

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**

Z03-05: Approved by City Council December 13, 2005
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Planned Area Development Approval

P/Z Commission Date: N/A

City Council Approval Date: N/A

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Administrative Approval Date: 3-27-19

**LAKE PLEASANT HEIGHTS
Planned Community District**

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 Water and Wastewater Master Plan Amendment Under Separate Cover
 Drainage Master Plan Under Separate Cover
 Cultural Resources Summary Under Separate Cover

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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 123rd and 131st Avenue alignments on the west and the 115th Avenue alignment on the east as shown on Figure 1, Regional Context Map. The total land area is approximately 3,268 acres or 5.1 square miles.

The Lake Pleasant Heights property is currently zoned PCD, Z03-05A1 Lake Pleasant Heights, and is entitled with an overall density of approximately 2 dwelling units per acre. The PCD created appropriate land use intensity for services necessary to support the planned community population as well as supporting regional travel routes. The land use document guiding the future development of the Lake Pleasant Heights property is the Lake Pleasant Heights Specific Area Plan, GPA 01-04, adopted May 7, 2002, Resolution No. 02-92, amended under General Plan Amendment, GPA01-04A.1, Resolution No. 05-215A, Adopted December 13, 2005, and amended again under General Plan Amendment GPA12-0003, on December 4, 2012, Resolution No. 2012-138, and Adopted on December 4, 2012. The land use map within the Lake Pleasant Heights Specific Area Plan is the General Plan land use recommendation for the property.

An amendment to the Lake Pleasant Heights PCD is needed due to a variety of different circumstances including changes in the economy and housing market, property ownership, regional transportation needs and more current considerations for developing better planned communities with sustainable principles. Lake Pleasant Heights is compatible with the other master planned communities in the area, which are:

- Vistancia – Approximately 1.5 dwelling units per acre (7,100 acres); and
- Saddleback Heights – Approximately 1.56 dwelling units per acre (5,300 acres).

The Lake Pleasant Heights project is designed to offer a broad range of housing types, as well as retail and commercial services. The projected population of approximately 18,371 residents will be served by two planned elementary schools, three neighborhood parks, the Big Springs passive desert environmental park, one fire station, and a natural open space network with trails.

The primary ingress and egress to the Lake Pleasant Heights property will be via El Mirage Road from the south and from a connection to State Route 303, via the Westland Road connection to the east connection State Route 303 will be made in Phase 3. El Mirage Road is planned to connect north to Highway 74 in a later phase of the Lake Pleasant Heights development. In addition to the regional connection to the east, Westland Road is planned to provide a connection to the Vistancia Planned Community to the west.

1 PROJECT INTRODUCTION AND OVERVIEW

1.1 Property Description and Location

Lake Pleasant Heights is a 3,268-acre property, located in northwest Peoria, designed as a master planned community. The property is legally defined in Section 1.4. below. The project is comprised of both State Trust and private land consisting of 1,396 and 1,872 acres, respectively. The property generally lies between the Joy Ranch Road alignment on the north, the Lone Mountain Road alignment on the south, the 123rd and 131st Avenue alignments on the west and the 115th Avenue alignment on the east. The Lake Pleasant Heights Planned Community is situated at the southeastern terminus of the Hieroglyphic Mountain Range, a range that lies immediately southwest of Lake Pleasant. Figure 1, Regional Context Map, demonstrates the location of the Lake Pleasant Heights site along with adjacent planned developments and landmarks.

The Lake Pleasant Heights property history has evolved through the completion of a Bureau of Land Management (BLM) land exchange, annexation of the property into the City of Peoria in 1994, the adoption of a Pre-Annexation and Development Agreement that same year and the adoption of a Specific Plan. In 2003, Group Three / Noranda Properties initiated a Specific Plan Amendment and Application for Planned Community District Zoning with the cooperation and authorization from the State Land Commissioner for inclusion of some adjacent State Trust Lands. While the application for Planned Community District was in process, a portion of the land under Application transitioned to new ownership (Pleasant Views, LLC). The Applications for the Specific Area Plan, Planned Community District Zoning and a corresponding Development Agreement (November 1, 2005).

IOTA Purple, LLC is a special purpose corporate entity, which acquired its portion of land holdings within LPH in 2010. In 2012, a Specific Area Plan was prepared under a joint Application by Iota Purple, Group Three Properties, Noranda Properties and the State Land Department. The Specific Area Plan was adopted by the Peoria City Council in December of 2012. This Planned Community District was prepared under the same joint Application arrangement as necessary to refine the zoning to be consistent with the adopted Specific Area Plan. The PCD was further amended in 2016 under the same joint application arrangement as the previously adopted SAP.

In early 2017, a portion of the property was purchased by Lake Pleasant (Phoenix) ASLI VIII, LLC. This acquisition has resulted in the need for a minor PCD Amendment, for two primary reasons: 1) to further refine roadway alignments and land use parcels within Development Unit A and F in response to more detailed engineering analysis of existing site conditions; and 2) to relocate the proposed school site and neighborhood park south of Westland Road, shifting the school away from the major arterial road and locating them more central to the residential development within Development Unit A.

Lake Pleasant Heights is a significant part of an ongoing effort to comprehensively plan for the future of the northwest region in the City of Peoria. This comprehensive approach to planning for future development is significantly superior to smaller, fragmented patterns of growth. As such, there have been extensive coordinating efforts with the City and adjacent landowners (Vistancia and Saddleback Heights) to make sure that regional and local development issues are addressed. The construction of the Loop 303 freeway helps to provide access and employment opportunities for residents in this area. Comprehensive Citywide plans for desert lands conservation, hillside development ordinances and regional plans for trails and open space have been incorporated into the future of Lake Pleasant Heights.

1.2 Statement of Purpose and Necessity for the Planned Community District

The purpose for creating the Lake Pleasant Heights Planned Community District is to govern the development of the Lake Pleasant Heights property. The Lake Pleasant Heights Planned PCDs are Community District (PCD) will establish policies and regulatory standards for the property related to land use, density, intensity, public infrastructure, public facilities, and desert preservation.

PCD's are designed to accommodate large developments through comprehensive planning that is consistent with the Peoria General Plan (in this case, the approved Lake Pleasant Heights Specific Area Plan). PCDs allow development standards to be tailored to the specific opportunities and constraints of a site that may not be possible utilizing conventional zoning districts. The customization of standards is of particular importance to Lake Pleasant Heights, given its terrain, washes, and other Sonoran Desert features.

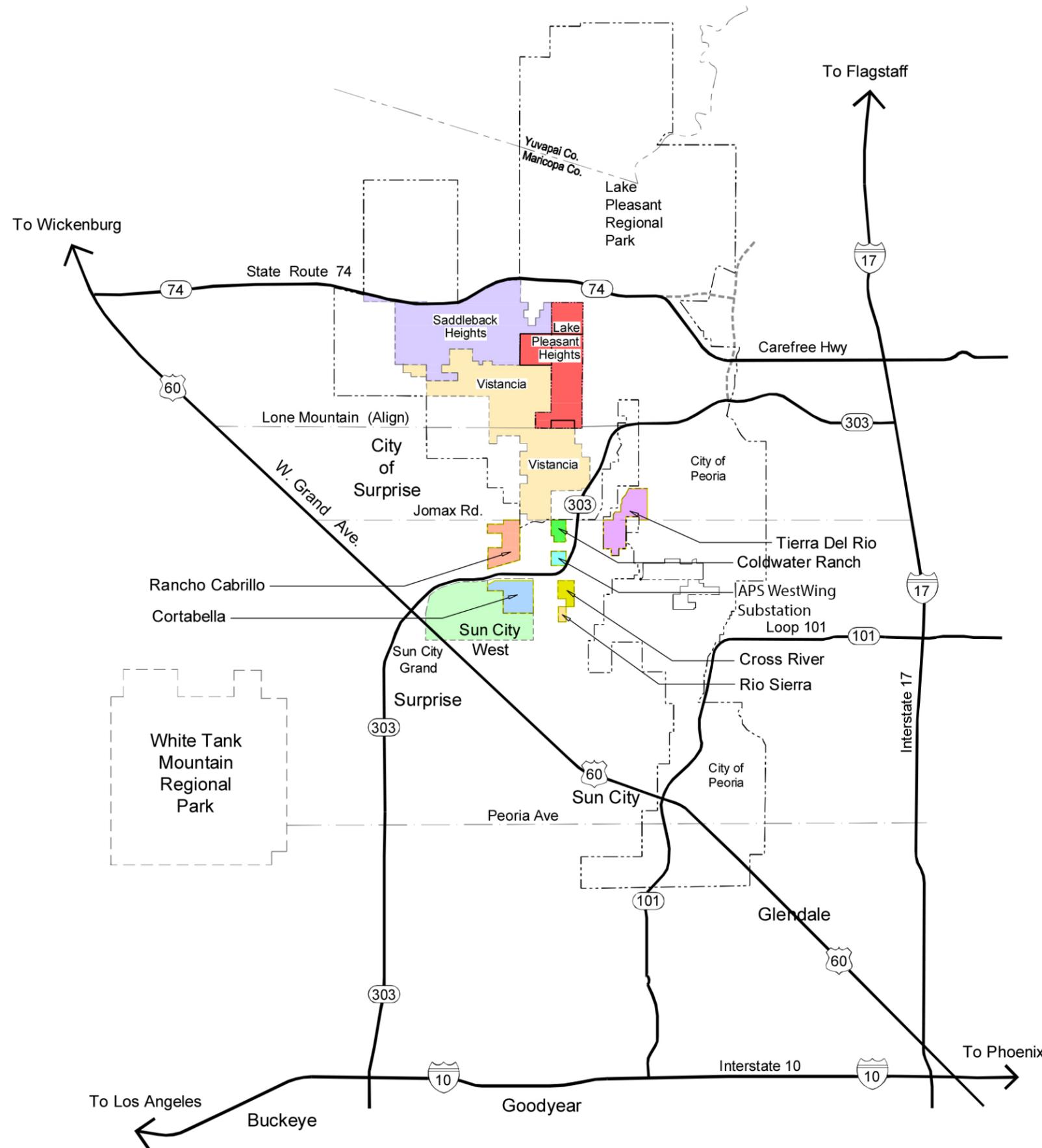
The Lake Pleasant Heights property is located in an area that provides an opportunity to create a master planned community that emphasizes the integration of the developed environment with the natural desert environment. The community will be designed around a network of natural open spaces that will include both active and passive recreation for local residents. Linkages are planned to Vistancia and Saddleback Heights. The proximity of the community to Lake Pleasant offers additional nearby recreational opportunities.

The Lake Pleasant Heights PCD will establish policies related to:

- Land use types;
- Transportation network alignments;
- Planned community public facilities;
- Land use intensity and density ranges;
- Open space linkage concepts;
- Hillside development; and
- Residential development concepts for custom, semi-custom and production home building.

Figure 1: Regional Context Map

Figure 1
Regional Context Map



Lake Pleasant Heights Planned Community District

PEORIA, ARIZONA



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The Lake Pleasant Heights PCD will establish regulatory standards related to:

- Base zoning districts and development standards;
- Infrastructure design standards; and
- Grading and retention standards.

In accordance with the PCD approval, Lake Pleasant Heights meets the requirements as defined in Section 21-610 of the Peoria Zoning Ordinance. Below is a brief discussion summarizing those findings. All of the findings are discussed in more detail in Section 4 of this report.

1. The development proposed is in conformance with the General Plan.

The Lake Pleasant Heights PCD is based on the Lake Pleasant Heights Specific Area Plan, which was amended and approved in December 2012. The proposed density of the PCD and the distribution and mix of land uses are consistent with provisions of the Specific Area Plan. The PCD provides additional refinement of the land uses and specific densities, as well as establishes a more precise development program through its policies and regulations. Mixed use pedestrian friendly nodes are included promoting sustainable development that elevate community identity and convenience, reduce vehicular trips, minimize infrastructure needs, improve air quality and provide a diversity of uses.

2. The streets and thoroughfares proposed are in conformance with the General Plan Circulation Map and will be adequate to serve the proposed uses.

The PCD is consistent with the amended transportation network outlined in the Specific Area Plan. The alignments shown in the PCD Plan have been modified with the acknowledgment and cooperation of the Saddleback Heights land ownership, the State Land Department and with consideration for the Vistancia Planned Community District Plan. The network alignments also have been planned to accommodate the hillside terrain and anticipate the requirement to meet City standards for horizontal and vertical geometry.

3. In the case of proposed residential development, the development will promote compatible buildings and uses, and it will be compatible with the character of the surrounding area.

The Lake Pleasant Heights PCD promotes development that is compatible with the character of the surrounding area. Specific densities and intensities have been situated to be compatible with the natural environment. Further, based on slope category, a percentage of natural open space will be preserved within the hillside areas and each development parcel will be analyzed to determine areas to be preserved.

4. 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.

Public facilities are incorporated into the Lake Pleasant Heights plan. Three neighborhood parks/recreation areas are anticipated - one in the south/central area of the site, one in the central area and one in the northwest area within State Trust land Section 2 T5N, R1W. The Big Spring area is proposed as a passive desert environmental park with consideration for biological resources including habitat and wildlife migration. The Applicants have worked with the Peoria Parks department to determine size and location of these facilities.

Elementary schools are planned within the southern portion and northern portion of the project. These schools are anticipated to serve the majority of students within Lake Pleasant Heights, with additional school capacity to accommodate the estimated population growth. The school site in Phase 1 is located in the land owned by Lake Pleasant (Phoenix) ASLI VIII, LLC. In December 2014, a Developer Assistance Agreement was executed with the Peoria Unified School District to provide land to PUSD for the construction of a school site in Phase 1 by PUSD. This school site will serve a majority of the student population in LPH until such time that the second school site in State Land (Development Unit Area E) is needed. At that time, the Arizona State Land Trust or the future owner of the second school site land will enter into another Developer Assistance Agreement with the PUSD to provide land for construction of the second school site.

A fire station is planned central to the community. Water, wastewater, and street systems will all be designed to meet the needs of the development, as established through the appropriate studies. All of these facilities are described in greater detail in Section 4 of this report.

- 5. 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.**

The scale and location of non-residential services have been planned in direct response to support the projected residential population of the community. In addition to the mixed use nodes, with regard to employment, Lake Pleasant Heights is within a short commuting distance to employment nodes identified within the Peoria General Plan.

- 6. 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).**

The Lake Pleasant Heights Development Agreements have been written to respond to fiscal issues affiliated with the PCD for the Lake Pleasant Heights Planned Community.

1.3 Organization of Report

There are three primary components required for inclusion within a PCD application (Section 21-607: Application Requirements): a Standards Report, a Development Plan, and a Development Schedule. Each of these components contains several sub-components listing information that must be contained within the documents. All required information in each of the three documents is contained within this report. However, it is organized into sections based on the logical development of the PCD, from the existing conditions to its ultimate regulatory standards.

Sections 1 through 3 contain the project introduction and overview, regional context, and site analysis. These sections establish the basis for the Lake Pleasant Heights plan. Section 4 equates most directly to the required Development Plan. This section details the project's conformance to the Lake Pleasant Heights Specific Area Plan, establishes land use density and intensity, describes and illustrates the transportation system, and details the project's utilities and infrastructure. This section also includes the required (per Standards Report) matrix indicating the site data in total and by development unit. Section 5 provides the regulatory standards that correspond to each development unit. This section includes the zoning districts created specifically for the Lake Pleasant Heights' property and modifications to other applicable ordinances necessary to implement the Development Plan. Section 6 outlines development timing and phasing. The report appendices contain other required information, such as ownership verification and hillside and conservation ordinances.

1.4 Legal Description of the Planned Community District Area

The Lake Pleasant Heights Planned Community District boundaries are graphically depicted on Figure 2, Property Boundary/Legal Exhibit, and legally described as follows:

1. Private Lands

All of Section 1, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

All of Section 12, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

The Southeast quarter of Section 14, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Lots 4 through 15, inclusive, the Southeast quarter of the Northwest quarter, and the North half of the Southwest quarter of Section 13, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

2. State Trust Land(s)

All of Section 36, Township 6 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

All of Section 2, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

The South half of the Southwest quarter of Section 13, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

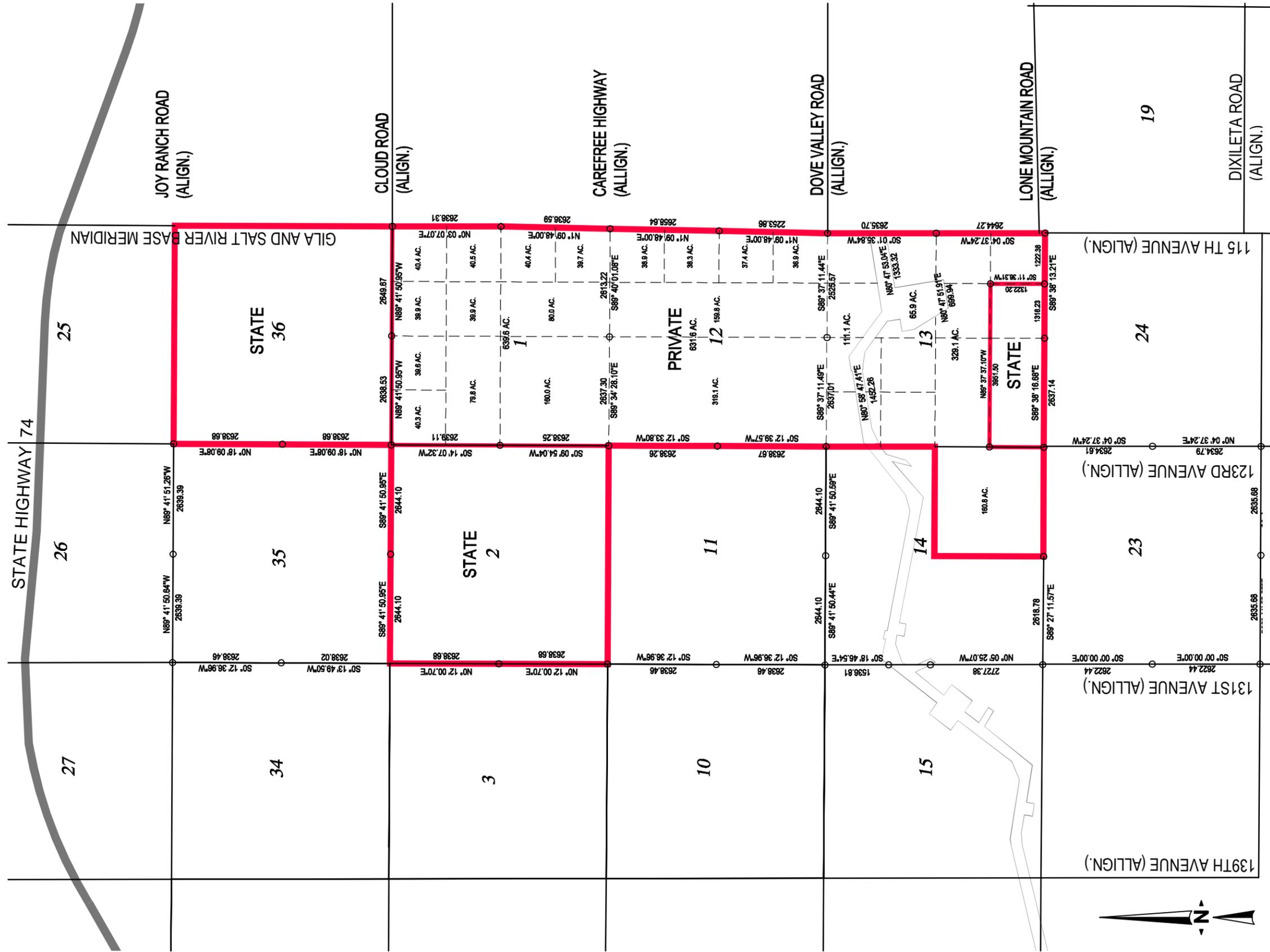
The Southwest quarter of the Southeast quarter of Section 13, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

1.5 Ownership Verification and Authorization

The ownership for the Lake Pleasant Heights property is primarily held by Group Three and Noranda, and Lake Pleasant (Phoenix) ASLI VIII, LLC as shown on Figure 3, Property Ownership, Site and Vicinity. Approximately 1,396 acres of the site are State Trust land(s) managed by the Arizona State Land Department. Proof of ownership for the privately owned land is provided in Appendix A, Property Ownership Verifications.

Figure 2: Property Boundary / Legal Exhibit

Figure 2
Property Boundary/Legal Exhibit



Lake Pleasant Heights
Planned Community District

PEORIA, ARIZONA



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2 REGIONAL CONTEXT

A regional overview is provided below to give context to the Lake Pleasant Heights property in relationship to the closest community facilities and surrounding properties. Many of the existing community facilities are substantially south of the subject property. The Planned Community District proposes additional facilities to serve the future Lake Pleasant Heights resident population.

2.1 Property Ownership - Vicinity

The property ownership for the site and the surrounding area is provided on Figure 3, Property Ownership, Site and Vicinity. In general, the property to the northwest is owned and managed by Diamond Ventures, Inc., the developer of the Saddleback Heights community. To the east is State Trust land(s). To the south is Vistancia owned by Vistancia North, LLC and Vistancia South, LLC.

2.2 Municipal Boundaries

Lake Pleasant Heights lies entirely within the Peoria city limits. Maricopa County jurisdiction is to the south and southwest of the Vistancia property. The City of Surprise is located a few miles southwest of the site. See Figure 4, Municipal Boundaries.

