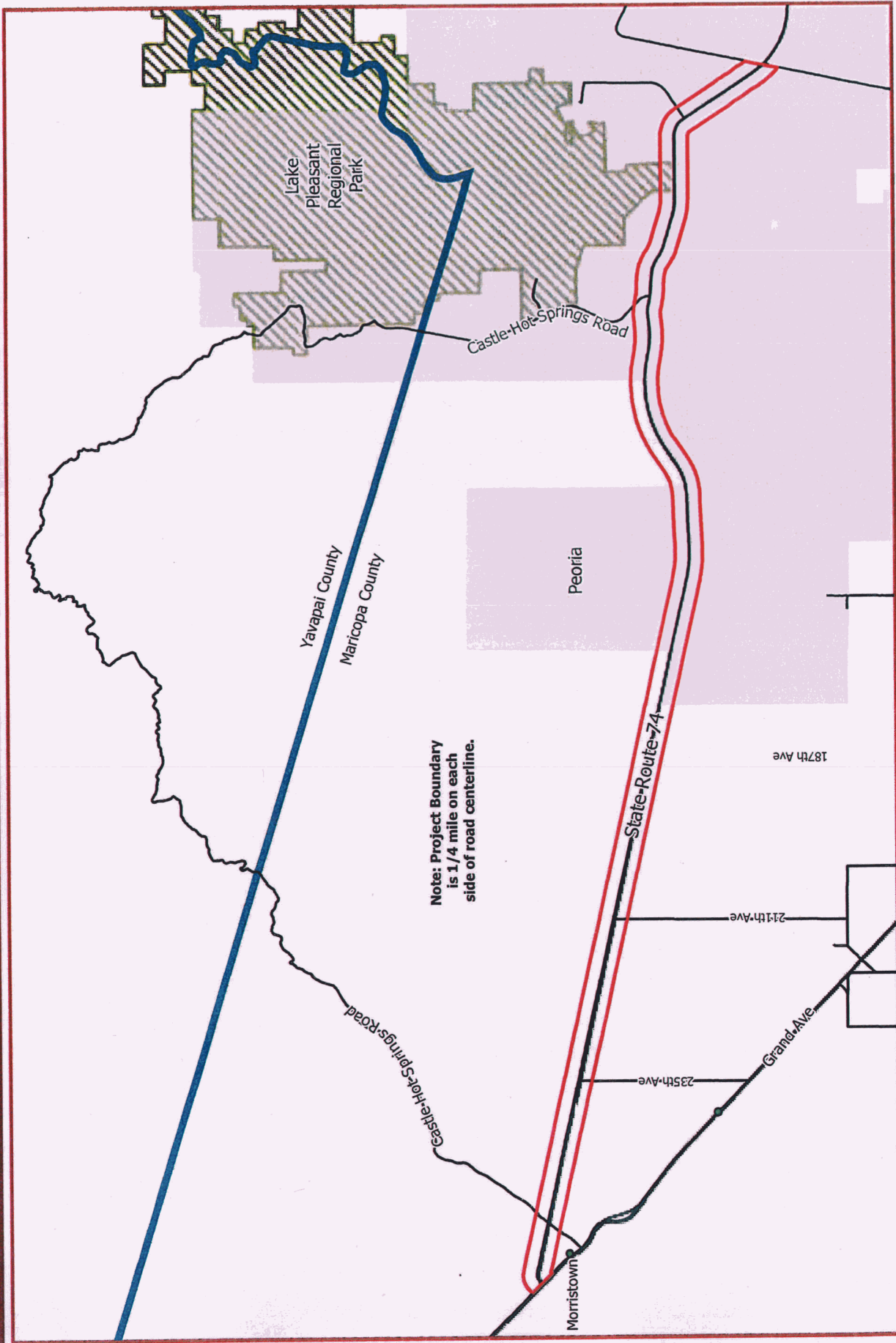
The scenic corridor is only applicable to unincorporated areas of Maricopa County. To help promote greater regional coordination and cooperation in this area, Maricopa County extended an invitation to the City of Peoria to participate in this effort. For those portions that have been incorporated, the City of Peoria previously established a specific area plan that guides development along the highway within their jurisdiction.



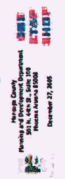
## **BACKGROUND AND PROCESS**

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Study Boundary  
Figure 1



- Project Boundary
- Incorporated Areas
- Arterial Road
- County Park





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## RESEARCH AND ANALYSIS

### Existing Plans

There are other existing plans that guide development along State Route 74. For example, The Lake Pleasant Parkway Corridor Specific Area Plan was prepared in March 2000 and later adopted by the City of Peoria. Its boundaries include those portions of Peoria that are ¼-mile on either side of the centerline of State Route 74 from Lake Pleasant Rd. on the east to the City's western limits. Like the County's scenic corridor guidelines, it is intended to protect, preserve and enhance the existing natural environmental qualities of the corridor to the maximum extent possible, while providing for economic development opportunities. Although the policies outlined in Peoria's plan are not identical to those found later in these scenic corridor guidelines, the two documents are intended to compliment one another. The benefit is a consistent set of design guidelines that extend along the entire stretch of State Route 74.

Another plan impacting development along State Route 74 is the SR 74 Access Management Study Final Report, which was published by URS Corporation in November 2003 for the Arizona Department of Transportation (ADOT) in cooperation with other governmental agencies and stakeholders, including the Maricopa County Department of Transportation (MCDOT). The report seeks to implement access management principles that will control access to adjacent land uses; minimize the number of access points; minimize vehicle, pedestrian and bicycle conflicts; allow for safe lane changes and speed transitions; provide for the smooth transition of traffic from one roadway to another; and provide for uniform speeds on the highway. Maricopa Association of Governments' (MAG) Regional Transportation Plan (RTP) prepared in November 2003 designated State Route 74 as a corridor for right-of-way protection to support future widening of the roadway, but intentionally left open for discussion whether State Route 74 would ultimately be constructed as an expressway or freeway. State Route 74 is envisioned in ADOT's access management study as a fully access controlled freeway with access limited to future interchange locations. The study also identifies where ADOT is expecting future roadway connections to be located, including a freeway spur that would link State Route 74 with State Route 303L (Estrella Freeway) near Lake Pleasant Parkway. The location of these interchanges and access points, along with the other recommendations contained in the study, will influence the implementation of the scenic corridor guidelines.

### Existing Zoning and Land Use

The scenic corridor includes mostly unincorporated areas along State Route 74, the majority of which is land administered by the Bureau of Land Management (BLM) and the Arizona State Land Department, but also includes some areas under



## RESEARCH AND ANALYSIS

private ownership (Figure 2). These unincorporated areas are located within either the Rural-190 or Rural-43 zoning districts, both of which allow residential uses, although limited to one dwelling unit per lot and minimum lot sizes of 190,000 sq. ft. (approximately 4.4 ac.) and one acre respectively, as well as some recreational and institutional uses. In the western section of the scenic corridor, Rural-43 zoning is found along approximately the first seven miles of State Route 74, with Rural-190 zoning along the remainder of the road until it reaches the city limits of Peoria. There is also a portion of the scenic corridor that remains unincorporated on the north side of State Route 74 between the Bullard Ave. and Dysart Rd. alignments, which is zoned Rural-190. The predominant land uses along the roadway include mostly vacant open space with some rural residential uses in the western part of the study area. Near the eastern portion of the scenic corridor, there are several large planned communities within the City of Peoria located near the Lake Pleasant Regional Park (Figure 3).

### Ownership

A large portion of the land in the study area is under the jurisdiction of the U.S. Bureau of Land Management (Figure 2). The mission of the BLM is to sustain the health, diversity and productivity of the public lands for the use and enjoyment of present and future generations, and they are currently responsible for approximately 262 million acres of land in the western United States.<sup>8</sup> The BLM has the option to dispose of public lands, and the Federal Land Policy and Management Act of 1976 identifies criteria used to distinguish land for disposal. Land identified for disposal typically falls into one of these categories:<sup>9</sup>