2.3 Relationship with Other Planning Efforts within Proximity to the Site

This Planned Community District is intended to work in unison with future development activities planned to occur as part of the Saddleback Heights and Vistancia Planned Community Districts. See Figure 5, Northwest Planned Communities.

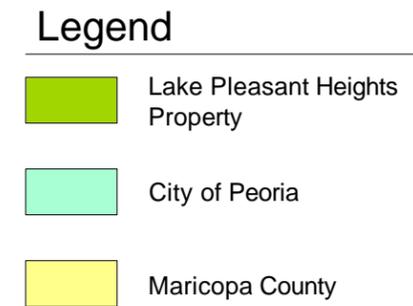
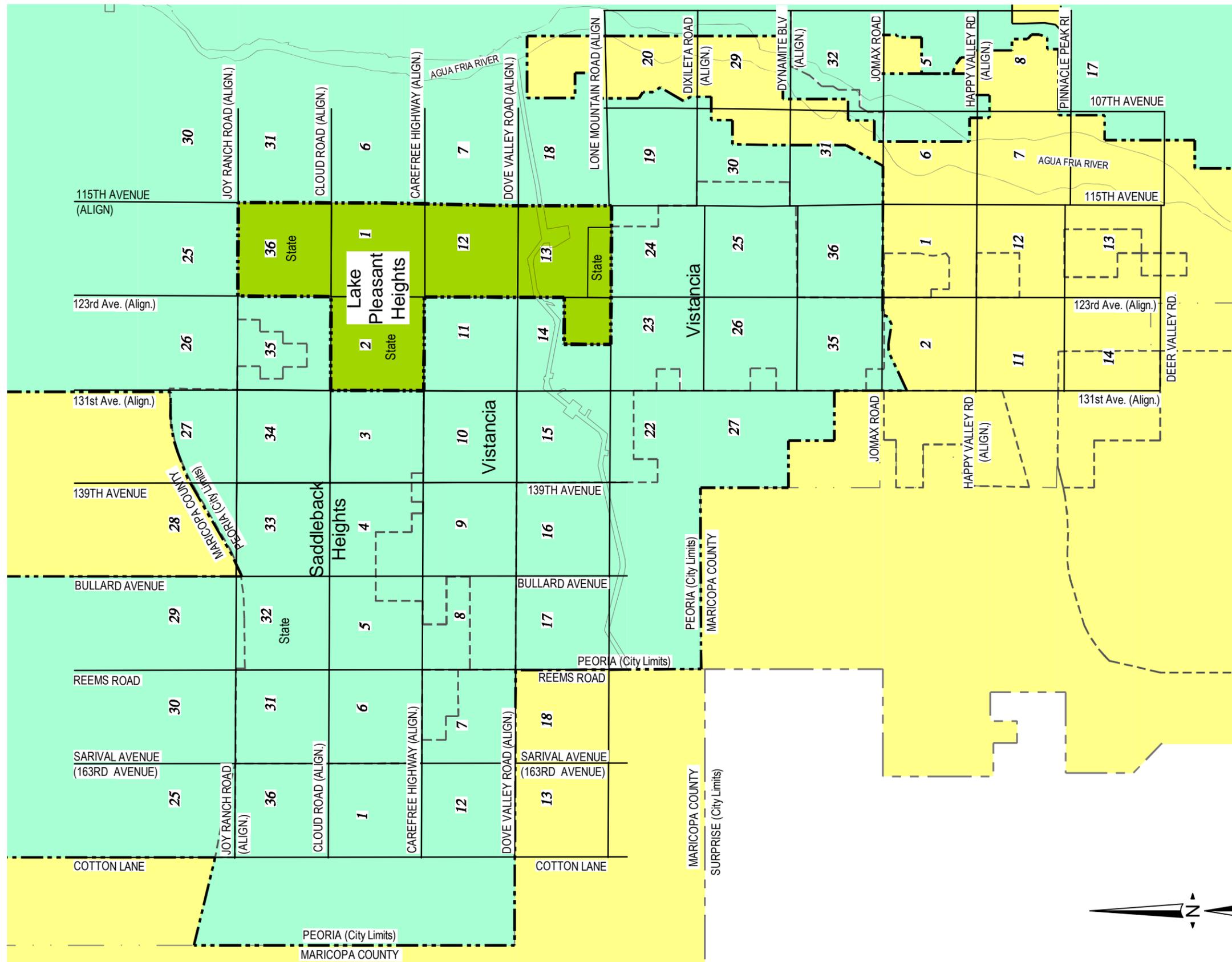
2.4 Recreational Opportunities

The Lake Pleasant Heights site is located close to several regional recreational amenities. The most prominent area amenity is Lake Pleasant, approximately two miles to the northeast. Lake Pleasant provides opportunities for picnicking, boating and other water sports. A regional trail system is being proposed along the Central Arizona Project (CAP) canal, providing opportunities for community residents to walk or bike from Lake Pleasant Heights to other areas along the canal. Although, there are topographic challenges, this trail is anticipated to connect to the Agua Fria River to the east. Some open spaces within Lake Pleasant Heights are planned to link with natural areas in adjacent communities, creating additional non-vehicular recreation and regional connections.

Figure 3: Property Ownership, Site and Vicinity

Figure 4: Municipal Boundaries

Figure 4
Municipal Boundaries



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Planned Community District

PEORIA, ARIZONA

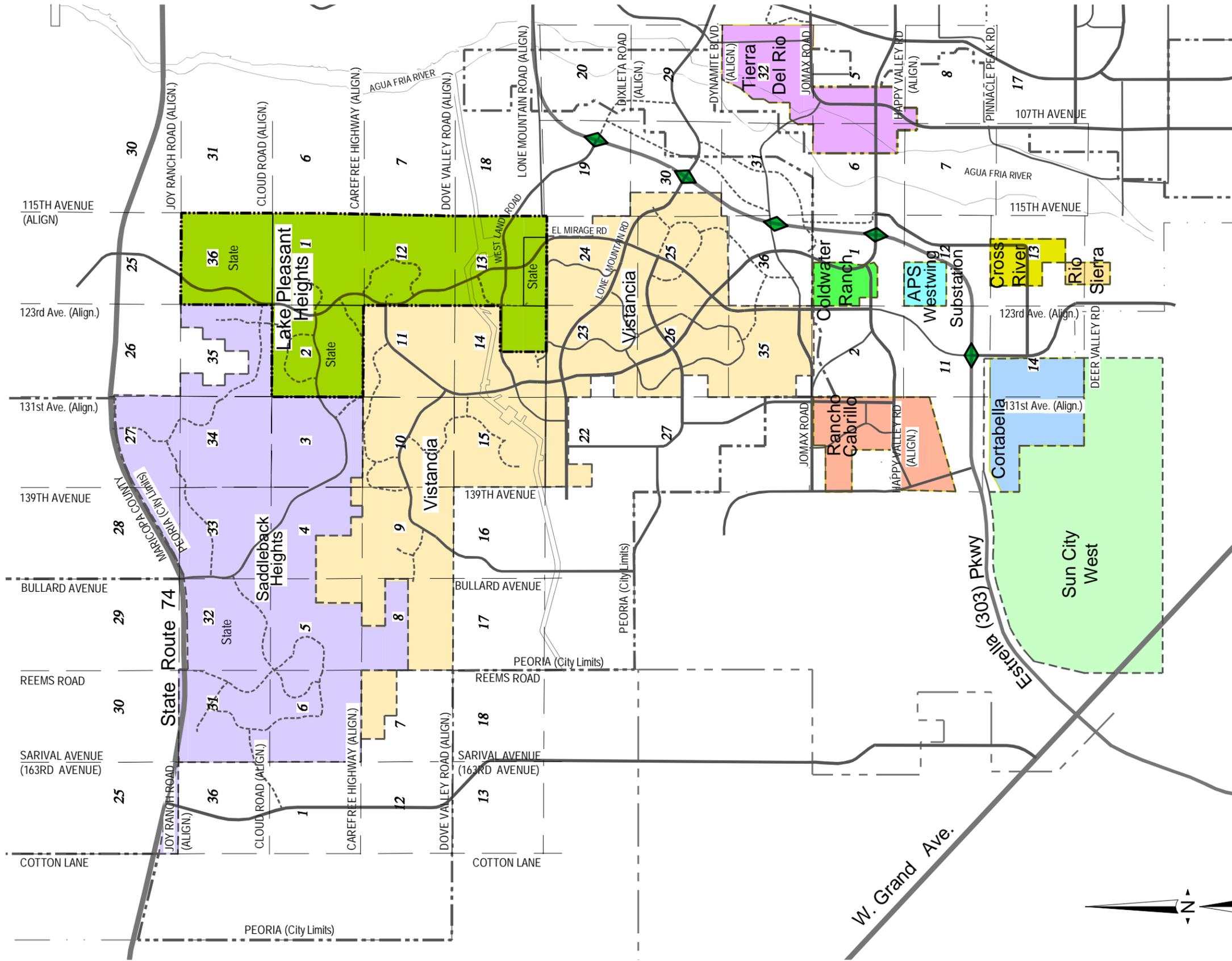


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Figure 5: Northwest Planned Communities

Figure 5

Northwest Planned Communities



Lake Pleasant Heights Planned Community District

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2.5 Transportation Network

Transportation planning within the Northwest Valley has centered on the alignment and construction of Loop 303, which the Northwest segment has recently been completed. The alignment heads north near the intersection of 115th Avenue and Happy Valley Road then continues east along the Lone Mountain alignment to an ultimate connection with Interstate 17.

The primary north/south arterial roadway serving Lake Pleasant Heights is El Mirage Road, which will connect to Highway 74, north of the project, and have an interchange connection with Loop 303, south of the Vistancia project. Westland Road, a planned arterial roadway, traveling west-east through Lake Pleasant Heights, will connect to the Loop 303, with a planned interchange. See Figure 6, Regional Transportation Planning. This routing is analyzed in the Category III Traffic Impact Analysis, a separate report prepared by VA Consulting, Inc.

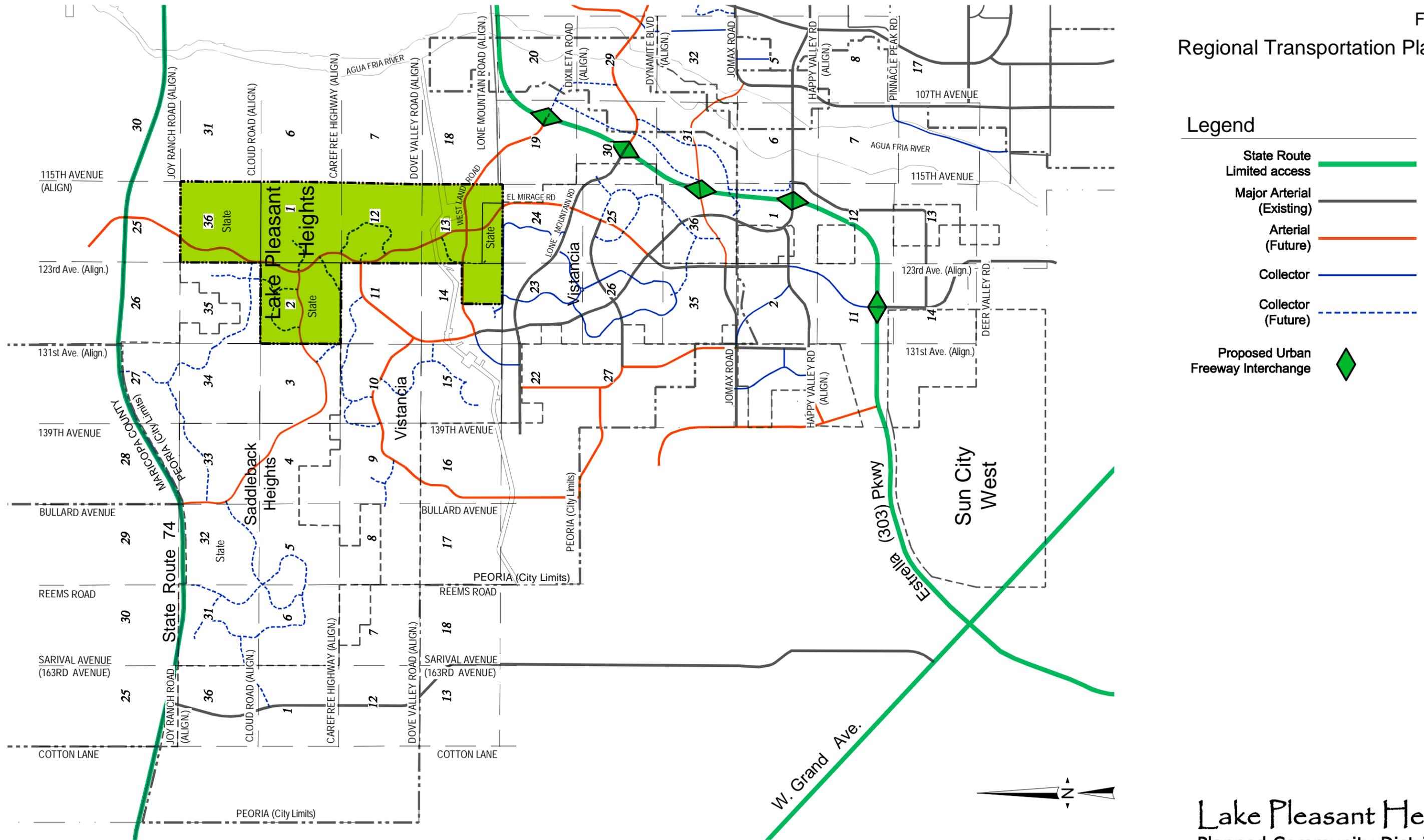
2.6 Local Airports

The Lake Pleasant Heights property is not within a zone of influence from any of the major Phoenix Metropolitan airports. The Pleasant Valley Airport provides propeller aircraft service for the Lake Pleasant region and is located at the intersection of State Route 74, Carefree Highway and Lake Pleasant Parkway. The Peoria General Plan calls for an Aviation Study Area in the northeast area of the City's planning area to determine whether development of a general aviation facility is needed.

Figure 6: Regional Transportation Planning

Figure 6

Regional Transportation Planning



Legend

- State Route Limited access —
- Major Arterial (Existing) —
- Arterial (Future) —
- Collector —
- Collector (Future) - - -
- Proposed Urban Freeway Interchange ◆

Lake Pleasant Heights Planned Community District

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3 SITE ANALYSIS

3.1 Existing Land Use

The Lake Pleasant Heights property and the surrounding area display extensive tracts of vacant desert lands as shown in Figure 14, Master Conservation Plan. Portions of the property have historically been used for cattle grazing and small mining operations. The Central Arizona Project canal bisects the site in an east-west direction. A natural spring, known as "Big Spring", is located in the northern portion of Lake Pleasant Heights.

3.2 Existing Zoning

The Lake Pleasant Heights property is zoned Z03-05A.1 Lake Pleasant Heights PCD. See Figure 7, Existing Zoning.

3.3 Existing Predevelopment Conditions

1. Opportunities and Constraints

The Lake Pleasant Heights project is proposed on a 3,268-acre site south of the Joy Ranch Road alignment, generally between 115th Avenue on the east and 123rd Avenue and 131st Avenue on the west. The Lake Pleasant Heights site offers an opportunity to continue the planned development pattern established by Vistancia, Tierra Del Rio, West Wing and Pleasant Valley to the south and east, and Saddleback Heights to the northwest. The proximity of the site to Lake Pleasant offers recreational opportunities and will contribute to the lifestyle and quality of life for Lake Pleasant Heights' residents.

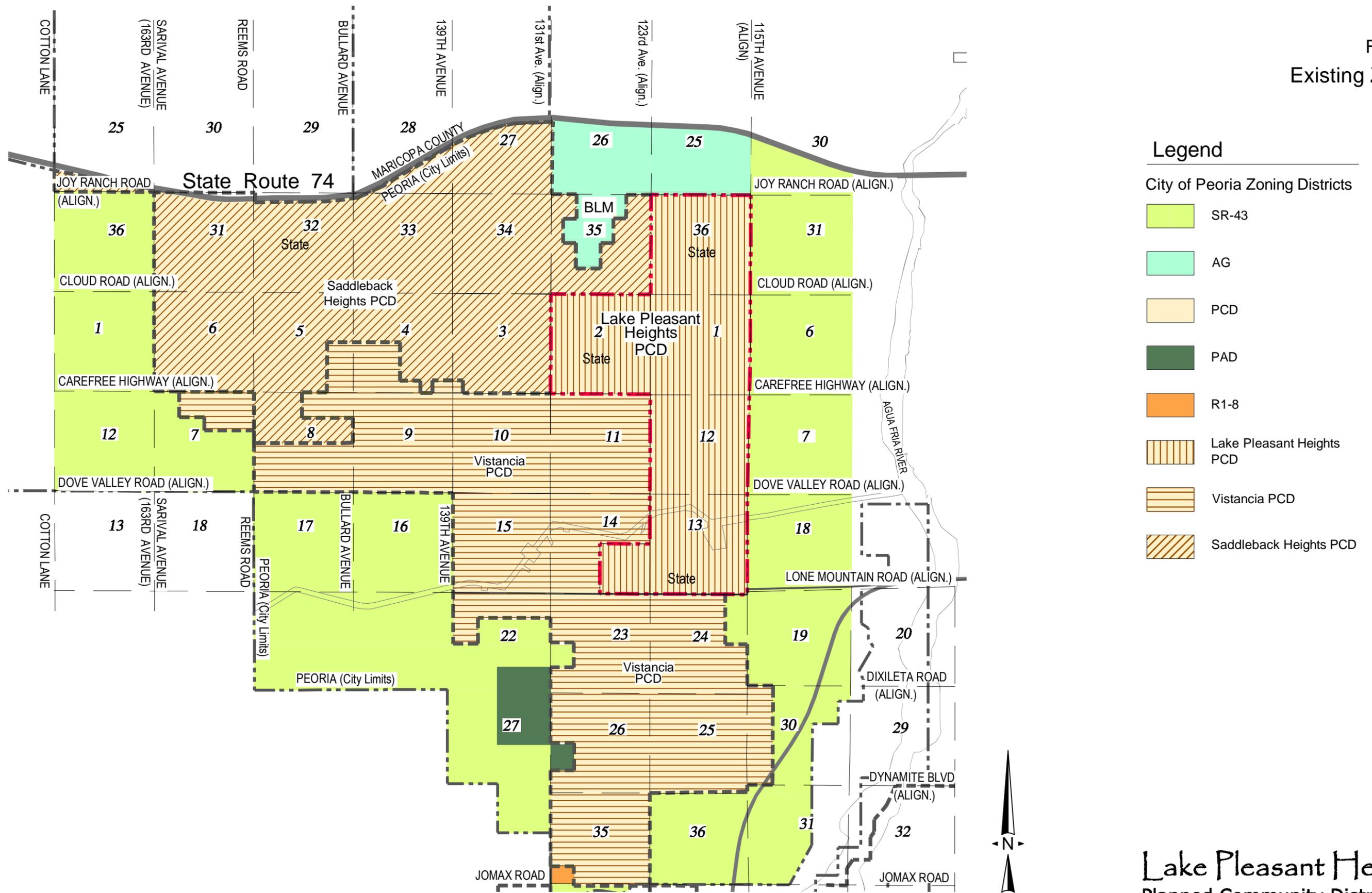
On December 13, 2005, the Peoria City Council adopted the Loop 303 Specific Area Plan (SP04-02). One of the major themes of the plan includes providing employment growth areas within this area which is in close proximity to Lake Pleasant Heights. This presents an opportunity for future residents to live close to work and to other supporting uses in addition to those provided within the community.

The master planning of large tracts of land offers an opportunity to install infrastructure to support a more efficient development pattern. Another opportunity is the rich employment base in the area. There are several planned employment nodes in close proximity to the planned Lake Pleasant Heights community. These include the 303 Freeway corridor, proposed Municipal Lake Pleasant Air Park and the planned business centers proposed with the revised Vistancia Plan located at the northeast corner of El Mirage Road and Vistancia Boulevard. Additionally, current employment centers exist within the Phoenix Deer Valley Village Core, as well as the inevitable placement of new employment centers in the North Black Canyon Corridor. These centers offer office, manufacturing and service sector jobs to future residents. Retail, some service, and government sector job opportunities can be sought within the adjacent communities.

Possibly the most significant constraint to the development of Lake Pleasant Heights will be the physical extension and phasing of the water and wastewater services. To address these issues, the Applicants have proposed a comprehensive plan for the startup, growth and long term provision of these services. These services are discussed further within the Lake Pleasant Heights Development Agreements and the Lake Pleasant Heights Water and Wastewater Master Plans.

Figure 7: Existing Zoning

Figure 7
Existing Zoning



2. Topography and Physical Features

Lake Pleasant Heights is located at the southeastern edge of the Hieroglyphic Mountain Range and southwest of Lake Pleasant. Figure 8, Topography and Physical Features, depicts the elevation differentials for the Lake Pleasant Heights site. This map reports elevation differences based on elevation intervals of 2 feet in most areas under 25% slope, and 10 feet for areas with greater than 25% slope, as well as the northernmost section of State Trust land(s). Physical features affiliated with the site can be characterized as ranging from gently sloped to steep terrain. The property has numerous secondary washes and several primary washes, some of which are artificially terminated by the presence of the CAP. Lower elevations within the subject property are at approximately 1,460 feet above sea level with upper elevations rising to 2,120 feet. This represents a topographic differential of approximately 660 feet.

3. Slope Analysis

Slope affiliated with the private land in the Lake Pleasant Heights property is depicted on Figure 9, Generalized Slope Characteristics. Typically, the slope over the entire property varies between slope categories ranging from 0-10% to slopes greater than 40%. Figure 9 illustrates a representation of site characteristics, based on surveyed and topographic information. A table summarizes the finding as shown on Figure 9. The slope information for the State Trust land, in Figure 9, was based on the information provided from USGS quadrangle maps available to the public. A detailed slope analysis for the private land has been prepared as per Section 21-712, of the City of Peoria Zoning Ordinance, and will be used by the City for review at the time Preliminary Plats and Site Plan review. The allowed density within the hillside areas (those areas greater than 10 percent (>10%) slope) will be based on the approval of a refined slope determination by the City at the time of site plan or preliminary plat applications.

4. Visual Conditions

The Lake Pleasant Heights property is located within the southern foothills of the Hieroglyphic Mountains southwest of Lake Pleasant. Higher elevations within the site allow for spectacular views of the terrain in nearly all directions. View sheds from several of the higher elevations include vistas of Downtown Phoenix to the southeast and vistas of Lake Pleasant to the northeast. See Figure 10, Viewshed Analysis.

5. Drainage

Figure 11, Primary Drainage ways, provides an overview of the alignments of the U.S. Army Corps of Engineers (USACE) Jurisdictional (Section 404) drainage ways within the Lake Pleasant Heights property. Natural on-site drainage, across the Lake Pleasant Heights site, is generally from the north to the south on the south half of the site, and from northwest to the southeast on the north half of the site, converging offsite at the Agua Fria River to the east. The Agua Fria River, and its associated floodplain, are located less than two miles east of the site and serve as a major drainage conduit for the northwest Phoenix Metropolitan Area.

On-site washes, as delineated by VA Consulting, Inc., approved as Jurisdictional washes by the USACE include: the Caterpillar Tank Wash, the East and West Garambullo Washes, and three unnamed washes on the north. On-site wash characteristics are generally deeply incised and constricted wash corridors.

Existing 100-year floodplains mapped within the Lake Pleasant Heights property include areas north and adjacent to the CAP Canal where the canal structure creates a ponding condition, as shown on Figure 11. The CAP canal construction included culverts for storm water flows under the canal. An existing 70" culvert is located at the Caterpillar Tank Wash CAP crossing, and two

36" culverts, are located at both the East and West Garambullo Wash CAP crossings. Portions of the East Garambullo and Caterpillar Tank Washes, immediately upstream of the CAP, have been identified as being Zone AH, which is an area of flood depths, varying from one to three feet (usually areas of ponding). All other FEMA floodplains are classified as AE zones (base flood elevations determined).

6. Soils and Geology

The Lake Pleasant Heights site is located within the Lower Agua Fria watershed that drains to the Agua Fria River, located less than two miles east of the site. Located within the southern foothills of the Hieroglyphic Mountains, the site fluctuates topographically with variable grades throughout the property. The site generally slopes to the south and southwest with some drainage to the east.

Soils within the subject site were identified from the Soils Survey of Aguila-Carefree Area, parts of Maricopa and Pinal Counties, published by the United States Soil Conservation Service. The soils classified for the site are dominantly hydrologic groups A and B. Soil group A is defined as soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well-drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission. Soil Group B is defined as soils having moderate infiltration rates when thoroughly wet, consisting chiefly of moderately deep to deep, moderately well to well drained soils, with moderately fine to moderately coarse textures. These soils have a moderate rate of water transmission.

7. Groundwater

The Lake Pleasant Heights property falls within the Lake Pleasant sub-basin area, as defined by the Phoenix Active Management Area (AMA), created by the Groundwater Management Act of 1980. The Lake Pleasant sub-basin covers 246 square miles and includes a short reach of the Agua Fria River, and drains from the Hieroglyphic Mountains. Groundwater in the area ranges from 75 to more than 550 feet below the ground surface.

8. Vegetation and Wildlife

The Lake Pleasant Heights property is within the Basin and Range physiographic province of the Southwest. Vegetation on the property is typical of the Lower Sonoran Desert. Common plants found on site include: Palo Verde, Bursage, Barrel, Cholla, and Saguaro cactus.

A biological assessment was prepared in accordance with legal requirements set forth under Section 7 of the Endangered Species Act. Information was obtained from the U.S. Fish and Wildlife Service and Arizona Game and Fish Department regarding federally listed threatened or endangered species and species of special concern. No Critical Habitat for any federally listed species occurs within Lake Pleasant Heights. See Appendix F, Biological Assessment, prepared by EnviroSystems Management, Inc., October 26, 2004.

9. Cultural Resources

Primarily since 1988, a series of cultural resource inventories have been conducted on various portions of the project area. These projects summarized in two inventory reports (Lane and Neal 2005; Bryce 2006); have resulted in 2,236 acres (68.4% of project area being inventoried for cultural resources. All of the private land has been inventoried, whereas 364.3 acres (26.1%) of the State land has been surveyed.

EnviroSystems Management, Inc. has prepared a cultural resources survey for Lake Pleasant Heights, which includes both the portions previously surveyed and those not previously surveyed. The final report, which was updated in August 2012, has been provided to the City as a reference document under separate cover. Additional cultural resources surveys will be conducted and the results will be submitted to the City for review as part of the first Preliminary Plat Map for each Development Unit.

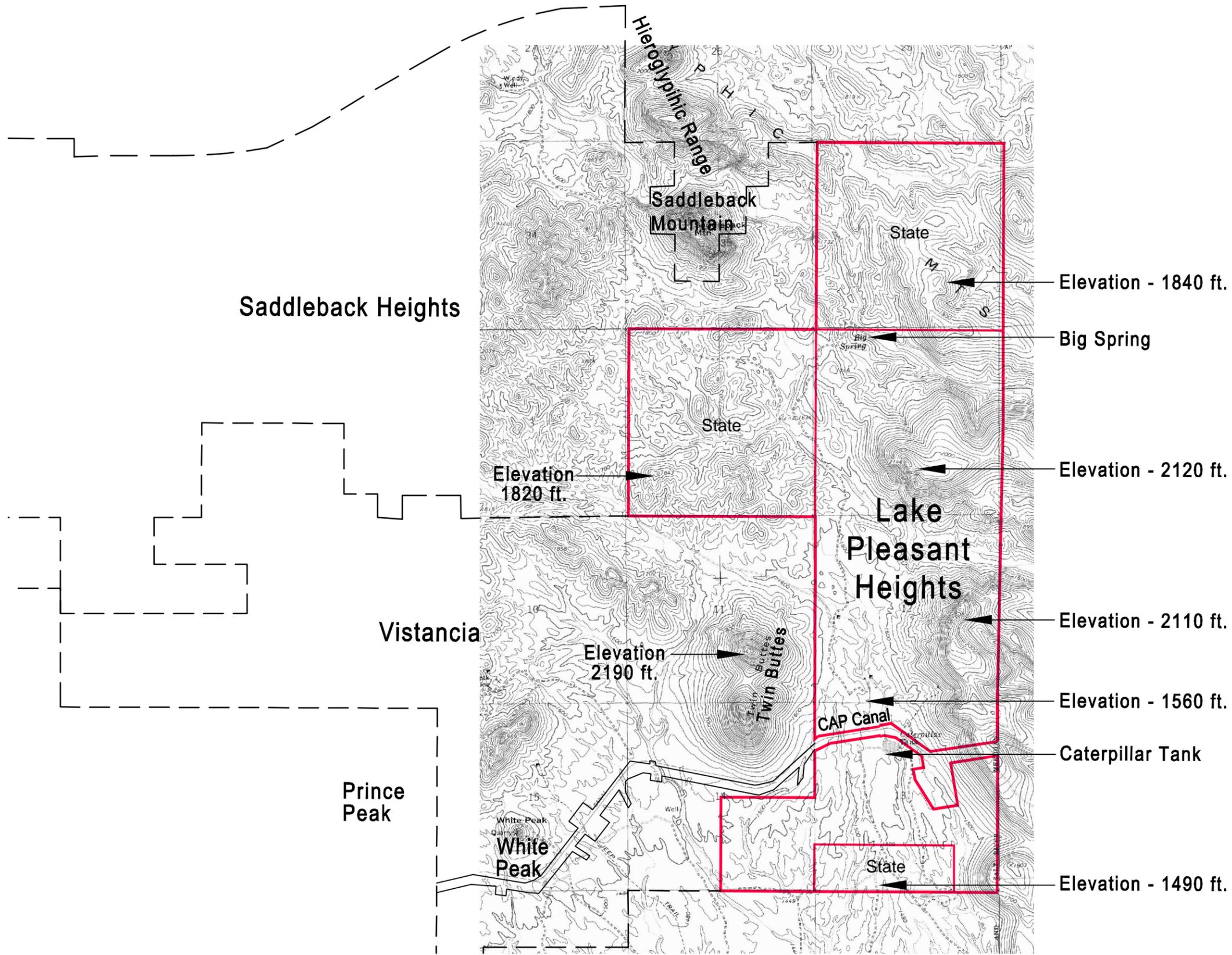
10. Roads, Rights-of-Way, and Utilities

Access to the Lake Pleasant Heights property is currently limited to a number of unimproved roads, which provide access for four-wheel drive utility vehicles. The property has no identified delineated public utility easements or dedicated right-of-ways. Regional roadway and utility planning has occurred within the Lake Pleasant Heights area. Transportation modeling and traffic analysis related to arterial roadway networks established the proposed transportation routes to and within the Lake Pleasant Heights property. These identified alignments are intended to provide the general location for future right-of-way dedications and transportation improvements. The Maricopa County Department of Transportation and the Maricopa Association of Governments (MAG) completed the Northwest Valley Study. MAG updated the Northwest Valley traffic model and provided the model to VA Consulting, Inc. (VA). VA performed a Category III Traffic Analysis for Lake Pleasant Heights, attached herein under separate cover. The summary of VA's traffic study is described in Section 4.5.1 of this PCD.

There are currently no existing electric, natural gas, telephone or cable TV facilities within the project area. The project falls within the Arizona Corporation Commission Certificated service areas for electric, natural gas and telephone. It is served under the provisions of the City of Peoria Franchise agreement with COX Communications for cable TV. Additional information regarding utilities is discussed in more detail in Section 4.8.

Figure 8: Topography and Physical Features

Figure 8
Topography and
Physical Features



Lake Pleasant Heights
Planned Community District

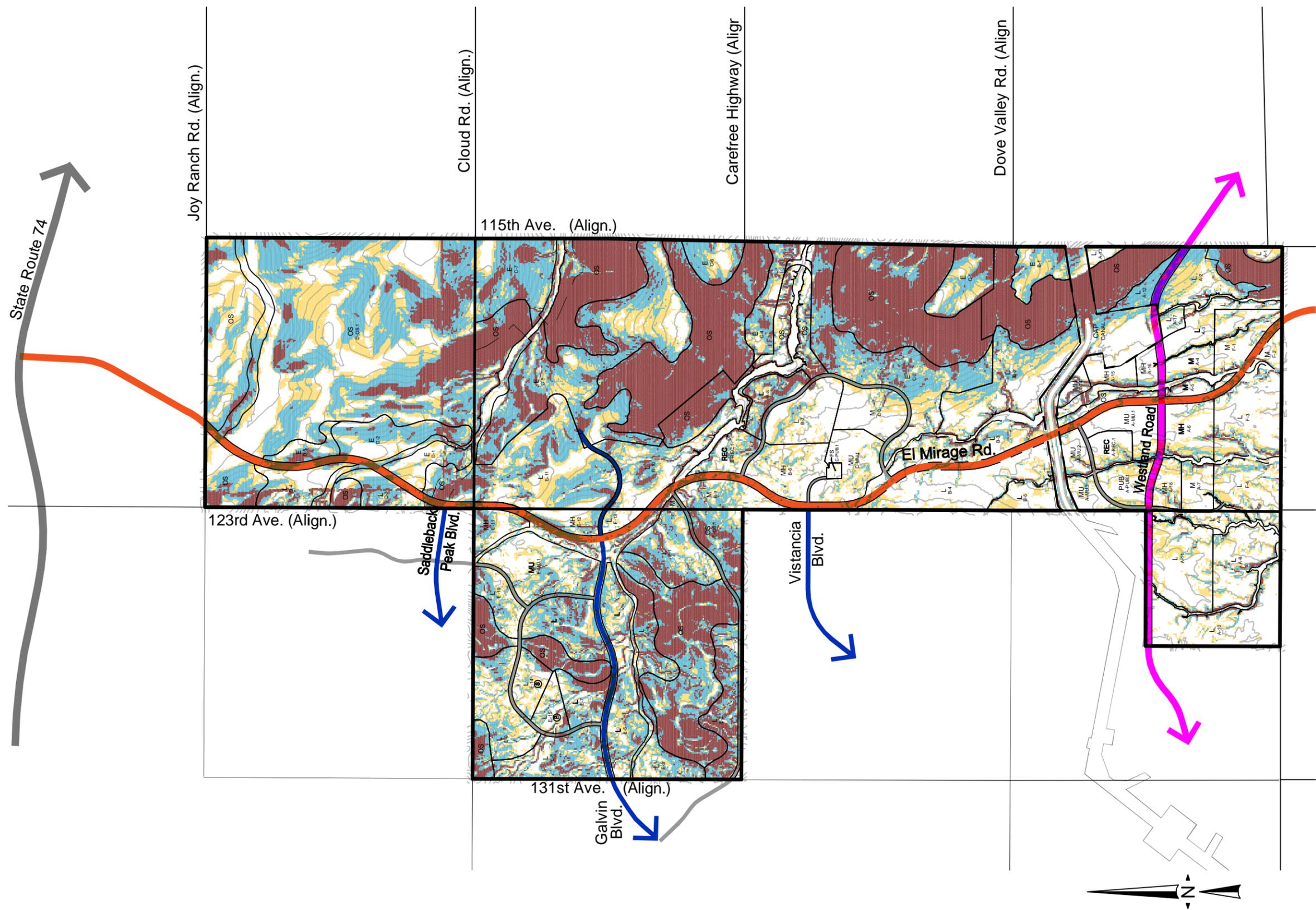
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Figure 9: Generalized Slope Characteristics

Figure 9
Generalized Slope
Characteristics



SLOPES TABLE		
MIN. SLOPE	MAX. SLOPE	COLOR
0%	10%	White
10%	15%	Yellow
15%	25%	Light Blue
25%	Vertical	Dark Red

Gross Area in Acres		
SLOPE	Private	State
0% - 10%	588.24	392.30
10% - 15%	287.79	277.75
15% - 25%	399.74	442.20
25% UP	621.88	327.95
TOTALS	1897.65	1440.20

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Lake Pleasant Heights
Planned Community District

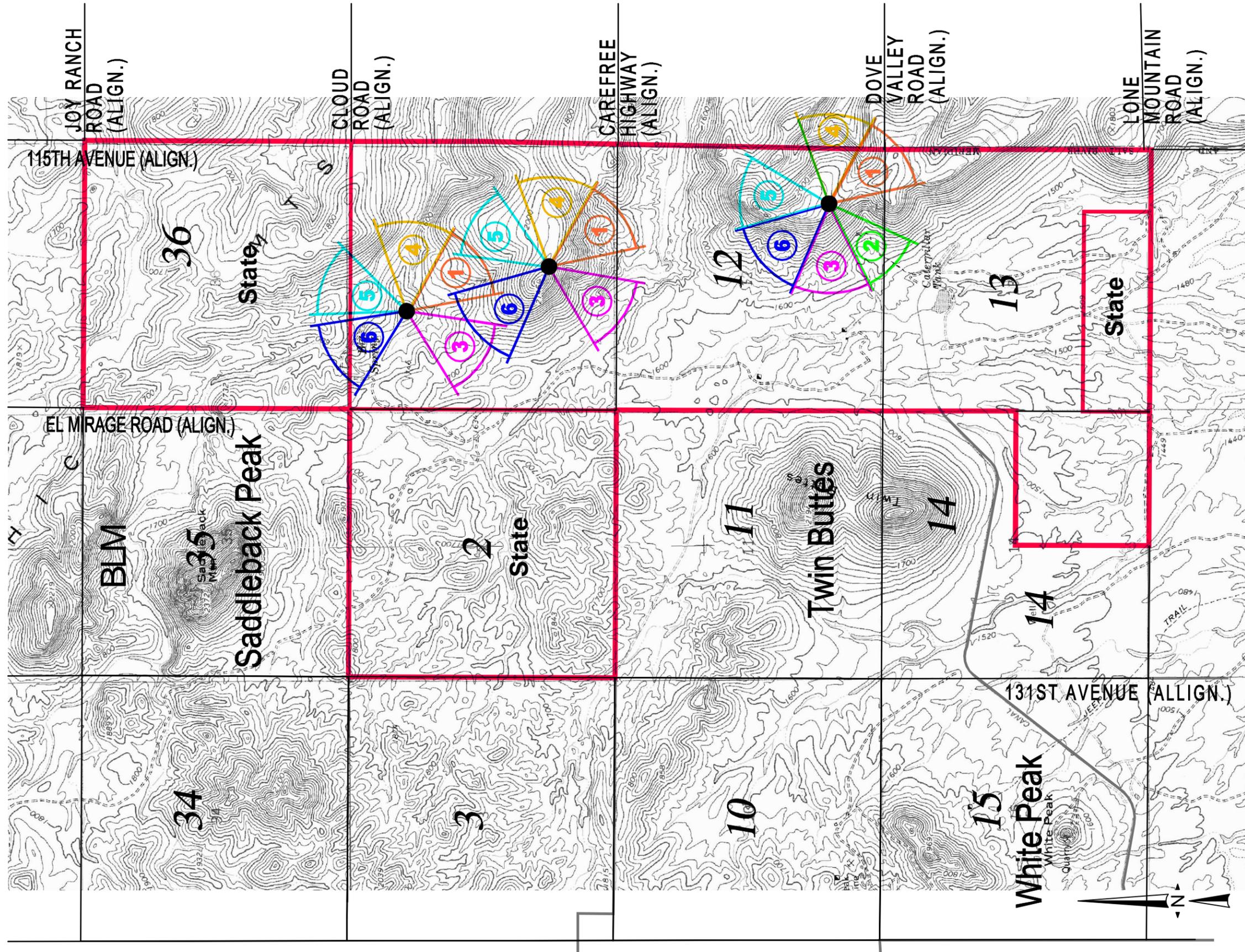
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Figure 10: Viewshed Analysis

Figure 10
Viewshed Analysis



- Legend**
- ① Downtown Phoenix Skyline
 - ② White Peak
 - ③ Twin Buttes
 - ④ Four Peaks
 - ⑤ Lake Pleasant
 - ⑥ Saddleback Peak

Lake Pleasant Heights
Planned Community District

PEORIA, ARIZONA



DATE: 2/20/13

Figure 11: Primary Drainageways

4 MASTER PLANS

4.1 Project Overview

Lake Pleasant Heights is a proposed 3,268-acre master planned community in northwest Peoria. The community will offer a variety of amenities, in addition to a wide mix of housing types, retail/employment nodes, developed parks, municipal services sites, a school, and tracts of natural open space with trails. The proposed land use plan recognizes the existing topography, washes, and features of the site. Significant natural features within the Lake Pleasant Heights property include Big Spring, foothills of the Hieroglyphic Mountains and several jurisdictional washes that will be preserved.

Access to the property will initially be oriented to capitalize on roadway extensions from the south in cooperation with the Vistancia Planned Community Development. Over time, the infrastructure/circulation network will continue to develop to the north and west with the extension of El Mirage Road and connections to the northern part of Vistancia. El Mirage Road, connecting to the south into the southern part of Vistancia, will be designed as a major arterial roadway. The Applicants will dedicate 134 feet right of way for construction of El Mirage Road, 130 feet right of way for Westland Road, 110 feet for Galvin Boulevard, and 60-70 feet right of way for Minor Collectors. Roadways will be constructed in accordance with the results of the Traffic Impact Analysis for Lake Pleasant Heights prepared by VA Consulting, Inc. and approved by City of Peoria in 2014 and in accordance with City's standards. El Mirage Road will service a majority of the regional traffic through the property and will serve as a link to external roadways. As indicated on Figure 6, Regional Transportation Planning, Westland Road is designed as an arterial roadway and will provide east-west circulation within the community. Public access multi-purpose path corridors will be provided as described in the Community Services Master Plan (CSMP). Public utility easements adjacent to road right of ways may be used as part of these corridors.

The Lake Pleasant Heights community will be developed with an environmentally sensitive site design. Final roadway configuration and sections shall be designed to minimize impact on sensitive environmental areas, and will be subject to review and approval by the City Engineer. The result will be a series of natural open space areas weaving through the community, creating residential enclaves and curvilinear street patterns. Many homes will be oriented to abut natural open space or drainage corridors. A comprehensive set of Codes, Covenants and Restrictions, to include detailed, privately administered design guidelines, will be prepared and executed to ensure a consistent level of quality throughout the community.

4.2 Natural Planning Determinants

Planning of the Lake Pleasant Heights Master Planned Community recognizes that the subject property has three distinct natural biotic zones: Upper Sonoran, Lower Sonoran, and Riparian Corridors. Photographs of these zones are exhibited in Appendix D, Site Photographs and Figure 12, Photo Context Plan. General characteristics of each biotic zone are as follows:

Upper Sonoran: Generally steep terrain and mountain peaks, characterized by a diversity of major plants including Foothills Palo Verde, Ironwood, Saguaro, Teddy Bear Cholla, Staghorn Cholla, Barrel Cacti, Hedgehog Cacti and Bursage.