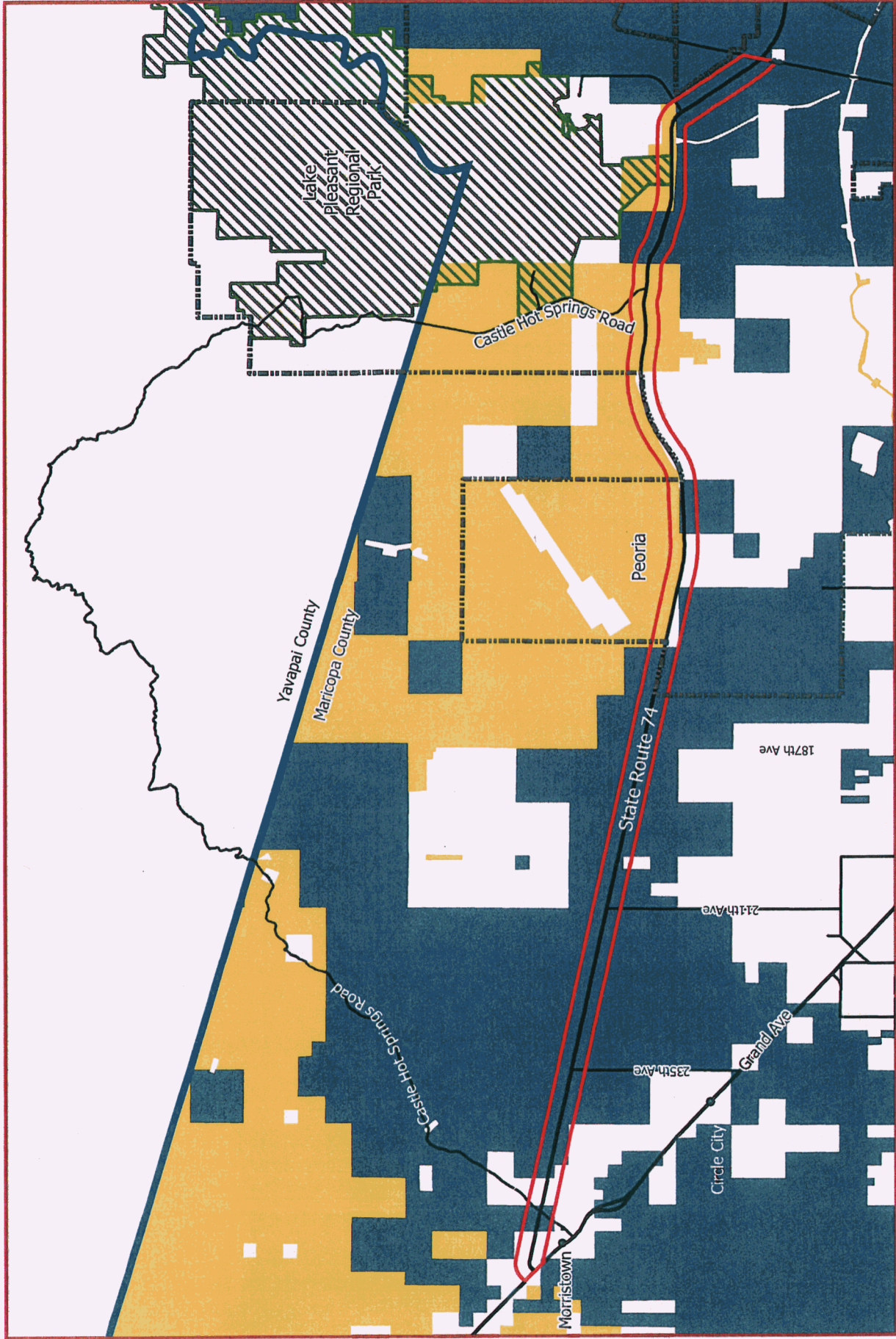
- ◆ Scattered and isolated tracts that are difficult or uneconomical to manage;
- ◆ Tracts acquired by the BLM for a specific purpose that are no longer needed for that purpose; or
- ◆ Land where disposal will serve important public objectives, such as community expansion and economic development.

Land acquisitions for Vistancia, Saddleback Heights, and Lake Pleasant Heights, residential developments in north Peoria, were part of a BLM land trade that added land to the Saguaro National Monument near Tucson. Currently there are several parcels of land west of the project boundary that BLM has identified for disposal.

The Arizona State Land Department is also a large land administrator in the project area (Figure 2). State Trust Land is sold as a way for the Trust to raise money for beneficiaries. There is currently just over 9.2 million acres of Trust land in Arizona. There are 14 beneficiaries of the State Trust Land, including Common Schools (K-

<sup>8</sup> United States Bureau of Land Management. <http://www.blm.gov/nhp/facts/index.htm>, 2005.

<sup>9</sup> United States Bureau of Land Management. <http://www.blm.gov/nhp/faqs/faqs2.htm#6b>, 2005.



**Land Ownership**  
Figure 2

BLM  
State Trust Land  
Private Land

Project Boundary  
Incorporated Areas  
Arterial Road  
County Park

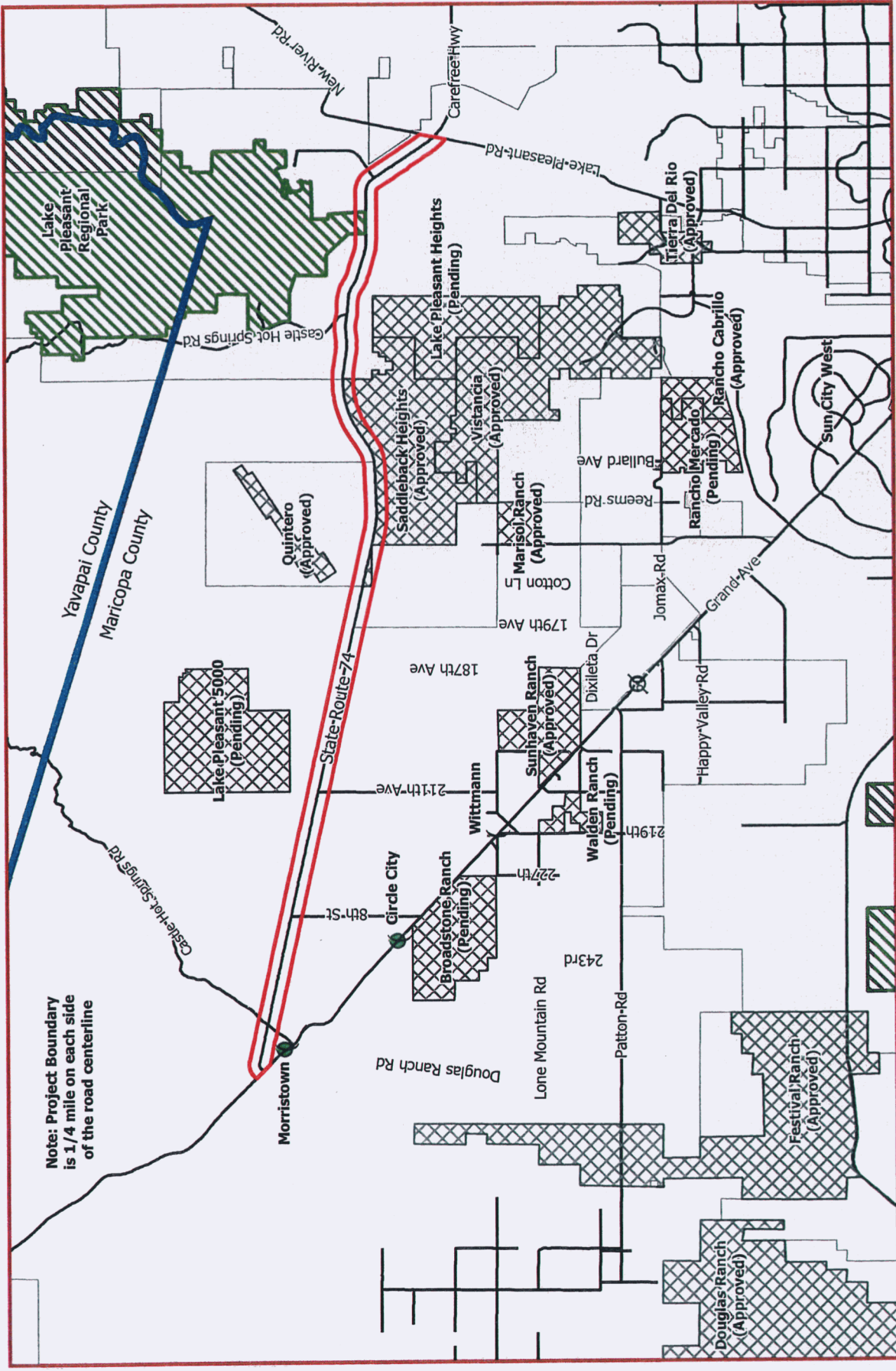
Scale: 0, 1, 2 Miles

County Map

Prepared by: Planning and Development  
Date: 10/2011  
Version: 1.0



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Note: Project Boundary is 1/4 mile on each side of the road centerline

  Project Boundary  
  Arterial Road  
  Master Planned Communities  
  Incorporated Areas  
  County Park



**Major Residential Developments**  
 Figure 3  
 Maricopa County  
 Planning and Development  
 500 North Central  
 Phoenix, Arizona 85008  
 December 27, 2005



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12), holding 87% of the Trust Land, various school and university grants, hospital grants, penitentiary grants, and county bond grants. All sales of State Trust land must be in accordance with the State's mandate to ensure the highest and best use of the land in order to maximize revenues to the beneficiaries. Therefore, lands intended for residential uses are typically sold and lands intended for commercial uses are typically leased. In Fiscal Year 2002-2003, the department had 17 land sale auctions with a total selling price of over \$127 million.<sup>10</sup> For example, Camino a Lago, a residential development in the City of Peoria, was built on former State Trust Land. Much of the Trust land in Maricopa County is in the northern portion of the county.