Lower Sonoran: Generally flat terrain, characterized by sparse vegetation consisting of predominately Creosote, Jumping Cholla, and Bursage, dispersed generally 50 feet apart within a ground cover base of medium-sized cobbles generally 2 inches in diameter. This unit is also characterized by a sparse distribution of mature Saguaro cacti.

Figure 12: Photo Context Plan

Figure 12
Photo Context Plan



Lake Pleasant Heights
Planned Community District

PEORIA, ARIZONA



Riparian Corridors: Vegetated corridors along the Middle Fork Twin Buttes, Caterpillar Tank, East Garambullo, West Garambullo, and several other unnamed washes. These washes are characterized by sand, silt and cobble wash bottoms with Palo Verde, Bursage and Chuparosa plant materials. In addition, the Lake Pleasant Heights property has variable slopes with dramatic vertical relief generally toward the eastern portion of the property. Thoughtful planning will provide opportunities to:

- Preserve natural conditions of primary washes;
- Promote opportunities for mobility through a community trails system; and
- Preserve steeper slopes.

The presence of the Central Arizona Project canal in the southern section of the property presents some constraints to access and relationships between development units. With careful planning, development near the canal, particularly along the drainageways and upper slopes, will benefit the residents of the community.

4.3 Applicable Policy Plans

1. Lake Pleasant Heights Specific Area Plan / Existing Peoria General Plan

The Lake Pleasant Heights Specific Area Plan was amended through a major General Plan Amendment approved by the Peoria City Council on December 4, 2012. See Figure 13, Current Lake Pleasant Heights Specific Area Plan/General Plan.

2. Peoria Desert Lands Conservation Master Plan (DLCMP)

The Lake Pleasant Heights Planned Community is designed with consideration of the DLCMP recommendations regarding conservation of sensitive lands. As shown in Figure 15, General Development Plan and Figure 14, Master Conservation Plan, significant open space is planned. Where possible, open space will be preserved (by creation of separate letter designated lots during the mapping process) in the areas identified by the DLCMP, including washes and hillside areas (per the HDOD, as mentioned in Section 5.3.7 and located in Appendix G, Hillside Development Overlay District of this report).

Wash Corridor Preservation areas as shown in Figure 14, include waters of the US under the jurisdiction of Section 404, Clean Water Act. Other than road crossings, Wash Corridors will be preserved to the extent possible and to the limits shown on Figure 14 and 15. Trails can be located in the Wash Corridor Preservation area but outside of the waters of the US.

The Hillside Terrain Preservation areas as shown in Figure 14, include steep slopes and areas to be preserved as open space. Figure 14 shows the general area to be preserved, however, more precise delineation of these areas will be determined during the preparation of preliminary plat maps.

Additional detail regarding planned conservation efforts consistent with the DLCMP is mentioned in Section 5.3.6 and located in Appendix E, Desert Lands Conservation Overlay.

4.4 Land Use Plan

The Land Use Plan for the Lake Pleasant Heights property includes the following:

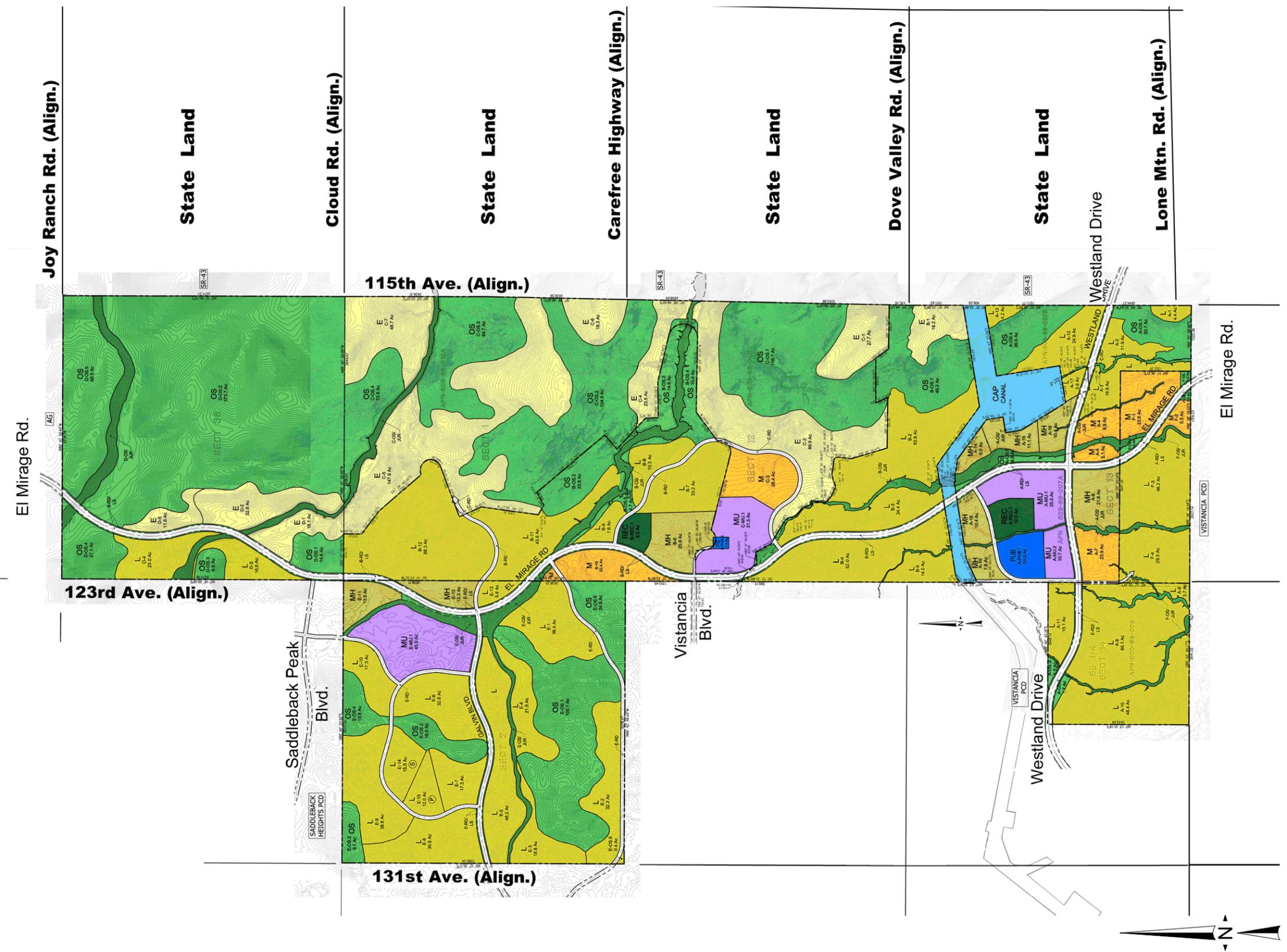
- Conservation of hillside areas, the Big Spring and primary washes;
- Compatibility with the character of the land;
- Location of residential uses in close proximity to community open spaces;
- Placement of arterial street alignments in response to topography, drainage constraints and transportation impact modeling;

- Location of park and school facilities, commercial services, and employment uses to serve residents;
- Compact higher density nodes located on less steep terrain to encourage less reliance on automobiles;
- Diverse residential lot sizes and housing types intended to respond to the housing needs of all age groups; and
- Mixed use development intended to promote a mix of commercial services and higher density residential uses to proportionally complement the needs of the residential population.

Figure 13: Current Lake Pleasant Heights Specific Area Plan/General Plan

Figure 13

Current Lake Pleasant Heights
Specific Area Plan/ General Plan



- LAND USE CATEGORY**
- E - ESTATE (0-2 Du/Ac; T=1 Du/Ac)
 - L - LOW (2-5 Du/Ac; T=3 Du/Ac)
 - M - MEDIUM (5-8 Du/Ac; T=6 Du/Ac)
 - MH - MEDIUM HIGH (8-15 Du/Ac; T=12 Du/Ac)
 - MU - MIXED USE (15+ Du/Ac; T=18 Du/Ac)
 - OS - PARK/ OPEN SPACE
 - PUB - PUBLIC/ QUASI-PUBLIC
 - REC - RECREATION CENTER
 - WASH CORRIDOR

Lake Pleasant Heights
Planned Community District

PEORIA, ARIZONA

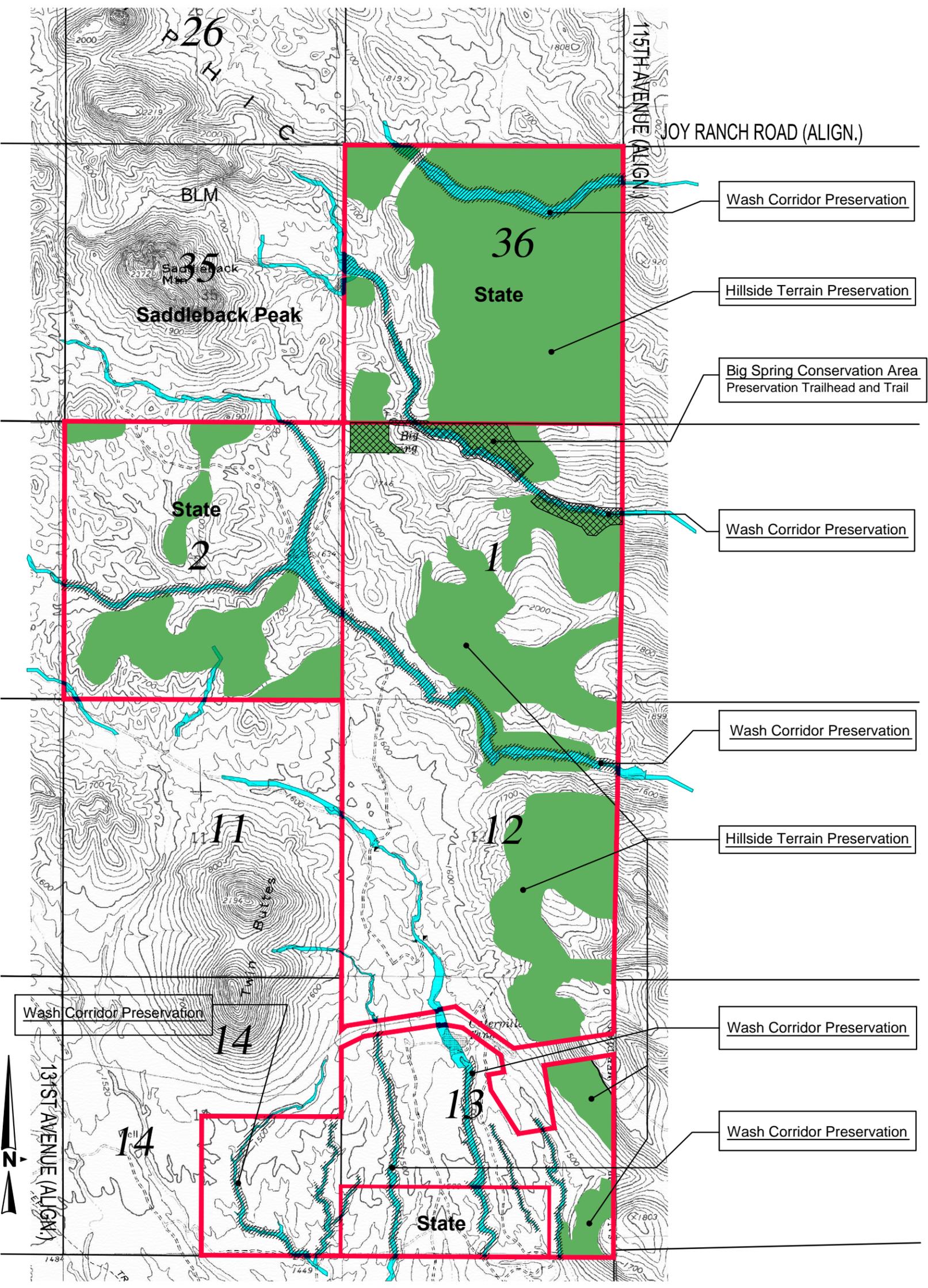


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Figure 14: Master Conservation Plan

Figure 14

Master Conservation Plan



Wash Corridor Preservation

Hillside Terrain Preservation

Big Spring Conservation Area
Preservation Trailhead and Trail

Wash Corridor Preservation

Wash Corridor Preservation

Hillside Terrain Preservation

Wash Corridor Preservation

Wash Corridor Preservation

Wash Corridor Preservation

Legend

Preservation Feature

Wash Corridor Preservation

Hillside Terrain Preservation

Wash Corridor

The proposed General Development Plan, Figure 15, is consistent with the land uses within the Lake Pleasant Heights Specific Area Plan approved in December 2012. Gross Development Parcel areas have been added and configured to include open space areas adjacent to residential areas. At the Preliminary Plat/Site Plan level, this will allow for flexibility with how the residential area relates to and interfaces with steeper slopes and open spaces. Net areas are also provided and are the basis for establishing the range of units in each Development Parcel. The overall residential density for Lake Pleasant Heights is planned at 2.3 dwelling units (DU) per acre for the private land and 1.6 dwelling units per acre for the State Trust land, which is consistent with the Lake Pleasant Heights Specific Area Plan.

Table 1, Lake Pleasant Heights Land Use Density and Intensity Table, provides proposed land uses, gross development parcel acreage, net development parcel acreage, density ranges, and the low/high projected unit range for individual development parcels. Tables 5 and 6 are intended to work in conjunction with Figure 15.

Upon City approval of the slope analysis for the entire property, the developer/builder will submit a slope analysis on a parcel by parcel basis with Preliminary Plat and/or Site Plan. The analysis will include a calculation of the total area in each slope category as defined in Section 21-712. Residential units are allowed to be transferred between development parcels and development units, but not between ownership areas (see Section 5.5, Definitions). At no time will the overall density of 2.3 DU/ac for private lands and 1.6 DU/ac for State Trust land(s) be exceeded.

1. Residential

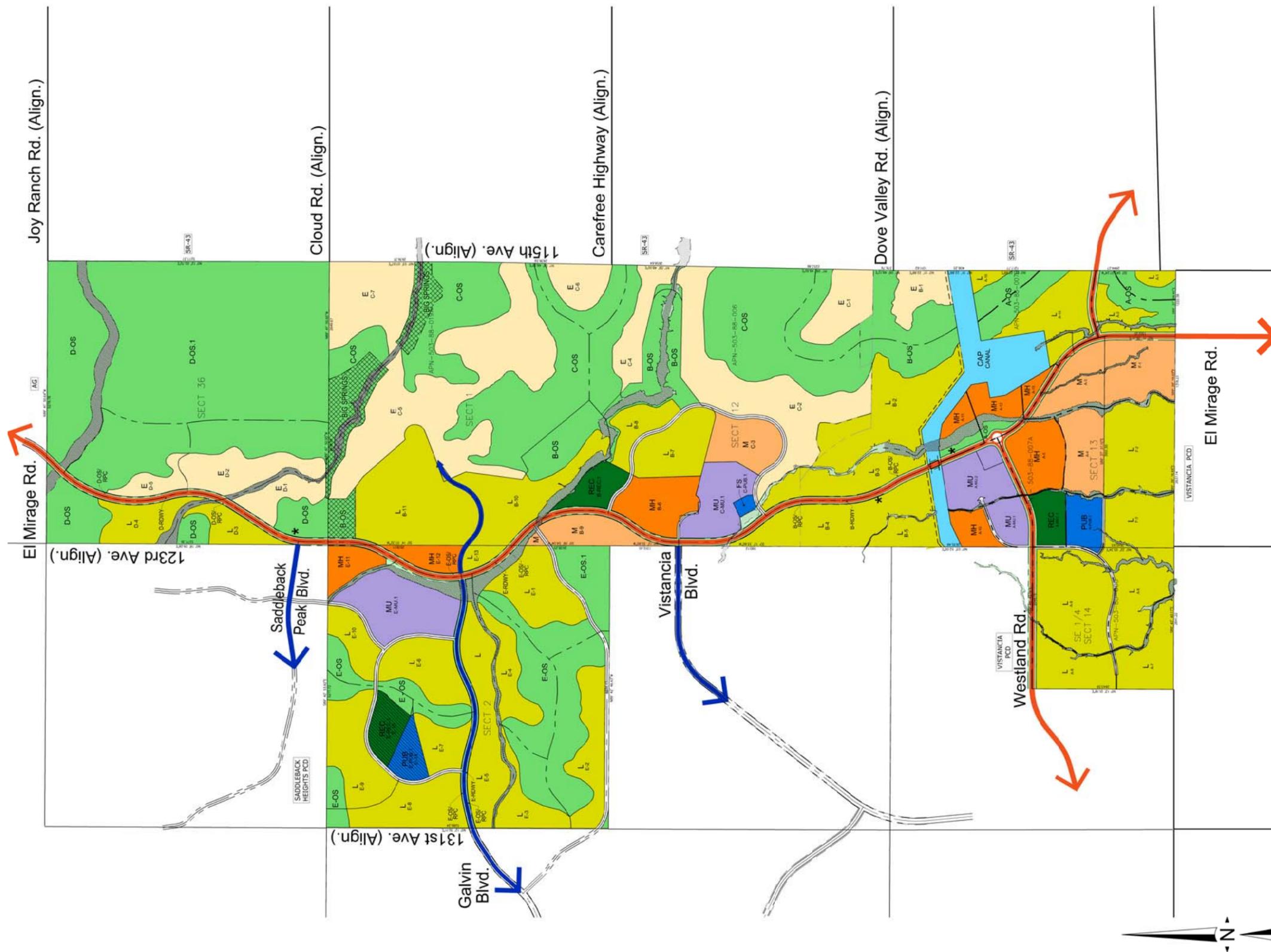
A variety of housing types are proposed for the Lake Pleasant Heights community. Homes will vary in character and size to meet the diverse needs of the projected population. Densities for residential development parcels range from 1.0 to over 24.0 units per acre, as set by the policy defined per the Lake Pleasant Heights Specific Area Plan (December 2012). These densities are accommodated by the proposed zoning districts in Section 5.2. Single family residential development will conform to City of Peoria residential design guidelines and privately enforced design guidelines.

Table 8, Residential Development Standards, located within Section 5.2.1.d, provides development standards for the residential zoning districts in the Lake Pleasant Heights Planned Community District application. These standards are intended to provide design flexibility, given the characteristics of the site.