### **Vegetation and Wildlife<sup>11</sup>**

The plant communities adjacent to the Castle Hot Springs corridor are associated with the Arizona Upland of the Sonoran Desert. Vegetation most often appears as scrubland or low woodland leguminous trees, such as the Foothill Palo Verde. Ironwood, mesquites, and Cat-claw Acacia also can be found in abundance, as well as many varied cacti, including Cane Cholla, Staghorn Cholla, Teddy Bear Cholla, Saguaro, Senita, Fishhook Pinchusion, and Fish-hook Barrel Cactus. Shrubs include Creosote Bush, Whitehorn Acacia, Ocotillo, Jojoba, Desert Hackberry, and Fairy Feather Duster.

The sloping plains and mountainous areas of the Arizona Upland support a diverse group of mammals such as the Desert Mule Deer, Javelina, California Leaf-nosed Bat, California Myotis, Black-tailed Jackrabbit, Desert Cottontail, Arizona Pocket Mouse, Cactus Mouse, White-throated Wood Rat, Gray Fox, and the Harris Antelope Squirrel. Fairly close proximity to water sources such as Lake Pleasant, the Hassayampa River, and numerous springs and stock tanks supports abundant birdlife, including the Harris Hawk, White-winged Dove, Inca Dove, Elf Owl, Wied's Crested Flycatcher, Curve-billed Thrasher, and the Cactus Wren. Lizards and snakes, such as the Regal Horned Lizard, Western Whiptail, Gila Monster, Arizona Glossy Snake, Arizona Coral Snake, and Tiger Rattlesnake, also are found in the Arizona Upland of the Sonoran Desert.

### **Historic and Visual Resources**

The State Route 74 Scenic Corridor study area includes many natural features. Washes include Trilby Wash, Morgan City Wash, Iona Wash, Big Spring Wash and smaller washes that converge into Padelford Wash, which provide important wildlife and vegetation habitats. Mountainous areas near the western part of the study area include the Shirttail Hills, Hieroglyphic Mountains, and Black Mountains. Peaks in these mountain chains include Baldy Mountain, Cholla Mountain, Saddleback

<sup>10</sup> Arizona State Land Department, Annual Report 2002-2003

<sup>11</sup> Brown, David E. (ed.). (1994) Biotic Communities of the Southwestern United States and Northwestern Mexico. Salt Lake City, UT: University of Utah Press.





## RESEARCH AND ANALYSIS

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Mountain, and Pike's Peak. Located along Castle Hot Springs Road in Yavapai County is the Castle Hot Springs Resort. Between 1895 and 1940 the resort was the winter playground for many wealthy and famous people due to its beautiful location and hot springs. The resort is now closed to the public due to a devastating fire in 1976. The Castle Hot Springs Resort was added to the National Register of Historic Places in 1991. Although not located within the scenic corridor, it affects traffic patterns, because State Route 74 is the only major road that connects to both ends of Castle Hot Springs Road.

### Parks and Trails

The Lake Pleasant Regional Park, located northeast of the study boundary, is a major recreational destination within the county. Lake Pleasant is over 10,000 acres in size and offers activities such as camping, boating, fishing, swimming, hiking, picnicking, and wildlife viewing. Proximity to this major recreational location increases traffic on State Route 74, particularly in the eastern portion of the scenic corridor located within the City of Peoria. Approved by the Board of Supervisor's in 2004, the Maricopa Trail is a collection of trails, paths, paths along canals and natural corridors under the jurisdiction and control of many agencies throughout the Phoenix metropolitan area. The State Route 74 Scenic Corridor contains land designated for a portion of the Maricopa Trail system along Trilby Wash. Although not located within the scenic corridor, the 9,300 acre Hells' Canyon Wilderness is nearby. It straddles the Yavapai County and Maricopa County line and is administered by the BLM.

### Future Growth

Future growth along State Route 74 and in the immediate area is expected to be significant. Projections identify that the Town of Buckeye will have over 380,000 residents by 2030,<sup>12</sup> over a 5,700% increase from their year 2000 population of 6,537.<sup>13</sup> The City of Peoria is expected to increase from a year 2000 population of 108,364<sup>14</sup> to over 253,000 in 2030.<sup>15</sup> The City of Surprise is expecting a 1182% increase in population over their year 2000 population, for a 2030 population of almost 396,000.<sup>16</sup> Wickenburg is expecting a 214% population growth over the next 25 years.<sup>17</sup>

In unincorporated Maricopa County there are four large approved or pending master planned communities in the area (Figure 3). Located north of the US 60 near Wittmann, is Sunhaven Ranch. Approved by the Board of Supervisors in 2003,

<sup>12</sup> Maricopa Association of Governments, Interim Projections, June 2003

<sup>13</sup> United States Census Bureau, Census 2000

<sup>14</sup> United States Census Bureau, Census 2000

<sup>15</sup> Maricopa Association of Governments, Interim Projections, June 2003

<sup>16</sup> Maricopa Association of Governments, Interim Projections, June 2003

<sup>17</sup> Maricopa Association of Governments, Interim Projections, June 2003

## RESEARCH AND ANALYSIS



this project includes various residential densities, commercial, and industrial land uses. This development will add over 9,000 homes on just over 2,100 acres. If approved, Walden Ranch, located south of the US 60 near Wittman, will add 5,600 residents to the area on just over 500 acres. Marisol Ranch, located at 155th Avenue and Dove Valley, was approved in 2003 and will add over 1,880 dwelling units to the area on 634 acres. Broadstone Ranch (previously known as Copper Mountain Ranch), located on US 60 just south of Circle City, is 2,926 acres and, if approved, will add approximately 10,000 dwelling units, adding over 27,000 new residents to the area. Combined, these projects alone will add almost 25,000 residential units and approximately 60,000 people to the area. Further growth and development is expected in the future.

The Board of Supervisors also approved a plan amendment to the White Tank/Grand Avenue Area plan in December 2004 that will allow greater residential density on land north of the State Route 74. This case was in direct relation to a privately held parcel of land, almost 5,000 acres, near 211th Avenue and State Route 74. Since approval of the plan amendment, developers have applied for a master planned community on this parcel, named Lake Pleasant 5000. This development proposes 9,800 dwelling units and approximately 22,500 residents.

The City of Peoria has four major residential developments near the planning area (Figure 3). Saddleback Heights, located south of State Route 74 between Cotton Lane and Litchfield Road, is situated on approximately 6,000 acres and is expected to have nearly 6,200 dwelling units. Lake Pleasant Heights, east of Saddleback Heights, is 3,267 acres and will have approximately 5,400 dwelling units. Quintero, located in between the two ends of the study area, has 283 dwelling units on over 800 acres of land. Vistancia North, located south of Saddleback Heights, is 3,118 acres and over 9,356 dwelling units.

The northern portion of the Town of Buckeye, southwest of the planning area, is comprised of the Festival Ranch development. In total, Festival Ranch encompasses over 10,000 acres. One portion of the development in Festival Ranch is called Sun City Festival. This development will be similar to other age restricted communities in Maricopa County. Sun City Festival will have over 13,000 dwelling units on 3,700 acres. It is unknown at this point how the rest of Festival Ranch will be developed.

Figure 3 shows the locations of these master planned communities in relation to the State Route 74 Scenic Corridor. Future urban development is likely in the future throughout the region, including near State Route 74.



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## DESIGN GUIDELINES

These guidelines are based on recommendations from area residents and stakeholders to help mitigate the future impacts that urban growth will have on the corridor area. As a result, residents, stakeholders, and Maricopa County helped identify guidelines for the following issues.

- ◆ Landscaping, including vegetation types and densities
- ◆ Natural habitats, such as washes and wildlife migration corridors
- ◆ Character/Identity, which varies along the roadway from east to west
- ◆ Building height, which impacts viewsheds
- ◆ Lighting, including streets, security and advertisements
- ◆ Signs, including residential monument signs and advertisements
- ◆ Perimeter fencing, for residential subdivisions, commercial, and industrial developments
- ◆ Miscellaneous, for other topics not discussed in other sections

These design guidelines are only applicable to new residential subdivisions, master planned communities, commercial development, and industrial development. These guidelines are policies, not regulations, and they do not supersede the Maricopa County Zoning Ordinance.

### 1. Landscape

Landscaping is considered an important part of scenic corridors, and the diversity of vegetation along State Route 74 is part of what makes this area unique. Landscaping can provide wildlife habitat, a sense of open space, and a buffer between incompatible land uses. Residents expressed an interest in using landscaping to help enhance future urban development, and to help it blend into the surrounding area. Therefore, new, applicable development is encouraged to adhere to the following guidelines for landscaping.

- 1.1 A plant survey and salvage plan should be submitted at the time of platting or precise plan submission.
- 1.2 New, applicable development should provide landscape plan(s) as part of development applications.
- 1.3 Existing native vegetation should be retained in place to the greatest extent possible, except to provide proper sight distance.



## **DESIGN GUIDELINES**

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- 1.4 Where native plants must be removed, encourage transplantation of salvaged plants on site, in accordance with the salvage plan.
- 1.5 Plant species and densities should be consistent with the surrounding landscape character of the specific location.
- 1.6 Encourage native landscaping to reduce the visibility of commercial and industrial structures and blend with the natural land cover.
- 1.7 Native granular soils should be maintained as a top dressing on all landscape areas to provide a consistent, desirable character.
- 1.8 Where appropriate, new landscaping should compliment existing indigenous vegetation through the use of xeriscape design principles and water conservation irrigation. Discourage use of invasive and non-native plant species except in identified recreation or park areas.
- 1.9 Landscaping materials should blend with the native vegetation in mature height and plant form at the time of planting.

### **2. Natural Habitats**

Sensitive areas, such as washes and areas of known historic significance, which serve an important purpose, should be preserved to the greatest extent possible.

- 2.1 Washes should be kept in their natural state or re-vegetated if previously disturbed.
- 2.2 Prior to the issuance of zoning clearances, an archaeological survey should be conducted with exceptions granted by the State Historic Preservation Office.
- 2.3 Encourage developers and recreational users to adopt segments of the road for trash collection and educational programs.

### **3. Character/Identity**

Residents and property owners expressed an interest in maintaining their quality of life, the natural beauty, and quiet charm of the area. New applicable development is encouraged to blend with these qualities.

- 3.1 Encourage the use of open space buffers along State Route 74 and between incompatible land uses to help mitigate impacts. Berms or landscaping can provide a buffer or transition.



- 3.2 Discourage new development on 15% or greater slopes.
- 3.3 Development styles within the corridor boundary should reflect a southwestern style, and the Sonoran desert region.
- 3.4 Buildings and other structures are encouraged to adapt to the terrain in placement and appearance to avoid excessive cuts and fills.

## 4. Building Height

Building height is an important consideration because it can impact views and the amount of natural light available to surrounding property. Development will be visible in the scenic corridor but should blend with the surrounding area to help preserve the views that support the area's character and quality of life. Building height is encouraged to meet the following guidelines.

- 4.1 For new residential development in subdivisions and master planned communities within 500 feet of the centerline of State Route 74, encourage building height to be limited to a single story and 20 feet in height, and limited to 30 feet in height from 500 feet to one-quarter mile of centerline.
- 4.2 For new applicable commercial development, encourage building height to be limited to 30 feet within 500 feet of the center line of State Route 74 and limited to 40 feet from 500 feet to one-quarter mile of the center line. Development should be limited to two stories. New commercial development adjacent to any rural or residential zoning district should be limited to 20 feet in height within 100 feet of the property line and provide a landscape buffer.
- 4.3 For new applicable industrial development, encourage building height to be limited to 30 feet within the State Route 74 Scenic Corridor. New industrial development adjacent to any rural or residential zoning district should be limited to 20 feet in height within 100 feet of the property line and provide a landscape buffer.

## 5. Lighting

Lighting is important for community safety and protection. For pedestrians, automobiles, commercial businesses, and homeowners, lighting provides real and perceived safety. The intent of these guidelines is to promote a safe community, yet limit the impacts that lighting has on surrounding properties. Therefore, applicable development will be encouraged to meet the following lighting guidelines. Applicable lighting will include parking lot lighting, security lighting, and any other lighting source, freestanding or affixed to walls if mounted higher than ten feet in



## **DESIGN GUIDELINES**

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new residential subdivisions, master planned communities, commercial, or industrial development.

- 5.1 Discourage the use of neon-type lighting, except for where appropriate for street lighting.
- 5.2 Street lighting should be limited to the minimum height necessary to help minimize glare and reflected light levels. New street lighting within the scenic corridor should be evaluated on a case-by-case basis.
- 5.3 To help minimize nighttime glare, encourage the use of muted or low level lighting. Street, security, and other prominent light sources should be directed downward.
- 5.4 Parking lot lighting and security lighting should not exceed 18 feet in height.

### **6. Signs**

To help maintain the character of State Route 74, new signs are encouraged to follow the guidelines below. These guidelines apply to freestanding signs and those attached to structures in new residential subdivisions, master planned communities, commercial, or industrial development. All new road, directional, and traffic signs will be allowed at the discretion of the Arizona Department of Transportation or Maricopa County Department of Transportation and should adhere to their standards.

- 6.1 Encourage the use of non-reflective surfaces for new commercial and monument signs, except for directional, regulatory, and other signs necessary for public safety.
- 6.2 New billboards are discouraged inside the State Route 74 Scenic Corridor. All signs, other than those intended for temporary purpose, should be compatible with the surrounding area.
- 6.3 Non-illuminated commercial signs (freestanding and wall mounted) should be no greater than twelve feet in height and no greater than 36 square feet.
- 6.4 Illuminated commercial signs should be no greater than ten feet in height and no greater than 24 square feet.



- 6.5 Commercial and industrial wall mounted signs: encourage no more than one sign per street frontage.
- 6.6 Signs elevated by a single pole are discouraged. Freestanding signs should be monument type and rural in character.
- 6.7 Signs should be consistent with the architectural treatment of the primary-use building and overall character of the site.
- 6.8 Monument signs are encouraged to have a landscaped area located adjacent to its base.

### 7. Fencing

Fencing can impede views and reduce the sense of open space. To limit these impacts, the following fencing guidelines should be followed for new residential subdivisions, master planned communities, commercial, and industrial developments, except where noted.

- 7.1 View fencing is encouraged for residential subdivisions. Fencing for industrial and commercial development is subject to the Maricopa County Zoning Ordinance.
- 7.2 Encourage fencing that does not interfere with public views.
- 7.3 Perimeter fences and walls should be constructed of materials that will compliment the surrounding scenic resources and, where feasible, be combined with unobstructing landscaping.
- 7.4 Straight, uninterrupted walls should not exceed 150 feet in length. Walls greater than 150 feet in length should be staggered or undulating.
- 7.5 Perimeter fences and walls should be limited to 6 feet in height as measured from grade. CMU (non-interlocking) finished with rounded edges, integral colored or painted adobe, and/or native stone work are preferred materials for walls.
- 7.6 Chain link fence is discouraged.

### 8. Miscellaneous

The following section addresses various design features, such as screening, utilities, accessory structure, color, and other issues not addressed elsewhere. Again, these





## **DESIGN GUIDELINES**

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are applicable to new residential subdivisions, master planned communities, commercial and industrial development.

- 8.1 Service entries along State Route 74 are discouraged.
- 8.2 Mechanical equipment should be ground mounted and fully screened. If roof mounted equipment is required it should be fully screened to the tallest piece of equipment. Screening should be integrated with building design and the surrounding area.
- 8.3 New utility lines should be located underground, except 69kv or greater electric transmission lines.
- 8.4 Retaining walls and other erosion control devices should be constructed of natural materials whenever possible and should, to the maximum extent possible, be designed and sited so as not to detract from the scenic quality of the area and not impede wildlife movement.
- 8.5 Screening should be architecturally compatible with primary structures and the surrounding area.
- 8.6 Trash containers, loading docks, transformers, and large mechanical and/or electrical equipment should be screened from view with materials and/or colors that are compatible with primary structures.
- 8.7 Building colors should be muted and compatible with the surrounding area to reduce visual contrast, heat gain, and reflective glare.
- 8.8 Accessory structures should match the style and appearance of the principal building.
- 8.9 Reflective glass is discouraged.
- 8.10 Vehicle entrances and exits to any new development should be limited to a single point, except if traffic studies demonstrate that additional access points are necessary. Encourage the use of shared driveways and parking for commercial development wherever possible.
- 8.11 At least twenty percent of the surface areas of commercial parking lots should be landscaped with native vegetation, not including perimeter landscaping. Landscaping should involve shading to help reduce heat absorption.

## **DESIGN GUIDELINES**

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- 8.12 Parking lots should be designed in groupings no larger than 200 spaces. Larger lots should be divided by buildings, plazas, or significant landscaped areas oriented for pedestrian use.
- 8.13 Encourage wireless communication facilities, such as cell towers, to blend with the surrounding environment.
- 8.14 Trails and trail access should be preserved to encourage appropriate recreational uses.



## **DESIGN GUIDELINES**

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## **SUMMARY**

It is likely that urban growth eventually will occur along State Route 74, which will present residents and stakeholders with important changes to their lifestyles. Mitigating the potential impacts of urban growth will continue to be a high priority for Maricopa County. Because these guidelines reflect the recommendations of residents and other stakeholders, they provide a unique opportunity for these residents and stakeholders to participate in the future growth and development of their area.