In each of the land use categories, E, L, M, MH and MU, any of the flexible zoning districts as listed on Table 1, Land Use Density and Intensity, may be utilized for the preliminary, final plat or site plan process. The flexible zoning districts encourage the preservation of environmentally sensitive land. Units may be transferred between any development parcel(s) within the same development unit. For example, if development parcel A1 is defined within the Land Use Density and Intensity Table 1 as having a target density of 170 units and is actually platted for 165 units, the remaining 5 units may be transferred to any other development parcel within development unit A. To that end, the following land use and zoning relationships are established:

Figure 15: General Development Plan

Figure 15
Proposed General
Development Plan



LAND USE CATEGORY	Net Area
E - ESTATE (0-2 Du/Ac)	443.7 Ac
L - LOW (2-5 Du/Ac)	980.4 Ac
M - MEDIUM (5-8 Du/Ac)	131.2 Ac
MH - MEDIUM HIGH (8-15 Du/Ac)	115.6 Ac
MU - MIXED USE (15+ Du/Ac)	115.1 Ac
OS - OPEN SPACE	1159.5 Ac
PUB - PUBLIC (ELEMENTARY SCHOOL)	17.2 Ac
REC - PARK	28.6 Ac
CAP CANAL	
OS/ WASH - WASH CORRIDOR PRESERVATION	118.2 Ac
LOW DENSITY RESIDENTIAL OVERLAY ZONE	
* TRAILHEAD	
Note: ROADWAY, MULTI-PURPOSE PATH CORRIDORS	158.4 Ac

Lake Pleasant Heights Planned Community District

Table 1 Page 1: Land Use Density and Intensity Table

UPDATED MAY 2020

Parcel Number	Gross Area (AC)	Land Use	Land Use Density Range (DU/AC)	Net Area (AC)	Unit Range (Low)	Unit Range (High)*	Actual Units per Plat	Open Space per Plat (AC)	Flexible Zoning District Options
Area A									
A-1	12.0	L (Low)	2-5	4.4	9	22			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-
A-2	31.1	L (Low)	2-5	12.1	24	61	16	24.2	LPHD-4
A-3	29.9	M (Medium)	5-8	23.6	118	189			LPHD-8, LPHD-7, LPHA-6, LPHA-5, LPHD-4, LPHD-3, LPHA-4
A-4	28.1	M (Medium)	5-8	26.1	131	209			LPHD-8, LPHD-7, LPHA-6, LPHA-5, LPHD-4, LPHD-3, LPHA-4
A-5	31.9	MH (Med High)	8-15	27.3	218	410			LPHD-6, LPHD-5, LPHD-4, LPHD-3, LPHA-4, LPHA-3, LPHA-2
A-6	43.1	L (Low)	2-5	41.8	84	209	100	17.3	LPHD 7
A-7	28.5	L (Low)	2-5	28.3	57	142	53	9.4	LPHD-10
A-8	29.0	L (Low)	2-5	27.1	54	136	55	10.7	LPHD-8
A-9	59.9	L (Low)	2-5	55.5	111	278	215	20.6	LPHD-5
A-10	12.1	MH (Med High)	8-15	11.1	89	167			LPHD-6, LPHD-5, LPHD-4, LPHD-3, LPHA-4, LPHA-3, LPHA-2
A-11	12.8	MH (Med High)	8-15	6.0	48	90			LPHD-6, LPHD-5, LPHD-4, LPHD-3, LPHA-4, LPHA-3, LPHA-2
A-12	16.4	MH (Med High)	8-15	11.1	89	167			LPHD-6, LPHD-5, LPHD-4, LPHD-3, LPHA-4, LPHA-3, LPHA-2
A-13	5.9	MH (Med High)	8-15	4.0	32	60			LPHD-6, LPHD-5, LPHD-4, LPHD-3, LPHA-4, LPHA-3, LPHA-2
A-14	53.9	L (Low)	2-5	33.3	67	167	62	42.8	LPHD-4
A-15	14.9	L (Low)	2-5	4.2	8	21			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-
A-MU.1	15.2	MU (Mixed Use)		12.3	0	221			LPH-MU, LPHD-4, LPHD-3, LPHA-4, LPHA-3, LPHA-2, LPHA-1
A-MU.2	33.1	MU (Mixed Use)		26.5	22	471			LPH-MU, LPHD-4, LPHD-3, LPHA-4, LPHA-3, LPHA-2, LPHA-1
A-PUB.1	16.6	PUBLIC		14.7					
A-REC.1	16.0	RECREATION		13.4					
A-OS/RPC		ROADWAY PATH CORRIDORS		10.5					
A-OS		OPEN SPACE		42.6					
A-OS/WASH		WASH CORRIDOR PRESERVATION		24.6					
A-RDWY		ROADWAYS		29.0					
Subtotal Area A	490			490	1,161	3,020	501	125.0	* (Max. units shall not exceed 1,952 within Area A, as approved by GPA #12-0003)
Area B									
B-1	46.7	E (Estate)	0-2	18.2	0	36			LPHD 43, LPHD-35, LPHD-30, LPHD-24, LPHD-18, LPHD-12, LPHD-10
B-2	87.5	L (Low)	2-5	63.9	128	320			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-
B-3	45.4	L (Low)	2-5	32.5	65	163			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-
B-4	61.8	L (Low)	2-5	54.1	108	271			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-
B-5	14.5	L (Low)	2-5	14.0	28	70			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-
B-6	33.9	MH (Med High)	8-15	30.3	242	455			LPHD-6, LPHD-5, LPHD-4, LPHD-3, LPHA-4, LPHA-3, LPHA-2
B-7	34.0	L (Low)	2-5	32.2	64	161			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-
B-8	61.5	L (Low)	2-5	17.2	34	86			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-
B-9	29.6	M (Medium)	5-8	22.5	113	180			LPHD-8, LPHD-7, LPHA-6, LPHA-5, LPHD-4, LPHD-3, LPHA-4
B-10	76.4	L (Low)	2-5	43.6	87	218			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-
B-11	91.9	L (Low)	2-5	78.0	156	390			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-
B-REC.1	18.0	REC (Park)		15.2					
B-OS/RPC		ROADWAY PATH CORRIDORS		6.9					
B-OS		OPEN SPACE		113.1					
B-OS/WASH		WASH CORRIDOR PRESERVATION		29.3					
B-RDWY		ROADWAYS		30.2					
Subtotal Area B	601			601	1,025	2,350			* (Max. units shall not exceed 1,521 within Area B, as approved by GPA #12-0003)
Area C									
C-1	48.1	E (Estate)	0-2	27.7	0	55			LPHD 43, LPHD-35, LPHD-30, LPHD-24, LPHD-18, LPHD-12, LPHD-10
C-2	191.9	E (Estate)	0-2	89.7	0	179			LPHD 43, LPHD-35, LPHD-30, LPHD-24, LPHD-18, LPHD-12, LPHD-10
C-3	28.4	M (Medium)	5-8	26.4	132	211			LPHD-8, LPHD-7, LPHA-6, LPHA-5, LPHD-4, LPHD-3, LPHA-4
C-4	50.0	E (Estate)	0-2	23.5	0	47			LPHD 43, LPHD-35, LPHD-30, LPHD-24, LPHD-18, LPHD-12, LPHD-10
C-5	300.9	E (Estate)	0-2	154.8	0	310			LPHD 43, LPHD-35, LPHD-30, LPHD-24, LPHD-18, LPHD-12, LPHD-10
C-6	36.3	E (Estate)	0-2	18.3	0	37			LPHD 43, LPHD-35, LPHD-30, LPHD-24, LPHD-18, LPHD-12, LPHD-10
C-7	87.7	E (Estate)	0-2	49.7	0	99			LPHD 43, LPHD-35, LPHD-30, LPHD-24, LPHD-18, LPHD-12, LPHD-10
C-MU.1	35.2	MU (Mixed Use)		30.8	75	600			LPH-MU, LPHD-4, LPHD-3, LPHA-4, LPHA-3, LPHA-2, LPHA-1
C-PUB.1	2.0	PUBLIC (Fire Station)		2.5					
C-OS/RPC		ROADWAY PATH CORRIDORS		3.4					
C-OS		OPEN SPACE		341.7					
C-OS/WASH		WASH CORRIDOR PRESERVATION		7.7					
C-RDWY		ROADWAYS		4.2					
Subtotal Area C	780			780	207	1,538			* (Max. units shall not exceed 831 within Area C, as approved by GPA #12-0003)
Private Land Subtotal Areas A, B, C	1873			1872	2,393	6,908			* (Max. units shall not exceed 4,304 within the private land area, as approved by GPA #12-0003)

Private Land Projections	
Gross Land Area	1,873 AC
Gross Density	2.30 DU/AC
Projected Population	12,051 People
Projected Residential Units	4,304 Res.
Projected Elementary School Children	995 Children
Projected High School Children	468 Children
Mixed Use Gross Area	84 AC
Projected Elementary Schools	1.1 School
Projected High Schools	0.3 School
Improved Neighborhood Parks Demand	21 AC
Improved Community Parks Demand	18 AC
Open Space Demand	121 AC
Total Proposed Open Space Areas A&B	257 AC
Total Proposed Open Space Area C	363 AC
Total Proposed Private Open Space	620 AC

Area D									
D-1	38.5	E (Estate)	0-2	17.3	0	35			LPHD 43, LPHD-35, LPHD-30, LPHD-24, LPHD-18, LPHD-12, LPHD-10
D-2	74.8	E (Estate)	0-2	32.7	0	65			LPHD 43, LPHD-35, LPHD-30, LPHD-24, LPHD-18, LPHD-12, LPHD-10
D-3	29.2	L (Low)	2-5	16.6	33	83			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-
D-4	58.2	L (Low)	2-5	23.0	46	115			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-
D-5	63.5	E (Estate)	0-2	11.8	0	24			LPHD 43, LPHD-35, LPHD-30, LPHD-24, LPHD-18, LPHD-12, LPHD-10
D-OS.1	375.0	OPEN SPACE		373.3					
D-OS/RPC		ROADWAY PATH CORRIDORS		8.0					
D-OS		OPEN SPACE		108.9					
D-OS/WASH		WASH CORRIDOR PRESERVATION		29.1					
D-RDWY		ROADWAYS		18.5					

Table 1 Page 1: Land Use Density and Intensity Table

UPDATED MAY 2020

Parcel Number	Gross Area (AC)	Land Use	Land Use Density Range (DU/AC)	Net Area (AC)	Unit Range (Low)	Unit Range (High)*	Actual Units per Plat	Open Space per Plat (AC)	Flexible Zoning District Options
Subtotal Area D	639			639	79	322			* (Max. units shall not exceed 182 within Area D, as approved by GPA #12-0003)
Area E									
E-1	62.8	L (Low)	2-5	36.4	73	182			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHC
E-2	80.5	L (Low)	2-5	32.3	65	162			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHC
E-3	34.7	L (Low)	2-5	18.8	38	94			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHC
E-4	55.6	L (Low)	2-5	21.8	38	109			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHC
E-5	58.3	L (Low)	2-5	46.2	44	231			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHC
E-6	44.7	L (Low)	2-5	32.6	92	163			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHC
E-7	24.2	L (Low)	2-5	17.3	65	87			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHC
E-8	41.4	L (Low)	2-5	35.6	35	178			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHC
E-9	51.4	L (Low)	2-5	38.6	71	193			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHC
E-10	27.4	L (Low)	2-5	17.3	77	87			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHC
E-11	16.3	MH (Med High)	8-15	13.5	138	203			LPHD-6, LPHD-5, LPHD-4, LPHD-3, LPHA-4, LPHA-3, LPHA-2
E-12	15.7	MH (Med High)	8-15	12.3	108	185			LPHD-6, LPHD-5, LPHD-4, LPHD-3, LPHA-4, LPHA-3, LPHA-2
E-13	8.1	L (Low)	2-5	5.8	12	29			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHC
E-14	19.5	L (Low-School)	2-5	15.0	30	75			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHC
E-15	12.5	L (Low-Park)	2-5	12.0	24	60			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHC
E-MU.1	59.0	MU (Mixed Use)		45.5	109	873			LPH-MU, LPHD-4, LPHD-3, LPHA-4, LPHA-3, LPHA-2, LPHA-1
E-OS.1	25.3	OPEN SPACE		24					
E-OS/RPC		ROADWAY PATH CORRIDORS		9.0					
E-OS		OPEN SPACE		145.9					
E-OS/WASH		WASH CORRIDOR PRESERVATION		22					
E-RDWY		ROADWAYS		36					
Subtotal Area E	637			637	1,019	2,911			* (Max. units shall not exceed 1,072 within Area E, as approved by GPA #12-0003)
Area F									
F-1	36.7	M (Medium)	5-8	32.6	139	226			LPHD-8, LPHD-7, LPHA-6, LPHA-5, LPHD-4, LPHD-3, LPHA-4
F-2	52.3	L (Low)	2-5	49.8	100	241			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHC
F-3	31.0	L (Low)	2-5	28.9	58	145			LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHC
F-OS/RPC		ROADWAY PATH CORRIDORS		0.8					
F-OS		OPEN SPACE		0.0					
F-OS/WASH		WASH CORRIDOR PRESERVATION		5.9					
F-RDWY		ROADWAYS		2.0					
Subtotal Area F	120			120	297	612			* (Max. units shall not exceed 403 within Area F, as approved by GPA #12-0003)
State Land Subtotal Areas D, E, F	1396			1396	1,395	3,845			* (Max. units shall not exceed 2,257 within the state land area, as approved by GPA #12-0003)

State Land Projections	
Gross Land Area	1,396 AC
Gross Density	1.62 DU/AC
Projected Population	6,320 People
Projected Residential Units	2,257 Res.
Projected Elementary School Children	620 Children
Projected High School Children	279 Children
Mixed Use Gross Area	59.0 AC
Projected Elementary Schools	0.7 School
Projected High Schools	0.2 Schools
Improved Neighborhood Parks Demand	11.1 AC
Improved Community Parks Demand	9 AC
Open Space Demand	63 AC
Total Proposed State Open Space	730 AC

Project Total Areas A,B,C,D, E, F	3269			3268	3,788	10,753			* (Max. units shall not exceed 6,561 within the total project area, as approved by GPA #12-0003)
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Project Projections (Combined Lands)	
Gross Land Area	3,269 AC
Gross Density	2.0 DU/AC
Projected Population	18,371 People
Projected Residential Units	6,561 Res.
Projected Elementary School Children	1,615 Children
Projected High School Children	747 Children
Mixed Use Gross Area	143 AC
Projected Elementary Schools	1.8 Schools
Projected High Schools	0.4 Schools
Improved Neighborhood Parks Demand	32 AC
Improved Community Parks Demand	28 AC
Open Space Demand	184 AC
Total Proposed Open Space	1,350 AC

Table 2: Land Use Designations

Land Use	Flexible Zoning Districts
E- Estate (0-2 DU/ac)	LPHD-43, LPHD-35, LPHD-30, LPHD-24, LPHD-18, LPHD-12,
L - Low (2-5 DU/ac}	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4
M- Medium (5-8 DU/ac)	LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3, LPHA-4,
MH- Medium High (8-15 DU/ac) DU/ac)	LPHD-6, LPHD-5, LPHD-4, LPHD-3, LPHA-4, LPHA-3, LPHA-2
MU – Mixed Use (15+ DU/ac)	LPH-MU, LPHD-4, LPHD-3, LPHA-4, LPHA-3, LPHA-2, LPHA-1

The actual zoning district will be determined and vested with approval of each preliminary plat or preliminary site plan as approved by City of Peoria plan review staff.

Mixed Use: Approximately 143 acres of mixed use land use have been proposed within Lake Pleasant Heights. The total acreage and the number of these mixed use centers are consistent with those proposed in the Lake Pleasant Heights Specific Area Plan (December 2012). The goal of the mixed use centers is to promote a mix of uses such as, but not limited to retail services, entertainment use, small employment uses and higher density residential uses (see permitted uses in Table 9) within a compact development form that encourages walking between uses. The intensity and density of residential and mixed-use increases at the mixed-use nodes and transitions to lower densities ultimately blending into surrounding open space areas. The focus of the neighborhood center is to provide residents with day to day services including, but not limited to, grocery markets, drug stores, dry cleaners, banking and video rental establishments.

2. Schools

Lake Pleasant Heights is located entirely within the Peoria Unified School District (PUSD). A 16.6 acre site has been set aside for a future elementary school in the Lake Pleasant Heights project. The location for this site has been identified on the Lake Pleasant Heights General Development Plan. The proposed school site has been relocated from the location shown on the Lake Pleasant Heights Specific Area Plan (December 2012) to the south side of Westland Drive and off the major arterial road to better meet the needs of the residential community and the school district. The revised location has been coordinated and supported by the City of Peoria and the Peoria Unified School District.

The future elementary school site in Phase 1 will serve the need for a majority of the student population in LPH. A second school site is identified to the northwest area in development unit E of the State Trust land(s) if the student population in Lake Pleasant Heights exceeds the capacity of the first elementary school site. The future land owner purchasing property from the State Trust will develop an agreement with the school district regarding this school site. The State Trust is required to be compensated for the sale or lease of any State Trust land(s) regardless of the use and no matter how meritorious the use may be. Vistancia is proposing a 40-acre high school site within their development, which should serve the high school students in Lake Pleasant Heights.

Projections for the number of schools have been discussed with the PUSD, which supports the need for one 15-acre elementary school site in the southern area and a second elementary school site in the northern area of Lake Pleasant Heights when the development in the State land will begin.

3. Parks and Open Space

Given the amount of natural open space and drainage corridors, there will be opportunities for active and passive recreation including walking, jogging, hiking, bicycling, and wildlife viewing. Figure 16a, Bicycle & Pedestrian Circulation Plan, proposes a network of community multi-use trails to enhance recreational opportunities and promote alternative means of mobility. These trails will be designed to facilitate pedestrian and bicycle access between residential neighborhoods, mixed use nodes, commercial areas, schools, open space and park uses. Cross sections for these trails are provided in Figure 16b Bicycle & Pedestrian Cross Sections and additional information regarding paths and trails are described in Section 4.5.3, Circulation.

A Recreation Amenities Master Plan (RAMP) will be submitted and approved by the Community Services Director, or designee prior to submittal of the first preliminary plat map for each Development Unit. Each RAMP will conceptually identify wash preservation areas, private and public open space areas, neighborhood parks, mini/HOA parks, paths, trails, bike lanes, trailheads and recreational amenities (public/private) as well as concepts for amenities within the development. The acreages of open space, neighborhood parks, mini/HOA parks, paths, trails, connections and trailheads included within development parcels will be counted toward the total 1,350 acres of open space.

At the discretion of the City of Peoria, and in accordance with the applicable RAMP and Community Services Master Plan (CSMP), as amended, an equestrian trailhead and staging area will be developed within close proximity of the Big Spring natural preservation area with trail connectivity. If it is determined to be feasible and desirable, this connectivity will be inclusive of equestrian use; an equestrian trail will be accommodated in the Big Spring easement. Another useable trailhead to be constructed is proposed at the southeast corner of the CAP and El Mirage Road as part of Phase 1 of the development.

Approximately 39.2 net acres are intended for dedication as neighborhood park and/or active recreation space; 27.2 net acres on private land and 12 net acres on State Trust land(s), consistent with the Lake Pleasant Heights Specific Area Plan (December 2012). These areas are intended to accommodate the recreational needs of the projected resident population of approximately 18,371 people. A minimum of 8-10 usable acres will be necessary within each of these neighborhood park development parcels for park improvements. The 8-10 usable acres shall be sufficient for typical park amenities such as but not limited to play fields (soccer, softball, etc.) hard surface courts (basketball, tennis, etc.) playground structures (0-5 year-olds, 5-12 year olds, 12+) restrooms, parking (for at least 20 vehicles) and other possible amenities (such as walking paths, volleyball, picnic ramadas, etc.). Proposed amenities within each neighborhood park shall be consistent with the CSMP and subject to review and approval by Community Services staff.

In addition to the neighborhood parks, in accordance with the Community Service Master Plan (CSMP), there will be mini/HOA parks (each approximately 1-acre in size) located within a service area of a $\frac{1}{4}$ to $\frac{1}{2}$ mile radius. The location and size of these will be determined at the detailed site plan and preliminary plat map process. Mini/HOA parks may be located within open space areas. As described in the CSMP guidelines, "In the mountainous northern areas of the City, accommodations may be altered for the service radius due to lower residential densities".

The Lake Pleasant Heights Plan intends to preserve a significant amount of open space within the community; however, the specific amount and location of this open space will be determined as each development parcel is platted consistent with the approved RAMP for each Development Unit. The required total open space as per the 2006 Peoria Parks, Recreation, and Open Space and Trails (PROST) Master Plan requires 10 acres per 1,000 population. Based on this standard, the Lake Pleasant Heights Planned Community Development would require a minimum of 63 acres of open space on State Trust land and 121 acres of open space on private land, totaling 184 acres. As shown on Figure 15, General Development Plan and in Table 1, Land Use Density and Intensity, a significantly greater amount of open space with a minimum of 1,350 acres has been

proposed. This open space is provided in recognition of the hierarchical value of open spaces that contributes to the community's quality of life.

Through the implementation of the Specific Plan and Planned Community District Plan, open space will be provided on a plat by plat, site plan by site plan, phase by phase basis. However, the open space areas indicated in Table 1, Land Use Density and Intensity, for each ownership area will be met. The transfer of open space between development parcels and development units within one ownership area is permitted. The transfer of open space between ownership areas is not permitted. A running tabulation for open space will be provided on a phased basis as the project is built out.

Trailheads, neighborhood parks and primary trail corridors in natural open space areas will become public. As the project moves through the development process, additional open space areas may be dedicated to the City, subject to the City's acceptance. These areas will be identified at the time of the RAMP for each development unit.

a. Open Space Value System

The Lake Pleasant Heights Specific Area Plan committed the project to a minimum of 1,350 acres of open space; however, the City recognizes open space within a community is a living system of natural, man-made and cultural resources which are provided and maintained for the benefits of residents, business, and visitors. As designed, the open space system within Lake Pleasant Heights is envisioned as a series of interconnected landscapes and spaces that provide places where residents can recreate, that protect biological diversity, and link residents to surrounding areas they cherish. Given the conceptual nature at this stage in development, it is difficult to fully anticipate and identify the most desired amenities or valued land for open space. Consequently, the Applicants are requesting to establish an open space value system as noted in Table 3, Open Space Value System below as a means to anticipate and better accommodate changes in amenity demands as the project continues through the development process.

Implementation of the proposed Open Space Value System may result in a modest, but capped, reduction in the amount of required open space within the community; however, any such reduction will be made in exchange for specified enhancements which are in keeping with the Lake Pleasant Heights open space system vision. Further, proposed enhancements shall offset any reduction in open space at a level which is far above and beyond minimum city requirements.

At the sole discretion and approval of the Community Services and Planning Directors, the Applicant may utilize the Open Space Value System to reduce the minimum open space acreage identified in Table 1 for each Development Unit by no more than five (5) percent. Under no circumstance shall the total amount of open space for the PCD be reduced by more than 50 acres (of the total 1350 acres). All enhancements that are deemed by the Directors to meet or exceed the minimum city standards shall be eligible to receive a credit, up to the maximum values specified in Table 3. All proposed improvements shall be shown and approved by the Directors on the applicable Development Unit RAMP.