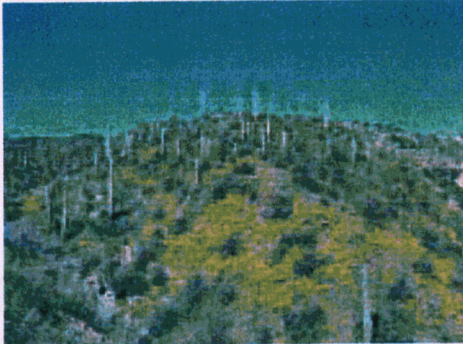
## **SUMMARY**

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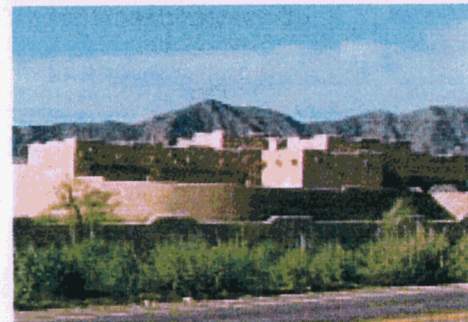
Images



1.5 Examples of plant species and density found along the corridor.



2.1 Example of a wash in the study area.



3.3 Example of southwestern style development.



5.3 Example of parking lot lighting directed downward.



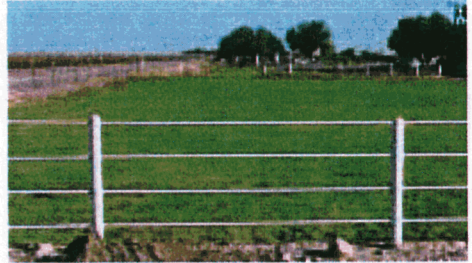
6.6 The use of signs elevated by a single pole is discouraged.



## APPENDICES



6.8 An example of landscaping around the base of a monument sign.



7.1 Examples of residential view fences.



7.5 Example of preferred finish on perimeter fence.



8.6 An example of a trash container enclosure that is architecturally compatible with the primary structure.



8.10 Example of parking lot landscaping.

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# MARICOPA COUNTY ZONING ORDINANCE

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# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 10 – Overlay Zoning Districts

### Date of Revisions

*1	Added 8-1-91	*2	Effective 9-2208
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### SECTION 1009. HWY 74 SCENIC CORRIDOR<sup>\*1</sup>

**ARTICLE 1009.1. PURPOSE:** The Highway 74 Scenic Corridor Overlay Zoning District establishes criteria that encourage preservation of the natural and cultural landscape and its scenic quality along Highway 74. The specific purpose of this Overlay Zoning District is to:

1. Protect scenic land and associated views and viewsheds of natural, cultural and visual resources along Highway 74, while also recognizing the legitimate expectations of property owners and the County's overall land use and economic needs and goals.
2. Preserve Upper Sonoran Desert and hillside landforms to the greatest extent feasible for the benefit of residents, visitors and as an economic resource to Maricopa County in tourism and recreation activities.
3. Protect designated recreational areas, such as regional parks, by minimizing any potentially negative impacts from adjacent development.
4. Encourage innovative and sensitive planning, high quality design and construction techniques for development along Highway 74.
5. Encourage safe and efficient traffic flow along Highway 74.
6. Enhance the economic, social and physical living environment for the residents.

### ARTICLE 1009.2. GENERAL PROVISIONS:

1. The Highway 74 Scenic Overlay Zoning District is comprised of all land **500 feet** from each side of the centerline of the Highway 74 right-of-way, from the east boundary line of Section 30, Township 6 North, Range 1 East, Gila and Salt River Base Meridian to the west boundary line of Section 17 of Township 6 North, Range 3 West, Gila and Salt River Base and Meridian.
2. Property divided by the Overlay Zone boundary is regulated by the district standards only for that segment of the property within the zone.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 10 – Overlay Zoning Districts

**ARTICLE 1009.3. PERMITTED USES:** Uses permitted are those allowed by the primary zoning district with which the Scenic Corridor Overlay Zoning District is combined unless prohibited herein.

**ARTICLE 1009.4. STANDARDS:** In addition to the standards of the underlying zone district, the following standards shall apply: <sup>\*2</sup>

1. ***Height Regulations:***

- a. For residential uses, **20 feet** within **250 feet** of the centerline of Highway 74 and **30 feet** from **250-500 feet** of the centerline of Highway 74.
- b. For nonresidential uses, **20 feet** within **250 feet** of the centerline of Highway 74 and **33 feet** from **250-500 feet** of the centerline of Highway 74.

2. ***Slopes:*** In addition to the standards in Chapter 12, Section 1201. (Hillside Development Standards), the following standards shall apply:

SLOPE GRADIENT	PERCENTAGE OF PROPERTY TO REMAIN NATURAL OR TO BE REVEGETATED
<b>0 to 5 %</b>	<b>25%</b>
<b>5 to 15%</b>	<b>45%</b>
<b>15 % +</b>	<b>65%</b>

- a. In locating required natural areas, attention shall be given to preservation of washes and significant natural features on the property and should be incorporated into the drainage plan.
3. ***Setback from Highway 74:*** Within the Corridor area, all structures, fences, parking areas and other improvements except driveways and signs, shall be setback an average of **75 feet** and a minimum of **50 feet** from the property line to allow an undulating rather than a linear setback and to accommodate the unique terrain and natural features of the site. Existing vegetation within the required setback shall be preserved with the exception of the driveway. Additional vegetation, if provided, shall be native vegetation indigenous to the Upper Sonoran Desert.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 10 – Overlay Zoning Districts

4. **Screening:** All uses shall comply with the following screening standards:
  - a. All service and outside storage areas shall be screened from public rights-of-way not less than the height of equipment to be screened. Screening shall consist of a solid decorative wall **six feet** in height to conceal trash containers, loading docks, transformers and other mechanical and/or electrical equipment.
  - b. All mechanical rooftop equipment must be screened to the height of the tallest equipment and/or integrated with the building design.
5. **Access:** The number of access points to Highway 74 from any one development within the corridor zone shall be limited to one driveway except as follows:
  - a. A traffic impact study demonstrates the need for additional driveways due to traffic conditions, and
  - b. The governmental jurisdiction concurs with that study and then allows additional driveways as required.
6. **Signs:** The sign regulations are as provided in Chapter 14, Section 1406.2. hereof.
7. **Parking: 5%** of all surface parking area for non-residential development shall be landscaped with native vegetation indigenous to the Upper Sonoran Desert. Perimeter landscaping shall not be included in the **5 %** and shall not be counted towards the requirements of Chapter 11, Section 1102.
8. **Archaeological Survey:** Prior to the issuance of Zoning Clearance, an archaeological survey shall be required for all development with exceptions granted by the State Historic Preservation Officer.
9. **Lighting:** Low level lighting is encouraged. All on-site lighting shall be shielded so as to not illuminate any area outside of the site. The source of light shall not exceed **18 feet** in height. All outdoor lighting shall conform to Chapter 11, Section 1112. of the Maricopa County Zoning Ordinance.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 10 – Overlay Zoning Districts

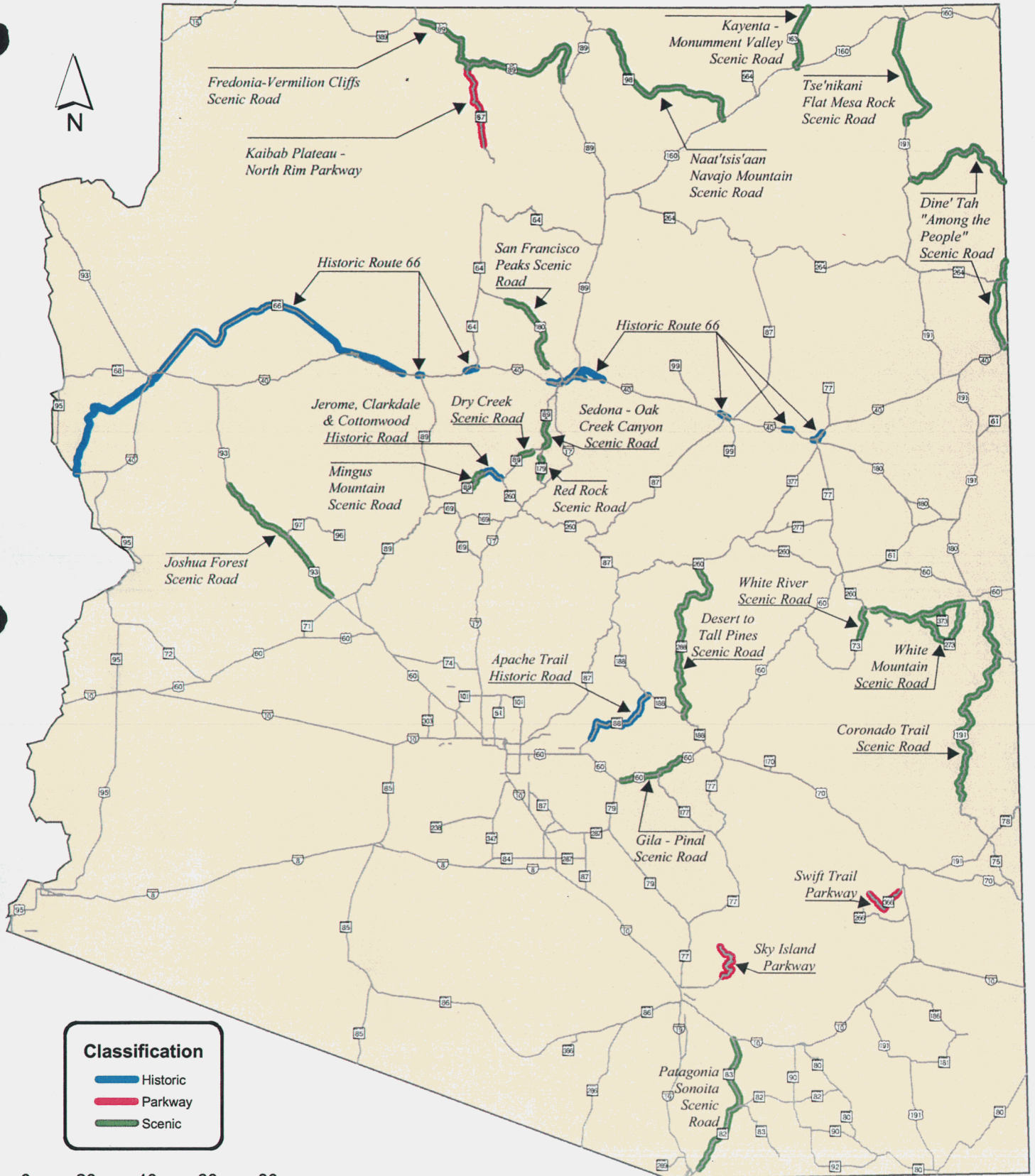
10. **Architectural Design:** All developments shall select materials and colors that are muted and compatible with the desert environment and help reduce visual contrast, heat gain and glare. Design features are to be included on all sides of a building.
11. **Density Bonus:** To encourage areas of no development within the Corridor, a transfer of density for residential development equal to twice the base zoning will be allowed in property outside and adjacent to the non-developed portion of the property (when the development proposes no development within the Corridor). To receive the density bonus, a non-development easement agreement must be prepared and submitted as part of an accompanying rezoning request for increased density. Upon approval of the increased density request, the easement shall be recorded prior to zoning clearance.
12. **Environmental Evaluation:** For those projects not guided by the National Environmental Policy Act of 1969, a request for a habitat and special status species evaluation shall be made by the developer to the Arizona Game and Fish Department with information forwarded within **45 days** to the appropriate County agency. Mitigation and protection measures based on the evaluation shall be reviewed by staff and incorporated into the recommendation to the Commission with final action by the Board of Supervisors.
13. **Utilities:** Utility lines shall be located underground.

Date of Revisions			
*1	6-6-94	*2	9-22-08



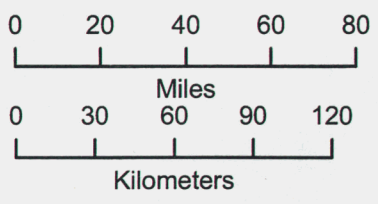
**22**

# Arizona Scenic Roads



**Classification**

- Historic
- Parkway
- Scenic



Arizona Department of Transportation  
Intermodal Transportation Division  
Environmental & Enhancement Group



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# SR 74 Access Management Study

Corridor Field Review



Eastern Segment  
Central Segment  
Western Segment

ADOT Project Manager:

*Jack Shambaugh, Senior Project Manager*

TRANSPORTATION PLANNING DIVISION

October 11, 2002

**BRW**



# SR 74 Access Management Study

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**Corridor Field Review  
October 11, 2002**

## **AGENDA**

### **Meeting Overview**

- Study History
- Current Work Activities
- Meeting Objectives

### **ADOT Vision**

### **Traffic Forecasts/Capacity Needs Overview**

- Capacity Threshold Values
- Facility Classification Implications

### **Recommended Ultimate Facility Concept**

- Key Map/Ultimate Facility Classification Plan

### **Key Design Concept Illustrations (Central Segment)**

- Ultimate Access Location
- Recommended Typical Cross-Sections

### **Intersection/Interchange Design Treatments**

- Typical Rural Highway Intersection Design Treatment
- Typical Interchange Right-of-Way Treatment
- Typical Arterial Street Profile/Overpass Treatment  
at SR 74 Western and Central Segments

### **Ultimate Facility Concept Plan Sheets**



## **SR 74 Access Management Study**

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- **Study History**
  - Stakeholder Consensus on Corridor Protection/Facility Designation.
  - Peoria Continuing Support for Facility Designation and Access Location.
  - Phoenix/State Lands Issues Resolved Related to Eastern Segment.
  - MCDOT/ADOT Partnership to Develop Access Management Plan.
  - Planned Coordination with Surprise/Fall, 2002.
- **Current Work Activities**
  - Coordination with Estrella Freeway DCR.
  - Update of Previous Model Forecasts for SR 74.
  - Production of Draft Working Papers No. 4 and 5.
- **Meeting Objectives**
  - Conduct Field Review of Physical Features Influencing Implementation of Future Improvements.
  - Focus on Central Segment.
  - Determine Consensus on Location of Additional RW (108 Feet).



# SR 74 Access Management Study

## B. Traffic Forecasts SR 74 Long-Range Projections (Estrella Freeway DCR Model Runs - August 2002)

Study	Study Date	Forecast Year <sup>1)</sup>	Segment	Modelled Number of Lanes and Facility Type	Maximum Forecast Volume (vpd)	Recommended Ultimate Facility Classification <sup>2)</sup>
ADOT Estrella Freeway DCR Without 303 Alignment (Alt. N - No Build)	2002	2040	East	6 (Arterial)	75,000	
			Central	6 (Expressway)	98,400	
			West	4 (Expressway)	65,800	
ADOT Estrella Freeway DCR With 303 Alignment on SR 74 (Alt. 1)	2002	2040	East	8 (Freeway)	262,000	
			Central	6 (Expressway)	94,000	
			West	4 (Expressway)	68,000	
ADOT Estrella Freeway DCR With 303 Alignment On Local Mountain (Alt. 2)	2002	2040	East	6 (Arterial)	66,000	
			Central	6 (Expressway)	102,000	
			West	4 (Expressway)	65,000	
<b>Highest Daily Volume Forecasted by Segment</b>						
			East	8 (Freeway)	262,000	10 Lane Urban Freeway
			Central	6 (Expressway)	102,000	6 Lane Freeway
			West	4 (Expressway)	68,000	6 Lane Freeway

Source: Compiled by BRW, Inc., August 2000. Based on model information provided by MAG (model runs dated 8-9-02).