Table 3: Open Space Area Value System

Open Space Element	Measurement / Metric Standard SAP Standard/PCD OS Credit Value	Value Assignment Towards Open Space Requirement
Unimproved Open Space, Private ⁽¹⁾	1.0 Acres = 1.0 Acres	100% (1.0 acres)
Unimproved Open Space, Public ⁽²⁾	1.0 Acres = 1.5 Acres	150% (1.5 acres)
Rock Outcrop / Formation ⁽³⁾	1.0 Acres = 1.2 Acres	120% (1.2 acres)
Expanded Riparian Corridor ⁽⁴⁾	1.0 Acres = 1.2 Acres	120% (1.2 acres)
Additional Public Trail Corridor ⁽⁵⁾	1.0 Acres = 1.2 Acres	120% (1.2 acres)
Improved Open Space ⁽⁶⁾	1.0 Acres = 2.0 Acres	200% (2.0 acres)

Notes:

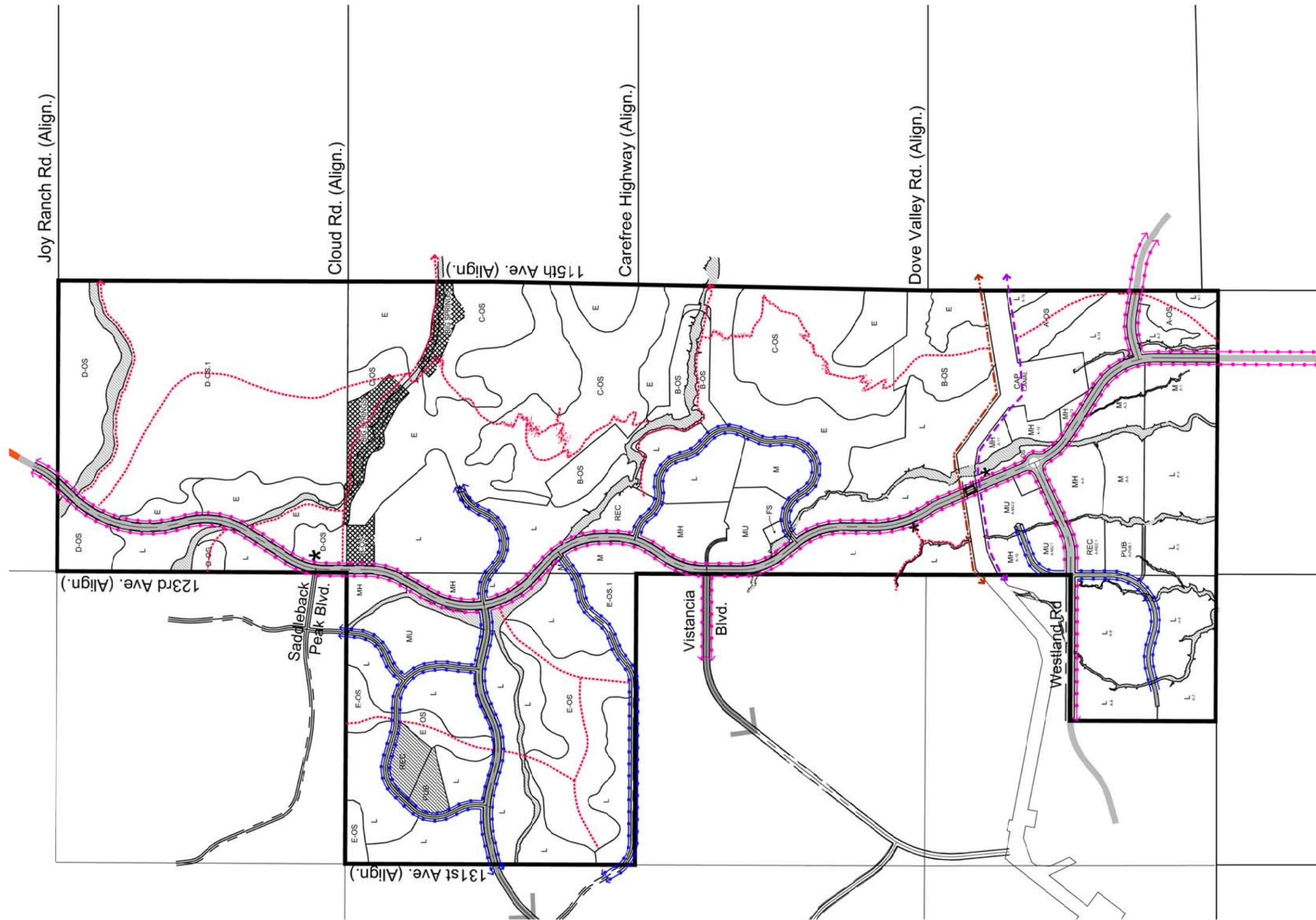
1. Private unimproved open space is inclusive of open space, defined on a subdivision plat as a tract to be dedicated to the homeowners association. Such open space shall not include any retention or detention facilities.
2. Public unimproved open space is inclusive of open space which is defined on a subdivision plat as a tract to be dedicated and accepted by the City of Peoria. Such open space shall not include any retention or detention facilities.
3. A rock outcrop or rock formation is inclusive of a defined unique formation (as proposed by the subdivision plat applicant and approved by the Planning Director), defined on a subdivision plat as a portion of a tract intended for conservation in perpetuity.
4. An “expanded riparian corridor” is inclusive of areas beyond the minimum corridor width and overall acreage of the primary drainageways and buffer required under the Desert Lands Conservation Overlay (DLCO) or as amended herein. An expanded riparian corridor shall be capable of sustaining plant, trees and wildlife. These corridors shall be identified within the applicable subdivision plat or commercial site plan, and preserved within a tract or other instrument acceptable to the City of Peoria.
5. An additional trail corridor with accompanying public access easement beyond that identified on Figure 16A (“Bicycle & Pedestrian Circulation Plan”) is inclusive of open space, defined as a trail corridor on a subdivision plat as a tract to be dedicated to the homeowners association or to the City of Peoria. The measurement of the area of the corridor shall be to a demarcation extending beyond the minimum standards outlined within the CSMP and measured in square feet or converted to acres.
6. Improved open space feature including, but not limited to, an improved scenic overlook, additional trailhead or other feature with a regional significance, which enhances the usability and/or experience of the open space beyond that minimally required.

Figure 17, Open Space Lands, graphically depicts the anticipated areas to be preserved, publicly or privately. Additional open space is located along the eastern and northern boundaries of the site, which includes unplanned Federal land to the north and State Trust land to the east. Where possible, open spaces have been planned to link to open areas planned within Vistancia and Saddleback Heights.

A portion of natural open space has already been reserved on the site. The existing Big Spring Conservation Easement, consisting of approximately 48 acres, is located along the northern boundary of Section 1. The existing easement is proposed to be redefined as a part of this application. To create open space linkages for wildlife and area recreational users, this application proposes to redefine the easement to include a corridor encompassing the adjacent unnamed wash. Legal descriptions of the current and proposed easements are described within Appendix C.

Figure 16a: Bicycle and Pedestrian Circulation Plan

Figure 16a
Bicycle & Pedestrian
Circulation Plan



- Legend**
- Major Arterial
 - Minor Arterial
 - - - Central Arizona Project Canal Trail
 - 4' Natural Surface Trail
 - - - 8-Foot Multi-use Path/ On Street Bike Lanes
 - - - 6-Foot Multi-Use Path/ On Street Bike Lanes
 - - - Equestrian Trail
 - * Trail Head
 - Wash Corridor Preservation
- Note: All the above Trails, Pathways & Uses are Public
- Low Density Residential Overlay Zone
- Min. Trail Acreage 22 Ac
Min. Trail Length 18 Miles

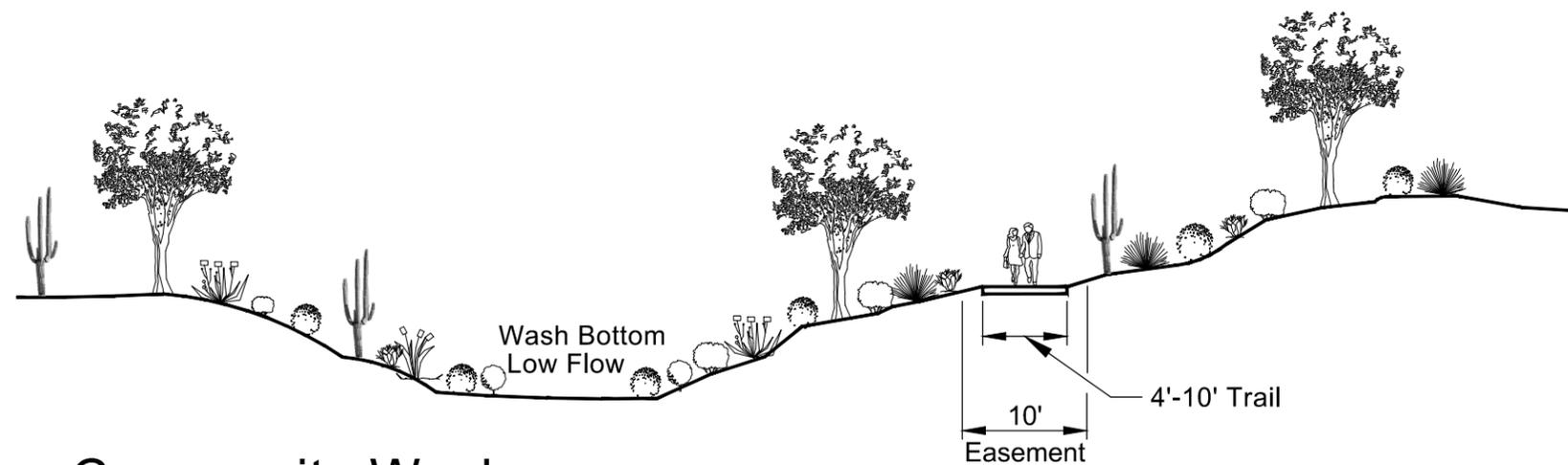
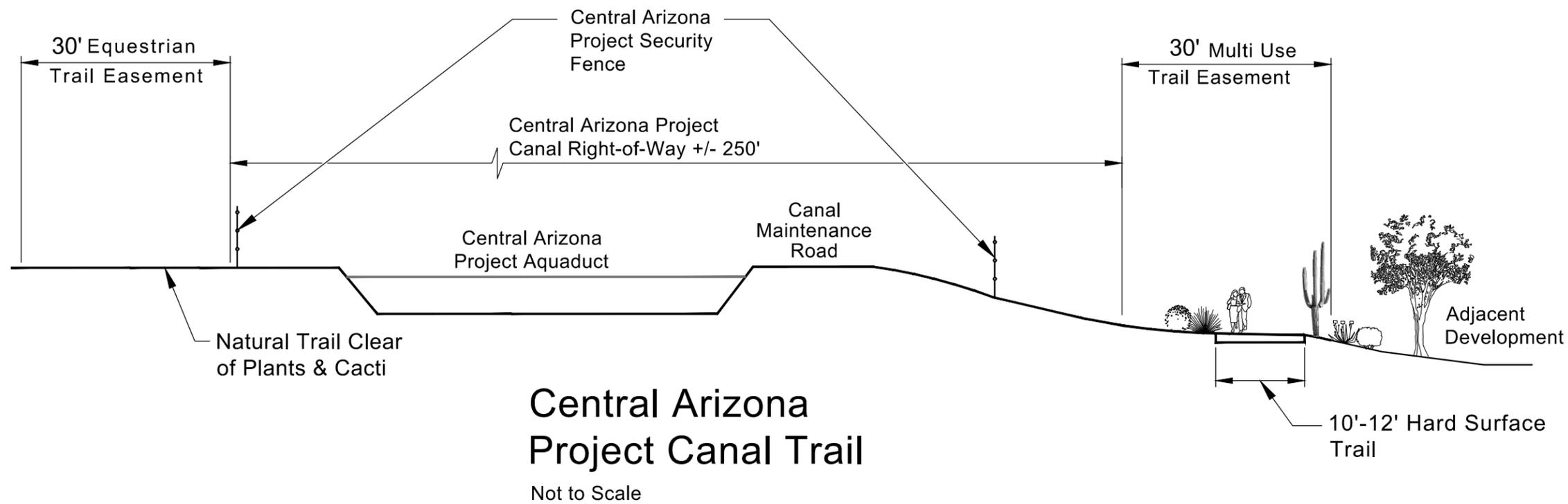
Note: Locations of internal bicycle and pedestrian connections to paths and trails adjacent to roadways will be determined for each development area at the time the first parcel of each area develops.



Lake Pleasant Heights
Planned Community District

Figure 16b: Bicycle and Pedestrian Circulation Plan Cross Sections

Figure 16b
Bicycle & Pedestrian
Circulation Plan
Cross Sections



Community Wash Corridor Trails

Not to Scale

Lake Pleasant Heights
Planned Community District

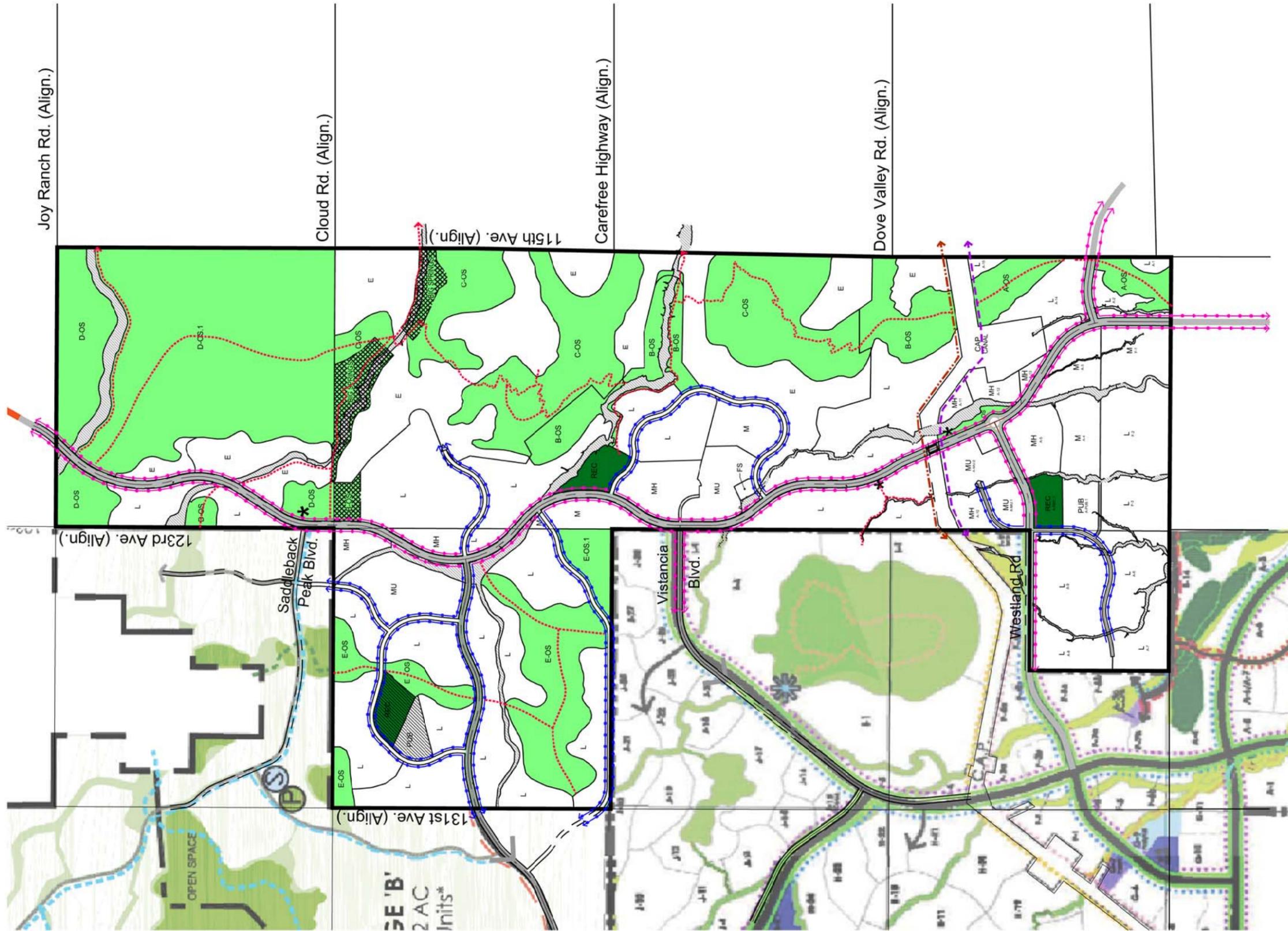
PEORIA, ARIZONA



DATE: 9/10/15

Figure 17: Open Space Lands

Figure 17
Open Space Lands



- Legend**
- Major Arterial
 - Minor Arterial
 - - - Central Arizona Project Canal Trail
 - - - 4' Natural Surface Trail
 - - - 8-Foot Multi-use Path/ On Street Bike Lanes
 - - - 6-Foot Multi-Use Path/ On Street Bike Lanes
 - - - Equestrian Trail
 - * Trail Head
 - Wash Corridor Preservation
 - Open Space Preservation
 - Public Park
 - Note: All the above Trails, Pathways & Uses are Public
 - Low Density Residential Overlay Zone



Lake Pleasant Heights
Planned Community District

4. Community Facilities**a. Fire**

The Lake Pleasant Heights community, located within the jurisdiction of the City of Peoria, will seek fire services from the City of Peoria. The Lake Pleasant Heights property lies within the City's northwestern Fire Management Area. A fire station site will be made available to the City of Peoria and is tentatively identified in Figure 15, General Development Plan.

A future fire station site is proposed within a half mile of the intersection of Vistancia Boulevard and El Mirage Road. The fire station site shall be 2.5 acres of usable area excluding setbacks and dedications. Figure 18, Emergency Response Plan, provides an overview of the four-minute response area of this planned station, as well as that of other proposed fire station facilities within neighboring communities that will serve the Lake Pleasant Heights site. The Lake Pleasant Heights proposed fire station site may be moved to another location if agreed to by the Fire Department and the Developer as more specifically defined in the Development Agreement. The construction schedule for this facility will depend on population growth and service criteria provided by the Peoria Fire Department.

b. Police

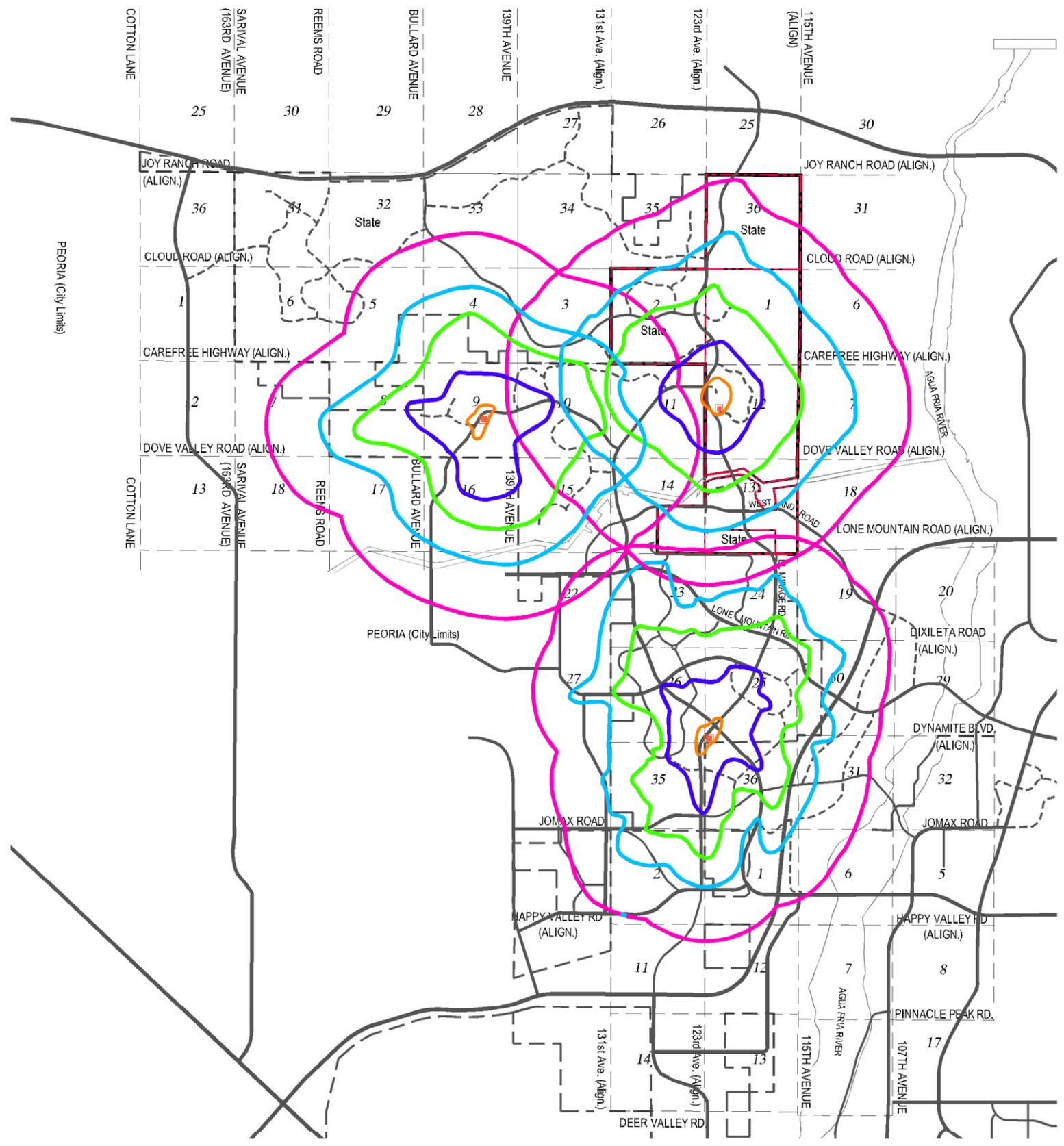
Lake Pleasant Heights will seek law enforcement services from the City of Peoria. Until such time as a permanent Law Enforcement service site can be developed within Northwest Peoria, an interim Law Enforcement site will be made available to the City within the Lake Pleasant Heights site, if requested by the Police Chief as more specifically defined in the Development Agreement. The location of the proposed interim Law Enforcement site shall be as determined by the Police Chief and the Developer. The interim site will be made available at such time as is determined necessary by the Police Chief, following construction of residences within Phase 1.

c. Library

A library is not currently anticipated within the Lake Pleasant Heights Planned Community. However, if a library is proposed at a later date, it is encouraged to be located within one of the mixed-use areas.