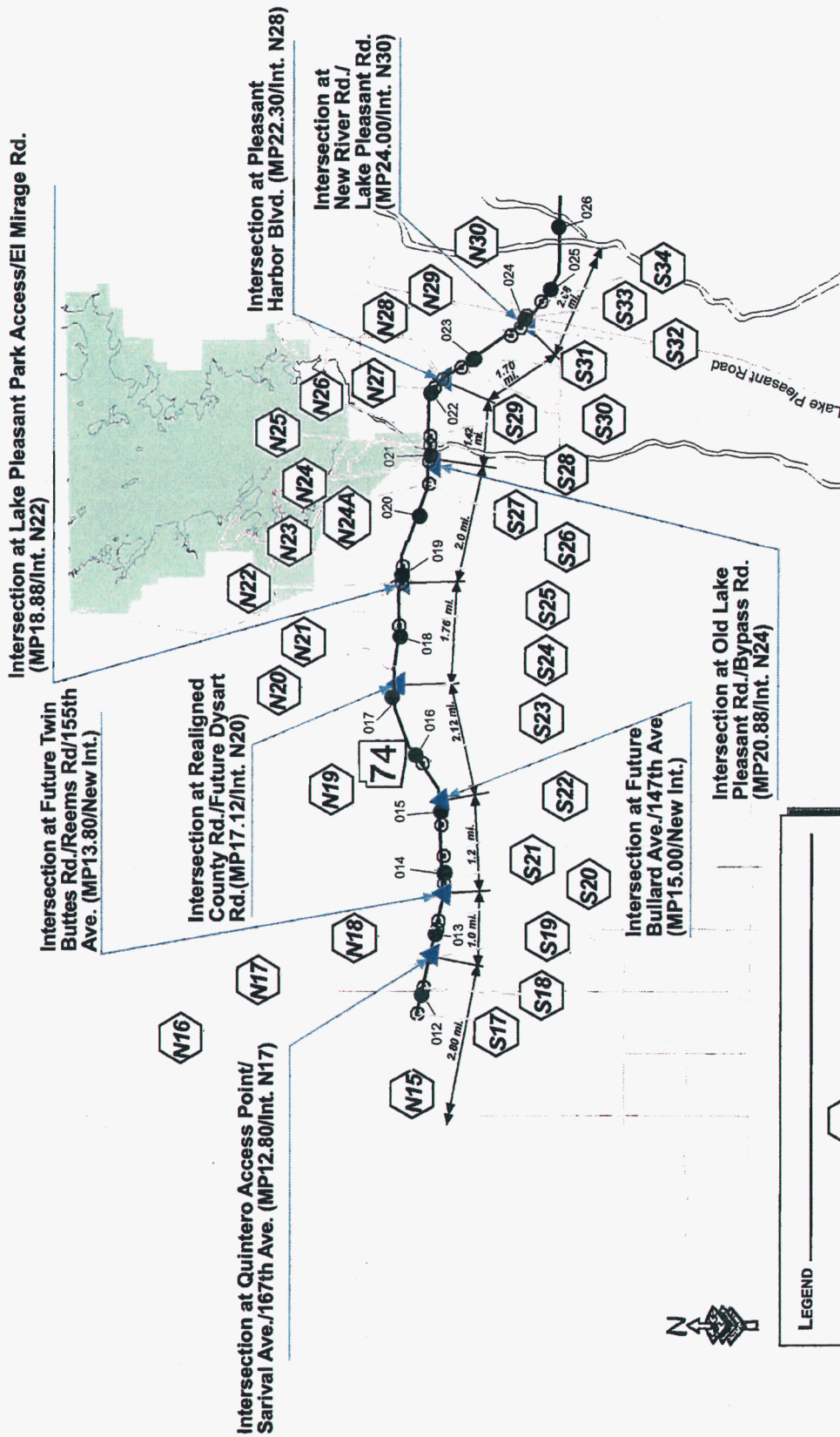
- Notes:
- Selected Forecast Year for reference only. Long-range planning horizon used to establish facility needs, based on level of growth by local jurisdictions. Actual year may vary.
  - East = I-17 to Lake Pleasant Road, milepost 24 - 31  
Central = Lake Pleasant Road to City of Peoria Limits, milepost 12 - 24  
West = City of Peoria Limits to US 60, milepost 0 - 12

- Roadway classification coding influences traffic volume projections based on provision of varying capacity levels.
- Indicates the highest forecast volume within each segment for associated model forecast year.
- Recommended ultimate facility classification selection based on daily capacity threshold values and long range system planning vision.



# SR 74 Access Management Study

## Recommended Ultimate Access Location Central Segment

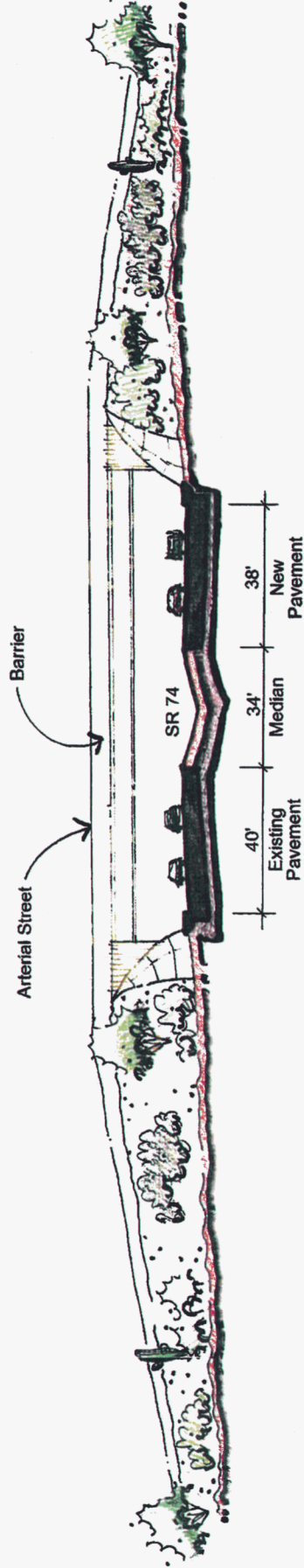






# SR 74 Access Management Study

## Typical Arterial Street Profile/Overpass Treatment at SR 74 (Ultimate) Western, Central and Portions of the Eastern Segment



**24**



# City of Peoria

*City Manager's Office*

8401 West Monroe Street, Peoria, Arizona 85345

Phone: 623-773-7300 Fax: 623-773-7309

September 5, 2008

Via E-Mail and Regular Mail

Director (210)

Attention: Brenda Hudgens-Williams

P.O. Box 66538

Washington, D.C. 20035

Brenda\_Hudgens-Williams@blm.gov

Re: Protest to the Agua Fria National Monument and Bradshaw-Harquahala Proposed Resource Management Plan and Final Environmental Impact Statement, June 2008 (the "RMP")

Dear Director:

Pursuant to 43 CFR § 1610.5-2, the City of Peoria, Arizona ("Peoria") submits this protest to the above-referenced RMP. Following the format prescribed by regulations, Peoria provides the following information:

- (i) Name: Carl Swenson, City Manager  
City of Peoria, Arizona
- Address: 8401 West Monroe Street  
Peoria, Arizona 85345
- Telephone: (623) 773-7300
- Interest: As the City Manager for Peoria, Mr. Swenson is responsible for overseeing the day-to-day administrative operations of the municipal government. As described in the RMP,<sup>1</sup> Peoria was a participant in the RMP planning process because BLM sought Peoria's input during the development of the RMP. Peoria's interests may be adversely affected by the RMP because a portion of the land governed by the RMP is within the Peoria city limits. In addition, because the RMP establishes only a transportation corridor rather than a utility or multi-use corridor along State Route 74, Peoria's land use plans calling for the preservation of open space, including roadless areas in northern Peoria, will be threatened or violated by the expansion of utility infrastructure in the vicinity of the BLM land unless that expansion occurs along State Route 74.

<sup>1</sup> Agua Fria National Monument and Bradshaw-Harquahala Proposed Resource Management Plan and Final Environmental Impact Statement, June 2008, volume 1, page 35 [hereinafter, "RMP"].

- (ii) Issue(s) Being Protested:  
Peoria disagrees with the RMP's failure to establish a utility or multi-use corridor within Peoria on the BLM land adjacent to State Route 74.
- (iii) Statement of the Part(s) of the Plan Being Protested:  
The RMP designates a transportation corridor along State Road 74 through Peoria.<sup>2</sup> Peoria believes that this transportation corridor should be designated instead as a multi-use corridor to accommodate future electric transmission lines that are 115 kV or greater. BLM's statement<sup>3</sup> that it did not know of any planned utility needs in the area is incorrect.

The following specific parts of the Plan are protested:

- Map: 2-79
- Chapters: 2, 3, and 4
- Sections: 2.6.2.1, 2.6.2.2, 2.7.1.2, 2.7.3.2, 3.3.4, and 4.7.2
- Pages: 195-196, 206-208, 239-240, 276, 410-411, and 462-463

- (iv) Documents and Discussions in the Record:

a. Documents:

1. Letter dated November 28, 2005 from Karilee S. Ramaley, Senior Attorney, Pinnacle West Law Department to Julia Souder, U.S. Department of Energy – APS submitted written comments through the planning process, which BLM co-leads, for utility and multi-use corridor designation in the western states known as the "West-Wide Energy Corridor PEIS" ("PEIS"). APS also provided oral comments at a public scoping meeting on November 3, 2005 in Phoenix, Arizona. In the letter, APS indicated that it "hopes to continue to be a partner with the Departments of Energy, Interior, and Agriculture as they complete the preparation of the PEIS."<sup>4</sup> APS also stated that it "has worked successfully with various federal agencies in the past to develop utility corridors that have been incorporated into the agencies' Resource Management Plans."<sup>5</sup> APS "strongly urge[d] the Department to designate specific energy corridors through the PEIS process" and suggested that "wherever possible, such corridors should follow existing linear features

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<sup>2</sup> RMP, Map 2-79.

<sup>3</sup> RMP, volume 1, page 196.

<sup>4</sup> Letter dated November 28, 2005 from Karilee S. Ramaley, Senior Attorney, Pinnacle West Law Department to Julia Souder, U.S. Department of Energy ("November 28, 2005 letter"), page 1, attached to this protest as Attachment 1.

<sup>5</sup> November 28, 2005 letter, pages 1-2.