Figure 18: Emergency Response Plan

Figure 18
Emergency Response Plan



- Legend**
- Emergency Response Site
 - 1 Minute Response
 - 2 Minute Response
 - 3 Minute Response
 - 4 Minute Response
 - 4+ Minute Response



Lake Pleasant Heights
Planned Community District

PEORIA, ARIZONA



DATE: 9/10/15

4.5 Circulation

The proposed circulation system for Lake Pleasant Heights is designed to offer several choices for mobility, such as vehicular, bicycle, and pedestrian facilities. These facilities are discussed below.

1. Vehicular

A Category III Traffic Impact Analysis for Lake Pleasant Heights has been prepared by VA in 2013, updated in December 2014 and approved by the City in 2014. An additional updated Traffic Impact Analysis will be provided to support the 2017 minor PCD Amendment, particularly related to the arterial roadway alignment revisions for El Mirage Road and Westland Drive. If determined to be necessary by the City of Peoria traffic engineer, a separate stand-alone Traffic Impact Analysis will be submitted with each subsequent Phase or Preliminary Plat to confirm specific intersection geometric and operational requirements including the number and types of lanes for turning/thru-movements, vehicle storage areas, and parameters for signalization based on more precise land use data, site access/driveway locations, and traffic forecasts.

In order to provide regional access for Saddleback Heights, an arterial road (Galvin Blvd.) needed to be added between SR74 and El Mirage Road. Through a collaborative effort between the Applicants and surrounding land owners, including Saddleback Heights and Vistancia, the previous alignment along the south side of Section 2 was relocated through the middle of Section 2 due to concerns related to intersection spacing along El Mirage and topographic constraints. A fair share analysis will be conducted identifying appropriate cost sharing for the construction of roads based on traffic generation from various land owners in the area.

The existing site currently has no developed roadways or formal trail systems. There are several off-road vehicle trails and abandoned mining roads. The proposed roadway network for Lake Pleasant Heights includes a series of major arterial, minor arterial, and collector roadways that will facilitate traffic throughout the community and neighboring areas. Planned major arterial roadways within and adjacent to the Lake Pleasant Heights property include the proposed El Mirage Road, Westland Road, Galvin Boulevard and the Vistancia Boulevard alignments. See Section 4.1 for additional information and an overview of the proposed circulation network.

The proposed section for El Mirage Road includes a 134 foot right of way plus 8 foot section on each side for public utilities easement (PUE) totaling a 150 foot section. The proposed sections of EL Mirage Road that will be constructed as part of the project varies based on its location within the site and the result of the updated 2017 traffic impact analysis (TIA). The Lake Pleasant Heights arterial roadway infrastructure will be constructed in phases beginning at the southerly project boundary in accordance with City Standards and based on the results of the TIA. The developer of Section 36 (Development Unit D) will be responsible for their fair share of the improvement costs associated with the extension of El Mirage Road between Saddleback Peak Boulevard through Section 36. The preferred alignment for El Mirage Road is off the section line from approximately the Carefree Highway alignment north to Highway 74. This alignment requires the cooperation of Arizona State Land Department and the Bureau of Land Management to secure the right of way. The Applicant will endeavor to work with the City to obtain the preferred alignment for El Mirage Road.

An arterial roadway within and adjacent to the Lake Pleasant Heights community will include Westland Road. The proposed section for this arterial street is a 130 foot right of way plus an 8 foot section on each side for a public utilities easement (PUE) totaling a 146 foot section. The proposed sections of Westland Road will be constructed as part of the project in phases in accordance with the City Standards and based on the results of the TIA. In some cases, where trails have been planned or are provided within the immediate proximity to a typical sidewalk location, the trail may replace the

sidewalk for pedestrian circulation within the area subject to City staff review and approval. The arterial and collector streets are discussed further within the TIA."

2. Bicycle

Because of the recreational and multi-modal transportation opportunities that exist within the Lake Pleasant Heights community, attention was given to establishing a bicycle trail network. Figure 16a, Bicycle and Pedestrian Circulation Plan, identifies the location of proposed trails and bicycle routes that will allow residents to travel throughout the Lake Pleasant Heights community.

Bike lanes are designed as six-foot wide lanes primarily for street bikes along major and minor arterial streets. The multi-use trail system will integrate bicycle users with pedestrian and other users within the proposed concrete surface trail system. Trail development will emphasize multiple uses.

3. Pedestrian

The Master Bicycle and Pedestrian Circulation Plan was designed with a strong emphasis on pedestrian circulation and access to open space. The proposed network identified in Figure 16a, Bicycle and Pedestrian Circulation Plan and Figure 16b, Bicycle and Pedestrian Circulation Plan Cross Sections illustrate a trail and path network designed to accommodate pedestrians.

Pedestrians will have access to eight-foot wide paths along arterial streets. These are consistent with the guidelines for Secondary Path classification in the Community Service Master Plan (CSMP). Six-foot wide paths are located along minor collector streets which is consistent with Neighborhood Path classification in the CSMP guidelines. The sidewalk alignment is planned to maintain a minimum separation of four feet from the back of street curb. In addition, there will be paths or trails along washes and other areas that will be determined at the detailed site planning and plat map stage of design.

Pedestrians will have access to off-street trails located within the regional open space network. To the extent possible, trail locations within the open space network will promote the preservation of existing vegetation and minimize erosion with the use of drainage swales. In accordance with the CSMP guidelines these trails will typically be three to four-feet wide with an occasional widening on steeper segments of the trail to provide a step-a-side rest area. These trails will be installed with a drainage swale on the up-slope side of the trail and a two-foot wide shoulder on the down-slope side.

Two trailheads are planned, one at the Big Spring Conservation Easement, and one on the south side of the CAP and east of El Mirage Road, that will provide access to other trails. The trailhead, within proximity of the Big Spring Conservation Easement, will include parking spaces for trailhead use. Both trailheads are anticipated to be public facilities. Trailhead facilities proposed within Development Unit A will be constructed in accordance with the respective RAMP. For ASLD State Land, trailhead amenities will be constructed in conformance with the CSMP, as amended.

A ten to twelve-foot hard surface trail is planned along the Central Arizona Project (CAP) Canal up to the CAP siphon. The width of the natural surface trail will be adjusted during the detail design to respond to natural trail and steep slopes; however, the width of the trail easement will be maintained throughout the entire trail alignment in accordance with City standards. A thirty-foot equestrian trail corridor is located on the other side of the CAP.

These backbone pedestrian and bicycle trails provide the community wide framework for connectivity at the master plan level. As mentioned in Section 1.2, smart growth principles have been incorporated into the land use plan by providing a comprehensive trail system thereby providing an alternative to the car. As the project develops during the site planning/preliminary plat process, additional connectivity will be provided. Pedestrian and bicycle connectivity is encouraged to link to these framework trails by providing additional trails and sidewalks to areas outside of the smaller neighborhoods as well as within and between neighborhoods.

Pedestrian connections to and within the mixed use areas are very important to achieving the concept of connectivity and smart growth. Sidewalks and trails should be designed to be at a pedestrian scale and inviting to pedestrians. Connections should be made to recreational, commercial and civic uses whenever possible.

4.6 Drainage

A preliminary Drainage Master Plan is provided as a separate report. A summary of existing conditions has been provided in Section 3.3.5. The overall drainage design will be in conformance with the Master Drainage Plan for the development.

4.7 Community Design and Streetscape

1. Streetscape Concepts

The Lake Pleasant Heights Planned Community will be designed and developed with a consistent streetscape theme within the public right of way in accordance with the City of Peoria Standards unless otherwise approved by the City Engineer. Private design guidelines for Lake Pleasant Heights will incorporate provisions for landscape treatment on private property, as well as within the public right of way.

2. Plant Materials

The street environment will reflect the character of the Sonoran Desert. Table 4, Proposed Thematic Plant Palette, reflects plant material intended to establish the Lake Pleasant Heights streetscape. The plant palette will be refined with the submittal of landscape plans during the site plan and preliminary plat process.

Table 4: Proposed Thematic Plant Palette

Native Plans		Flowering Accents/Highlight Plants	
Native Trees:	Foothills Palo Verde	Trees:	Acacias
	Blue Palo Verde		Texas Ebony
	Native Mesquite		Lysiloma (Desert Fern)
	Ironwood		Desert Willow
Native Shrubs/Cacti:	Barrel Cactus		
	Brittle Bush	Shrubs:	Agave
	Bursage		Baja Fairy Duster
	Chuparosa		Red Bird of Paradise
	Creosote		Dalea
	Jojoba		Desert Ruellia
	Native Prickly Pear		Desert Spoon
	Native Yuccas		Hesperaloe
	Ocotillo		Lantanas
	Saguaro Cactus		Little Leaf Cordia
			Leucophyllum
Ground Cover:	Turf (not in right of way)		Penstemon
			Sage/Salvia
Inerts:	Decomposed Granite		Yellow Bells
	Desert Pavement		Deer Grass
	(native rock)		

4.8 Utilities and Services

1. Water

The LPH property currently has no water or wastewater services. As an incorporated area within the City of Peoria, the site will utilize municipal potable water and wastewater services. The development will participate in the funding for construction of the required off-site infrastructure facilities required to provide sources, distribution, storage and treatment of potable water; and collection, conveyance and treatment of wastewater for the property. The development will be responsible to completely fund all water and wastewater infrastructure needed to support the development area within the project limits.

The infrastructure necessary to serve the Lake Pleasant Heights site is proposed in the Water and Wastewater Master Plan Amendment, a separate report prepared by VA Consulting.

The water supply resources for the Lake Pleasant Heights development are based on 6,561 residential dwelling units, 113.7 acres of mixed use and 39.9 acres of parks and recreation development, with the following associated demands estimated using criteria in the City 2006 Water Master Plan:

Table 5: Water Use Demand

DEMAND FACTOR	PRIVATE LANDS	STATE LANDS
Average Daily Demand (ADD):		
Single Family (467 gpd/DU)	2,803 DU 1,308,721 gpd	1,717 DU 801,667 gpd
Multi-Family (330 gpd/ DU)	1,501 DU 495,030 gpd	540 DU 178,092 gpd
Parks & Rec. (3,035 gpd/ Acre)	35.9 acres 108,457 gpd	12.5 acres 37,938 gpd
ADD Subtotal:	1,912,707 gpd 2,143 AF/Year	1,017,697 gpd 1,140 AF/Year
Total Required Annual Source:	3,283 AF/Year	

It is noted that the residential demand factors include commercial demands as well as a 10% loss (City 2006 Master Plan, Table 6.4, Note 1).

Upon payment of an amount yet to be established by the City and agreed upon by LPH and other participating developers, the City of Peoria, through an inter-governmental agreement with cities of Glendale and/or Phoenix, will dedicate a portion of CAP allotments to serve the plan area. The CAP allotments will have sufficient treatment capacity at a water treatment plant to treat CAP water in amounts sufficient to supply the plan area. The LPH use of CAP water will be as follows:

- The City of Peoria is participating with the City of Glendale to expand the Pyramid Peak WTP in order to provide treated CAP water supply for Peoria demands. LPH may contribute to the WTP expansion and transmission infrastructure, and coordinate those improvements to assist in the City’s development of a regional water supply for the City’s northeast area.
- The City conducting preliminary planning for the proposed upgrades to the Agua Fria Booster Pump Station (BPS). The Agua Fria BPS will serve Lake Pleasant Heights as well as surrounding communities. The LPH water demand would similarly be met by participation in the upgrade of the associated water conveyance infrastructure located on the east side of the Agua Fria River, which would include the completion of the Lone Mountain Pipeline, and Westland Road Reservoir and Booster Facility.
- The City will establish a fee based upon the total cost of purchasing treated CAP water, as well as the cost of all needed water transportation facilities, including pipelines and ancillary equipment, to transport the treated water to the plan area. LPH, the City of Peoria and three other developers with properties located in the water service area are in the process of forming several Joint Development Agreements to fund the design and construction of storage, pumping and transmission mains for delivery of treated water from the City of Glendale Pyramid Peak WTP to water storage and pumping facilities located at the southwest corner of the LPH property, referred to as the Westland Road Water Facility. The contribution of funds by LPH toward this agreement will be credited against the project water impact fees.

All of the off-site water supply will be imported in transmission mains to a dedicated Development Parcel within the Vistancia PCD adjacent to the southwest area of Phase 1, where storage and booster pumping facilities will be constructed to provide for the phased conveyance of drinking water throughout the LPH development. All transmission facilities will be designed with capacity for the total project water requirements.

The City requires redundant water supplies (City Code Section 25-20) to ensure the reliable delivery of water to the development. Lake Pleasant Heights will achieve the required redundancy by providing a combination of water resources as discussed above, and all facilities required to treat and transport each source. It is noted that reclaimed water cannot be considered a redundant supply.

Reclaimed water use sites within the development include parks, and school use areas: one is located in Phase 1 south of the CAP Canal; and the second is located in Section 2 (Planning Area E) within State lands. Roadway landscaping will also be a reclaimed water use area; however, it is anticipated that very low water use vegetation will be planted and irrigated with drip systems, so the water demand will be negligible. Reclaimed water demands, based on City 2006 Water Master Plan Table 6.4 criteria of 3,035gpd/acre, are summarized in the following Table 6:

Table 6: Reclaimed Water Use Demand

USE AREA	DEMAND (gpd)
PARKS	
Planning Area A: 12.9 acres	39,152 (Private)
Planning Area B: 18 acres	54,630 (Private)
Planning Area E: 12.5 acres	37,938 (State Lands)
SCHOOL	
Planning Area A: 5 acres turf	15,175 (Private)
TOTAL	146,895

The estimated reclaimed water produced at the Jomax WRF by treating LPH wastewater flows is 95% recovery of 1.41 MGD (ADWF), or 1.34 MGD. Since the LPH reclaimed water demand is 146,895gpd, it is apparent that approximately 1.19 MGD of excess reclaimed water will be produced at build-out. The alternative uses of this water resource, in order of preferred priority, are as follows:

1. Direct Use:
 - a. Supplement local demands at Vistancia
2. Groundwater Recharge:
 - a. Injection wells constructed by LPH outside of the project boundary.
 - b. Discharge to new Agua Fria and/or New River recharge basins that are approved for recharge (not CAP water).
 - c. Discharge to natural washes (50% credit, least desirable option).

Lake Pleasant Heights proposes to perform necessary upgrades, if needed, to extend the reclaimed water infrastructure to the LPH development for use in the parks, school site, and common areas. A detailed evaluation of the existing Vistancia reclaimed water infrastructure will be required to identify necessary upgrades, as well as an evaluation of existing recharge systems.

2. Wastewater

There are currently no existing wastewater treatment facilities on the project site. Lake Pleasant Heights is proposed to be served by the regional Jomax Wastewater Reclamation Facility. This reclamation plant is located south of the development, within the Vistancia PCD.

Upon completion of development in the region, the Jomax Wastewater Reclamation Facility is anticipated to reach a capacity of approximately 6.7 MGD. Lake Pleasant Heights will purchase or construct capacity within this plant, consistent with the wastewater generated by the project.

It is estimated that the proposed LPH land use plan will generate average dry weather flows of 1.41 MGD, and peak wet weather flows of 3.42 MGD.

Wastewater generated by the development will be conveyed to the Jomax WRF by a gravity trunk sewer system. Several lift stations will be required to accommodate topography within Lake Pleasant Heights.

3. Electric

Lake Pleasant Heights is located within the Arizona Public Service (APS) service area and plan to be served by them. A “Will-Serve” letter has been applied for and provided under the Extension of Service guidelines.

4. Telephone

Lake Pleasant Heights is located within the Zona Communications service territory for telephone as the Local Exchange Carrier (LEC). A “Will-Serve” letter has been applied for and provided under the Extension of Service guidelines.

5. Cable Television

The project is served under the provisions of the City of Peoria Franchise agreement with COX Communications (CATV: Competitive Local Exchange Carrier – CLEC). A “Will-Serve” letter has been applied for and provided under the Extension of Service guidelines.

6. Natural Gas

Natural gas will be provided by Southwest Gas Corporation. A “Will-Serve” letter has been applied for and provided under the Extension of Service guidelines.

7. Refuse Collection Districts

A refuse collection district does not currently serve the Lake Pleasant Heights property. It is anticipated that the City of Peoria will provide refuse collection services.

5 REGULATORY DEVELOPMENT STANDARDS

5.1 Purpose and Intent

This section contains the land use and regulatory development provisions to implement the Lake Pleasant Heights Planned Community District and to comply with provisions of the Planned Community District, Section 21-605 of the Peoria Zoning Ordinance. These provisions constitute the primary tool for use by the City of Peoria and the Developer to ensure that Lake Pleasant Heights develops in conformance with this document and the Lake Pleasant Heights Specific Area Plan.

The development regulations govern land use densities, intensities and location criteria within Lake Pleasant Heights. Furthermore, this section includes development standards related to base zoning, use, setbacks, heights, coverage, infrastructure design standards, and drainage design standards. Unless otherwise noted herein, all development within Lake Pleasant Heights shall conform to all City of Peoria Ordinances, Codes, Policies, and Regulations in effect upon the date the Lake Pleasant Heights PCD is adopted.

5.2 Zoning Base Districts

The base zoning districts requested under this application include districts specifically drafted for the Lake Pleasant Heights Planned Community District, which, under the PC District (Section 21-606.2.D), supplements and supersedes base zoning as described in the Peoria Zoning Ordinance. These districts are defined as follows:

Table 7: Zoning Base Districts

District	District Description	Minimum Lot Size or Land Area (Sq. Ft.)
LPHD-43	Lake Pleasant Heights Detached Housing	43,000
LPHD-35	Lake Pleasant Heights Detached Housing	35,000
LPHD-30	Lake Pleasant Heights Detached Housing	30,000
LPHD-24	Lake Pleasant Heights Detached Housing	24,000
LPHD-18	Lake Pleasant Heights Detached Housing	18,000
LPHD-12	Lake Pleasant Heights Detached Housing	12,000
LPHD-10	Lake Pleasant Heights Detached Housing	10,000
LPHD-8	Lake Pleasant Heights Detached Housing	8,000
LPHD-7	Lake Pleasant Heights Detached Housing	7,000
LPHD-6	Lake Pleasant Heights Detached Housing	6,000
LPHD-5	Lake Pleasant Heights Detached Housing	5,000
LPHD-4	Lake Pleasant Heights Detached Housing	4,000
LPHD-3	Lake Pleasant Heights Detached Housing	3,000
LPHA-4	Lake Pleasant Heights Attached Townhomes	4,000
LPHA-3	Lake Pleasant Heights Attached Multifamily	3,000
LPHA-2	Lake Pleasant Heights Attached Multifamily	2,000
LPHA-1	Lake Pleasant Heights Attached Multifamily	1,000
LPH-MU	Lake Pleasant Heights Mixed-Use	No Standard

1. Residential District Standards

The residential districts previously listed in Section 5.2 are designed to respond to opportunities and constraints discussed within the Site Analysis Section (Section 3) related to the Lake Pleasant Heights property. The wide range of single family residential districts, ranging from 43,000+ square foot lots to multifamily housing on un-subdivided land, is intended to support a

variety of resident life styles and housing choices. District standards are intended to promote stable, functional, and diverse neighborhoods that meet the housing needs of each resident and fit the physical characteristics of the property.

a. Permitted Principal Uses

The Lake Pleasant Heights Planned Community amends Section 21-416 of the Peoria Zoning Code to allow the following principal uses within residential districts:

- Single Family Detached Housing;
- Single Family Attached Housing;
- Multifamily Housing;
- Churches, synagogues, temples, chapels, or similar places of worship and related facilities, if access is provided directly to an arterial or collector street, subject to review of vehicular access by the City Engineer;
- Private educational institutions if access is provided directly to an arterial or collector street. Public institutions if access is provided directly to an arterial or collector street. Parochial, if access is provided directly to an arterial street. Elementary schools sited on collector streets and residential streets where approved by the City's traffic engineer;
- Public utility and municipal facility buildings and related facilities, provided the facilities are adequately screened from public view;
- Seasonal rental or time-share units in the LPHA-4, LPHA-3 and LPHA-2 districts;
- Parks, public and private; and
- Temporary residential start-up uses, including sales/marketing facilities, model home complexes and related accessory uses.

b. Conditional Uses

The Lake Pleasant Heights Planned Community shall conform to the standards provided by Section 21-417 of the Peoria Zoning Code, except as provided for under Permitted Principal Uses as listed above.

c. Permitted Accessory Uses

The Lake Pleasant Heights Planned Community shall conform to the standards provided by Section 21-418 and 21-422 of the Peoria Zoning Code.

d. Development Standards

The Lake Pleasant Heights Planned Community shall recognize the development standards provided within Table 8, Residential Development Standards. These standards are intended to supersede the standards provided by Section 21-420, as authorized by Section 21-606.2.D of the Peoria Zoning code. The Lake Pleasant Heights residential district standards are intended to provide standards for minimum lot area, minimum lot width, building height, minimum yard setbacks, distance between multi-family buildings and maximum lot coverage for each residential lot.