(e.g. highways, U.S. Forest Service roads, and existing utility lines).<sup>6</sup> Among many other comments contained in the letter, APS noted that “[i]t is essential that the Departments work with other affected jurisdictions (states, local communities, and tribes) to enhance coordination and timely permitting of transmission lines.<sup>7</sup> Prior to the time that APS wrote this comment letter, it added to its 10-year plan a new 500 kV transmission line to connect TS-5 in the City of Buckeye to TS-9 in Peoria. In its letter to BLM, APS attached a map that appears to depict the line, along with many other requested corridors and planned lines in the Phoenix and Peoria metropolitan areas.

2. Letter dated July 10, 2006 from Karilee S. Ramaley, Senior Attorney, Pinnacle West Law Department to Julia Souder, U.S. Department of Energy – After the Departments of Energy, Interior, and Agriculture produced “Preliminary Draft Maps of Potential Energy Corridors” in early June of 2006, APS responded as a follow up to its first letter, public comments, and additional information that it had provided to the Departments. APS reiterated that it serves one of the fastest-growing areas of the country.<sup>8</sup> APS also reemphasized that it has worked with BLM in the past on electric transmission line siting and that it often has sited such lines along highways.<sup>9</sup>
3. Letter dated February 13, 2008 from APS Project Managers Gregory Bernosky, Paul Herndon, and Mike DeWitt to Argonne National Laboratory re West-Wide Energy Corridor PEIS – This is the third comment letter subsequent to the November 28, 2005 and July 10, 2006 letters concerning the PEIS.<sup>10</sup> Note that by this time APS had been involved in a public process since 2007 to locate a route for one 500 kV transmission line and one 230 kV transmission line, during which APS identified to the public a route along State Route 74 through BLM land and Peoria that is very similar to the route proposed in its comments submitted to BLM in 2005 and 2006.
4. Letter dated March 18, 2008 from APS Project Manager Mike DeWitt to Steve Cohn, BLM Field Manager – In this letter APS reminded BLM that APS had identified a transmission line route along State Route 74 and

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<sup>6</sup> November 28, 2005 letter, pages 3.

<sup>7</sup> November 28, 2005 letter, page 3.

<sup>8</sup> Letter dated July 10, 2006 from Karilee S. Ramaley, Senior Attorney, Pinnacle West Law Department to Julia Souder, U.S. Department of Energy (“July 10, 2006 letter”), page 1, attached to this protest as Attachment 2.

<sup>9</sup> July 10, 2006 letter, page 4.

<sup>10</sup> Attached to this protest as Attachment 3.

confirmed that a meeting had been set between APS and BLM on March 21, 2008.<sup>11</sup>

5. Letter dated June 18, 2008 from BLM Field Manager Steve Cohn to Jennifer Frownfelter, URS Corporation – After noting the history of the RMP and PEIS public comment processes, and despite APS's submission of the letters described above, BLM stated to APS that “[a]t no time in either of these two processes has the need for a utility corridor been identified along SR 74.”<sup>12</sup> BLM indicated that such a corridor would require an amendment to the RMP, but BLM was silent on whether it would be reviewing its draft RMP to consider amending it to establish a utility or multi-use corridor.<sup>13</sup>

Copies of the foregoing letters are enclosed as Attachments 1-5.

b. Discussions:

1. As noted earlier, Peoria was a participant in the RMP planning process because BLM sought Peoria's input during the development of the RMP.<sup>14</sup> At the time that such input was sought, Peoria was not aware that APS was planning to construct one 500kV transmission line and one 230kV transmission line through Peoria to connect substations known as “TS-5” and “TS-9.” Therefore, Peoria did not submit comments to BLM at the time specifically concerning the inclusion in the RMP of a utility or multi-use corridor.
2. On March 21, 2008, representatives of APS and BLM met to discuss, in part, the impacts of siting the new transmission lines along State Route 74.
3. When Peoria became aware that APS planned to construct the two lines through Peoria but had not secured from BLM the inclusion in the RMP of a utility or multi-use corridor, then Peoria requested and was granted a meeting with BLM staff to discuss the issue on July 3, 2008. Again, despite APS's letters to the contrary, BLM informed Peoria that APS had not notified BLM of its need for a utility corridor adjacent to State Route

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<sup>11</sup> Attached to this protest as Attachment 4.

<sup>12</sup> Letter dated June 18, 2008 from BLM Field Manager Steve Cohn to Jennifer Frownfelter, URS Corporation (June 18, 2008 letter), page 1, attached to this protest as Attachment 5.

<sup>13</sup> The June 18, 2008 letter makes reference to two other prior letters from Jessica Frownfelter on behalf of APS to BLM – letters dated May 14, 2008 and June 6, 2008. Peoria has not seen copies of these letters, so they are not included as attachments to this protest.

<sup>14</sup> RMP, volume 1, section 1.4.4, page 35 and Appendix B, page 943.

74. BLM also informed Peoria that it was finalizing the proposed RMP and would not consider amending the proposed RMP to add such a corridor.

c. Concise Statement Explaining Why the State Director's Decision is Believed to be Wrong:

- The RMP violates the Energy Policy Act of 2005 ("Act") because BLM failed to plan for electric utility expansion in Peoria and the region, an area where such expansion reasonably could be anticipated. Pursuant to the Act, certain federal agencies, including the Department of Interior, are required to facilitate the development and extension of energy projects across federal lands.<sup>15</sup> Such agencies also are required to consider the need for upgraded and new transmission facilities to improve the overall soundness of the national electricity grid through improved reliability, less congestion, and enhanced capability.<sup>16</sup> In the RMP BLM failed to (i) evaluate the alternative of designating a utility or multi-use corridor adjacent to State Route 74; (ii) consider the written comments submitted by APS addressing the need for upgraded or expanded electricity transmission facilities within the planning area and (iii) consider specific additional information provided to it by APS concerning APS's proposal to consider constructing transmission lines adjacent to State Route 74 in or near Peoria. These failures are in direct contradiction to the mandate of the Act.
- Because BLM failed to consider the viable alternative of designating a multi-use corridor along State Route 74, the environmental impact statement ("EIS") in the RMP is inadequate and noncompliant with the National Environmental Policy Act ("NEPA") requirement to evaluate alternatives in the EIS.<sup>17</sup> BLM's lack of adequate explanation for not considering the alternative is also insufficient.

For all of the foregoing reasons, Peoria respectfully requests that BLM evaluate the alternative multi-use designation for the corridor along State Route 74 and re-designate the corridor accordingly.

<sup>15</sup> Energy Policy Act of 2005, § 368(c).

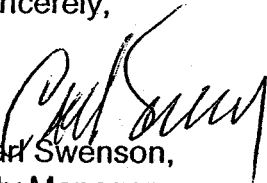
<sup>16</sup> Energy Policy Act of 2005, § 368(d). In response to the Act, BLM, along with several other agencies, drafted the PEIS mentioned above to identify locations for possible energy corridors on federal lands. See "The West-Wide Energy Corridor Draft Programmatic Environmental Impact Statement," available at <http://corridoreis.anl.gov/eis/guide/index.cfm>. Despite APS's submitted comments and plans, none of the corridors are along State Road 74.

<sup>17</sup> 42 U.S.C. § 4332(C)(iii); see also Muckleshoot Indian Tribe v. United States Forest Serv., 177 F.3d 800, 814 (9th Cir.1999).

Director (210) Attention: Brenda Hudgens-Williams  
City of Peoria Protest  
September 5, 2008  
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Thank you for your consideration of this matter. If you have any questions concerning this letter or would like to discuss the issues presented herein further, please contact our Assistant City Engineer, Maher Hazine at (623) 773-7502 to facilitate our communications.

Sincerely,



Carl Swenson,  
City Manager

cc: Steve Burg, Chief Assistant City Attorney  
Dan Nissen, Acting Engineering Director  
Maher Hazine, Assistant City Engineer



Attachments to City of Peoria's Protest Letter to BLM

*[Omitted from this Exhibit P-1 because each letter already has been admitted into evidence by another party, as noted below]*

1. Letter dated November 28, 2005 from Karilee S. Ramaley, Senior Attorney, Pinnacle West Law Department to Julia Souder, U.S. Department of Energy  
*Vistancia, LLC Exhibit V-1*
2. Letter dated July 10, 2006 from Karilee S. Ramaley, Senior Attorney, Pinnacle West Law Department to Julia Souder, U.S. Department of Energy  
*Vistancia, LLC Exhibit V-2*
3. Letter dated February 13, 2008 from APS Project Managers Gregory Bernosky, Paul Herndon, and Mike DeWitt to Argonne National Laboratory re West-Wide Energy Corridor PEIS  
*Vistancia, LLC Exhibit V-3*
4. Letter dated March 18, 2008 from APS Project Manager Mike DeWitt to Steve Cohn, BLM Field Manager  
*APS Application, Exhibit B-2, "Agency Correspondence"*
5. Letter dated June 18, 2008 from BLM Field Manager Steve Cohn to Jennifer Frownfelter, URS Corporation  
*APS Exhibit A-8*