Table 8: Residential Development Standards

District	Minimum Lot Size		Building Height	Minimum Yard Setbacks					Distance Between Buildings (4)	Minimum Lot Coverage (6)
	Area (1)	Width (2)		Stories/ Feet (3)	Side		Street Side (5)	Rear (5)		
					Min.	Total				
LPHD-43										
	43,000	140	2/30	25	15	30	15	25	NS	35%
LPHD-35										
	35,000	120	2/30	25	10	20	10	20	NS	35%
LPHD-30										
	30,000	100	2/30	25	8	20	10	20	NS	35%
LPHD-24										
	24,000	80	2/30	25	8	20	10	20	NS	35%
LPHD-18										
	18,000	75	2/30	20	5	15	10	15	NS	40%
LPHD-12										
	12,000	70	2/30	20	5	15	10	15	NS	40%
LPHD-10										
	10,000	65	2/30	20	5	15	10	15	NS	40%
LPHD-8										
	8,000	60	2/30	20	5	15	10	15	NS	45%
LPHD-7										
	7,000	55	2/30	20	5	13	10	15	NS	45%
LPHD-6										
	6,000	50	2/30	20	5	13	10	15	NS	45%
LPHD-5										
	5,000	45	2/30	20	3	6	10	10	NS	50%
LPHD-4										
	4,000	40	2/30	20	3	6	10	10	NS	60%
LPHD-3										
	3,000	35	2/30	20	3	6	10	10	NS	65%
LPHA-4										
	4,000	30	2/30	20	0	10	8	5	10	60%
LPHA-3										
	3,000	NA	2/30	5	0	10	8	5	10	60%
LPHA-2										
	2,000	NA	3/36	5	0	10	8	5	10	60%
LPHA-1										
	1,000	NA	4/48	5	0	10	8	5	10	60%

NA: Not Applicable NS: No Standard

(1) Minimum lot area permitted within the district. The minimum area presumes density and grading area transfer from sensitive lands preservation areas. The minimum area may be superseded by Hillside Development Overlay standards related to the maximum number of units per gross acre (density) by slope category.

(2) Minimum lot width permitted within district.

(3) To allow for a diverse streetscape, the front setback for the living component of the home and side entry garage component of the home may be set back ten (10) feet from the front property line. Where front-facing garages are present, a 10-foot front setback shall apply to the livable portion of the home provided that not more than 60% of the total front-facing elevation occurs at the 10-foot setback. The garage shall have a minimum setback of 18 feet from the back of sidewalk to face of garage. Where sidewalks are not provided (Estate development parcels and/or terrain constraints) the garage shall be a minimum of 20 feet from back of roadway curb.

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

(5) Within the LPHA-4, LPHA-3 and LPHA-2, LPHA-1 districts, the setback is required if subdividing property into fee simple lots.

(6) See Table 8a on the following page for Lot Coverage revisions for certain development parcels within Lake Pleasant Heights.

**Table 8a:
Change to Maximum Lot Coverage for Parcels A-6, A-7, A-8, and A-9**

LPH PCD Parcel #	Subdivision Plat Parcel #	Zoning District	Maximum Lot Coverage per PCD	Proposed Maximum Lot Coverage	Difference in Maximum Lot Coverage
A-8	Parcel A	LPHD-8	45.0%	47.0%	2.0%
A-7	Parcel B	LPHD-10	40.0%	45.0%	5.0%
A-6	Parcel C	LPHD-7	45.0%	51.1%	6.1%
A-9	Parcel D	LPHD-5	50.0%	55.0%	5.0%

2. Mixed Use Districts Standards

a. Intent

The Land Use Plan provides the framework for the transition of intensity from Mixed-Use nodes to lower intensity areas surrounding them. The Mixed-Use nodes are located strategically at major intersections along El Mirage Road, which is a major north-south arterial road, serving the northwest part of the City. Greater intensities are proposed at these nodes with land use densities transitioning to lower densities moving toward the steeper areas generally located to the east.

The LPH-MU (Mixed Use) District is intended to provide opportunities for the development of both residential and non-residential uses within a pedestrian oriented environment. A complimentary and appropriate mixing of uses is encouraged including commercial, retail, office, entertainment, services, civic, cultural and residential uses. The arrangement of these uses within the mixed use designed areas will balance vehicular access, circulation and parking with pedestrian movements and accessibility. These areas will provide higher commercial intensity and higher residential density than other land use designations within Lake Pleasant Heights.

Permitted Principal Uses for LPH-MU

Table 9, Mixed Use Districts Permitted Uses, provides the Principal uses permitted within the Mixed Use Districts for Lake Pleasant Heights. The uses listed below are intended to reflect a general list of the most prominent commercial and employment uses. The uses noted below shall be further regulated by Section 14-9-5 of the Peoria Zoning Ordinance- Limitations on Uses.

Table 9: Mixed Use Districts (LPH-MU) Permitted Uses

LAND USE	LPH-MU
Administrative and Financial	
Automatic Teller Machine (ATM)	P
Banks and Financial Institutions	P
Bonding Companies and non-chartered Financial	-
Medical, Dental, or Health Offices	P
Professional, Administrative, or Business Offices	P
Automobile Related	
Auto Auction	-
Auto dismantling, Scrap Dealers, Recycling Centers	-
Auto Parts and Accessory Store	P
Auto Sound System Installation, Auto Glass Tinting and Repair, and similar uses#	C
Auto Body Repair and Painting Facilities#	-
Automobile, Boat, RV or Motorcycle Outdoor Sales and Rental	-
Automobile Diagnostic and/or Service Establishment#	C
Auto Parking Lot or Garage as Principal Use	C
Automobile Rental Facility, Limit to six (6) vehicles#	C
Automobile RV, & Boat Storage Facility	-
Automobile Towing and Impound Facilities	-
Automobile Repair Facilities	-
Boat and RV Repair	-
Car Wash, Automated	C
Car Wash, Self Service	C
Gas Service Station#	
Tire Sales, Repair and Mounting#	P
Eating and Drinking Establishments	
Coffee Shop	P
Delicatessen and Catering Establishment	P
Food and Beverage Vendor Cart#	A
Restaurant, fast-food (drive-thru)	P
Restaurant, fast-food (w/o drive thru)	P
Restaurant and Cafeterias	P
Tavern, Bar, Lounge or Establishment that sells alcoholic beverages for consumption on premise, excluding restaurants#	C
Entertainment and Recreation	
Dancing, Theatrical or Music Studio	P
Health and Exercise Center	P
Indoor Recreation/Entertainment including Bowling Alleys, Game Rooms, Video Arcades, Ice and Roller Skating Rinks, Shooting Ranges,	P

LAND USE	LPH-MU
Pool and Dance Halls, Bingo Halls, and similar uses, excluding Adult Uses and Taverns and Bars and Lounges	C
Recreation and Social Clubs#	P
Resorts	P
Tennis, Racquet Clubs, Miniature Golf and similar uses	P
Theater, indoor	P
Wedding and Reception Center (Ord. 02-21)#	P
General Industrial and Manufacturing*	
Essential Public Service or Utility Installation	C
Mini-Storage Warehouses, excluding RV, Boat and Trailer Storage (Ord. 02-21)#	C
Recycling Collection Point	A
Remote Mail Service	P
General Retail	
Antiques, Crafts, and Collectibles Sales	P
Bait and Tackle Shops	P
Book, Stationery, and Greeting Card Store	P
Candy and Ice Cream Store	P
Carpet and Floor Covering Store	P
Copy Center	P
Drug Store (liquor sales, 24-hour pharmacy, general retail)	P
Florist	P
Gift, Novelty and Souvenir Shop	P
Hobby, Stamp, and Coin Shop	P
Newsstand	P
Pet Shop	P
Plumbing, Heating and Air Conditioning Sales and Service	C
Retail Sales of Merchandise, Indoor	P
Retail Liquor Store# (see Section 21-505.K)	C
(General Retail continued)	
Video Rental Store	P
Water and Ice Store	P
Institutional	
Art Gallery	P
College or University#	C
Cultural Institutions	P
Day Care Centers or Pre-School Centers#	P
Group Care Facility or Community Residential Facility#	C
Libraries and Museums	P
Non-profit Social Services#	P

LAND USE	LPH-MU
Nursing or Convalescent Home, Long Term Care Facility#	P
Public Buildings#	P
Public Utility, Structures, Uses, Facilities, and Equipment#	C
Religious Institutions and similar places of worship#	P
Public/Private Schools, Educational Institutions, Business, Technical or Vocational excluding Colleges/Universities (<i>except elementary schools</i>)	P
Substance Abuse Detoxification and Treatment Centers	-
Wireless Communication Facilities (regulated per Section 21-813)	C
Intense Retail	
Appliance, Furniture, and Household Equipment Sales and Rentals	P
Office Supply and Machine Sales and Service	P
Department Store	P
Equipment Sales, Rental and Storage Yard	-
Farmers Market	C
Hardware Store with Outdoor Storage	C
Large Scale Retail (Big Box Retail)	C
Home Improvement Store	P
Mobile Home Sales	-
Monument Sales and Engraving Shop	P
Outdoor Sales and Display Area (Ord. 02-21)#	P
Plant Nursery, Retail**	P
Plant Nursery, Wholesale	-
Retail Sales of Lumber and Building Materials#	C
Sales and Storage of grain, seed, fertilizer, farm and garden supplies	C
Swap Meet, Indoor	-
Swap Meet, Outdoor and similar outdoor sales	-
Upholstery Shop	-
Wholesale Produce Storage or Market	-
Wholesale sales of finished goods	C
Lodging	
Bed and Breakfast Inn#	P
Hotel or Motel#	P
Living quarter for night guards	C
Medical	
Ambulance Service Facility	C
Emergency Medical Care Facility#	P
Hospitals	-
Medical, Dental, Optician, or Health Clinics and Laboratories	P
Veterinary Hospitals	P
Veterinary Offices and Clinics, excluding animal boarding#	P
Personal Services	
Animal Shelter	-
Appliance Repair	C
Auction Houses and Estate Sales	-

LAND USE	LPH-MU
Dry Cleaning and Laundry Establishment	P
Employment Agencies, not including Day Labor Hiring Centers	P
Laundromat, self-service	P
Locksmith	P
Messenger Delivery Service	P
Tanning Salon, Nail Salon, Barber Shop, Beauty Parlor and similar uses	P
Pet Grooming Shop	P
Photographic Developing and Printing	P
Photographic Studio	P
Radio and Television Sales and Service	P
Recording Studio	P
Shoe Sales and Service, Clothing Alteration	P
Sightseeing Tour Companies	P
Ticket and Travel Agency	P
Watch and Clock Repair Shop	P
Residential	
Assisted Living Facility	P
Independent Living	P
Residential, Multifamily	P
Residential, Live/Work	P
Residential, Loft	P
Single Family Detached	P
Bus Terminals	C

P = Permitted Use

C = Permitted Conditional Use. Conditional Use Permit required. See Peoria Zoning Ordinance Section 21-321.

A = Permitted Accessory Use

- = Not Permitted

= Subject to special limitations per Section 21-505 of the Peoria Zoning Ordinance, if permitted or conditional use.

* = No industrial or manufacturing uses will be allowed within Lake Pleasant Heights, except as indicated in the above table.

** = Outdoor sales of nursery stock, lawn furniture and home garden supplies when developed as an integral part of the planned complex and screened from view from any street.

Mixed Use Development Standards

The Lake Pleasant Heights Planned Community shall recognize the development standards provided within Table 10, Mixed Use Development Standards. These standards are intended to supersede the standards provided by Section 21-415 or 21-500, as authorized by Section 21-606.2.D of the Peoria Zoning code. The Lake Pleasant Heights Mixed Use development standards are intended to provide standards for floor area, density, setbacks, building heights, land use composition and block length.

Table 10: Mixed Use Development Standards

Maximum Intensity (floor area ratio)	Commercial 1.0 Office 1.7 Mixed Use 1.5
Maximum Density	50 du/ac
Minimum Building Setback ⁽¹⁾ (from any arterial street)	15 feet
Minimum Side Yard Setback ⁽¹⁾ (defined from perimeter of designated combined commercial area under same ownership or platted on same map – not individual development parcels or buildings)	20 feet adjacent to non-residential use and multi-family (including attached housing) uses; 30 feet adjacent to traditional single family residential uses.
Minimum Rear Yard Setback ⁽¹⁾ (defined from perimeter of designated combined commercial area under same ownership or platted on same map – not individual development parcels or buildings)	25 feet adjacent to non-residential use and multi-family (including attached housing) uses; 50 feet adjacent to traditional single family residential uses.
Maximum Building Height ⁽²⁾ (defined from perimeter of designated combined commercial area under same ownership or platted on same map – not individual development parcels or buildings)	Maximum height of 4 stories or 48 feet
Composition ⁽³⁾	Residential: 10% min. - 80% max. Office/Medical: 10% min. - 80% max. Retail: 10% min. - 80% max. Hotel/Lodging: 0% min. - 20% max. Public/Quasi-Public: 0% min. - 30% max.
Block Length	Minimum: 200' Maximum (exterior blocks): 1,320' – all other blocks: 700'

- (1) Retail window, showcase, and architectural enhancements may extend two (2) feet within the building setback. Porches and stoops may encroach into the building setback up to a maximum distance of six (6) feet. Architectural arcades may penetrate the adjacent roadway right of way, but shall not break the imaginary vertical plane measured at two (2) feet from the back of curb.
- (2) Building heights may be exceeded to fulfill the provisions of architectural embellishments and mechanical/electrical equipment.
- (3) Target percentages are based on Mixed Use areas within each planning unit. Developer to submit an annual report to City, identifying quantities of each use type constructed to date. A table or summary of existing and proposed uses within each development parcel, and/or mixed use center will be required to be provided to the City as new development parcels are developed and existing uses are redeveloped.

5.3 General Development Standards - All Uses

1. Landscape Standards

The landscape standards for the Lake Pleasant Heights Planned Community District shall be as established in Section 21-815 - Landscape Requirements of the Peoria Zoning Ordinance unless otherwise noted herein.

2. Parking Standards

The parking standards for the Lake Pleasant Heights Planned Community District shall be as established in Section 21-823 of the Peoria Zoning Ordinance unless otherwise noted herein.

3. Walls and Fences

The wall and fence standards for the Lake Pleasant Heights Planned Community District shall be as established in Section 21-805 of the Peoria Zoning Ordinance unless otherwise noted herein (see Section 21-719 of the Hillside Development Overlay District).

4. Sign Standards

The sign standards for the Lake Pleasant Heights Planned Community District shall be as established in Section 21-827 of the Peoria Zoning Ordinance unless otherwise noted herein.

5. Design Review

All development within the Lake Pleasant Heights Planned Community District shall conform to the requirements of the City of Peoria Design Review Manual in effect as of the Lake Pleasant Heights PCD approval unless otherwise noted herein.

6. Desert Lands Conservation Overlay (Section 21-726)

The Lake Pleasant Heights Planned Community District will adhere to the Desert Lands Conservation Overlay (Section 21-726) as adapted specifically for Lake Pleasant Heights and can be found in Appendix E. Also, see Figure 14, Master Conservation Plan.

7. Hillside Development Overlay (HDO) District (Section 21-710)

The Lake Pleasant Heights Planned Community District will be consistent with the Hillside Development Overlay (Section 21-710) as adapted specifically for Lake Pleasant Heights and can be found in Appendix G.

5.4 Examples of Residential and Mixed-Use Building Types

A variety of building types are proposed in Lake Pleasant Heights that will appeal to a broad spectrum of the market. This will create diversity both in terms of providing opportunities for various income levels but also providing aesthetic diversity in the physical environment. The following are examples of some building types to give a general range of images for Lake Pleasant Heights. These are examples only and are not intended to be specific designs or regulations.

1. Estate Residential (0-2 DU/AC)

The Estate density homes are typically single family detached homes on approximately half acre to one acre lots. These are generally the higher end homes in the Lake Pleasant Heights community. Typically these homes include garages for two to four cars.



2. Low Residential (2-5 DU/AC)

The Low density category includes single family detached homes typically on approximately 5,000 s.f. to 15,000 s.f. lots. Typically these homes include two to three car garages.



3. Medium Residential (5-8 DU/AC)

The Medium density category is typically for single family detached small lot products and single family attached or townhomes. Single family detached small lot products are designed in many different site plan configurations. In addition to conventional plotting, they include:

a. Alley Loaded Single Family Detached

Alley loaded single family detached units have the front access and guest parking on a local street with garage access from an alley located to the rear of the house.



b. Single Family Detached Cluster

Single Family Detached Cluster products are plotted around or on either side of an auto court or private drive. The clusters typically are grouped with four, six or eight units (four-pack, six-pack, and eight-pack). Garages are typically located on the auto court thereby allowing the connecting local street to be mostly free of garage doors where guest parking is located.



c. Single Family Attached or Townhomes

Townhomes can typically occur in either the Medium or Medium High category. They are attached side by side, but typically are one or two stories with no other dwelling unit above or below the townhome. Garages can be located on the same side as the front door or on an alley similar to single family detached alley loaded products.



4. Medium High Residential (8-15 DU/AC)

Medium High Residential products may also include small lot detached and townhome product types. In addition, at up to 15 DU/AC densities, they may include stacked flats or condominium units where a unit is located above another unit. In some cases there may be buildings that include both stacked flats and townhomes arranged in the same building. Typically garages are both attached and detached from the main building.



5. Mixed Use (15+ DU/AC)

Mixed-Use product types can include a variety of residential, commercial or institutional building types. Combining residential and non-residential uses can be combined vertically such as residential over retail or horizontally such as residential adjacent to retail or non-residential uses. The images below are only limited samples. Freestanding multi-family residential buildings are also allowed.



5.5 Definitions

The terms used within this PCD are defined below. These definitions are intended to provide regulatory guidance in the implementation of the Lake Pleasant Heights Master Development Plan and other documents contained within this PCD. In the event a term is not specifically defined within this document, the definition contained within the Peoria Zoning Ordinance shall apply.

Term	Definition
Applicants:	IOTA Purple, LLC; Noranda Properties/Group Three Properties; Arizona State Land Department
Density:	The number of residential dwelling units on a given piece of land divided by the total gross acreage of that piece of land.
Development Unit:	A sub-area defined by alphabetical reference on the PCD Development Plan and containing multiple development parcels.
Development Parcel:	A sub-area of each development unit referenced by letter (development unit) and number (development parcel). As shown on the Proposed General Development Plan-Figure 15, The final zoning classification will be established at the time of site plan or preliminary plat of that development parcel.
Floor Area Ratio: (Intensity)	The gross floor area of all commercial buildings on a parcel divided by the gross area of the subdivided parcel.
Gross Area, Development Parcel:	The area of a development parcel, including all planned or dedicated streets, alleys, private access ways, roadways, open space, and/or alley easements. Parcel boundaries shall extend to the center of adjacent streets or rights-of-way or other dedicated public space.
Housing, Living Component:	All components of a house not affiliated with the storage of automobiles or non-air-conditioned enclosures.
Housing, Multifamily:	A building or group of buildings serving as attached living units typically for lease (apartments) but may be provided for sale (condominium or timeshare). This term is intended to apply to the combination of residential units.
Housing, Single Family Detached:	A building containing only one dwelling unit entirely separated from buildings on adjoining lots or building sites.
Housing, Single Family Attached:	A building containing multiple dwelling units, each of which has primary ground floor access to the outside, and which are attached to each other by party walls without openings in compliance with building codes. The term is intended to apply to town homes.
Mini-Storage:	Buildings composed of contiguous individual rooms which are rented to the public for the storage of personal property and which have independent access and locks under control of the tenant.
Native Plant, Protected:	Protected cacti which are four (4) feet or greater in height and trees which are four (4) inches or greater in caliper as defined by the Arizona Department of Agriculture.
Natural Open Space:	<u>See Section Section 21-727 Definitions</u>
Net Area, Development Parcel:	The area of a development parcel, excluding all planned or dedicated streets, alleys, private access ways, roadway and/or alley easements and intended desert preserve areas generally above the 25% slope line.
Open Space:	Space which can be enjoyed by people and / or areas of preserved natural desert. This could include landscaped plazas, active or passive turf areas, fountains areas, sitting areas, recreational amenity areas landscaped tract areas adjacent to arterial and collector streets and similar areas devoted to landscape preservation and enhancement. Open Space does not include parking areas, vacant or undeveloped lots or any other space which does not contribute to the quality of the environment.
Ownership Area	Refers to specific Development units as follows: Iota Purple = Development Units A and B; Noranda/Group Three = Development Unit C; Arizona State Land Department = Development Units D, E and F.
Parcel Envelope	The authorized gradable area on an individual parcel.

Term	Definition
Sensitive Lands Preservation:	See Natural Open Space definition above.
Slope:	The vertical rise in feet measured over a horizontal distance expressed as a percentage. Slope shall be calculated utilizing the methodology expressed in Section 4 and as otherwise established in accordance with the City of Peoria Zoning Ordinance Section 21-712.
Slope Units	A calculation that provides the projected net units permitted within each defined slope category through the application of slope category area, multiplied by the hillside density provisions of this PCD.
View Fence:	The provision of non-solid fencing (such as wrought iron or tubular steel fencing) for the purpose of allowing visual surveillance on public or semi-public space.
View Preservation:	Consideration given to the location of structures on the site to maximize the view for the surrounding property and existing or anticipated development.

6 DEVELOPMENT SCHEDULE

6.1 Purpose and Intent

This section contains the development schedule necessary to implement the private lands within Lake Pleasant Heights Planned Community District and to comply with provisions of the Planned Community District as provided by Section 21-607.3.C of the Peoria Zoning Ordinance. The development schedule for the State Trust land will be determined at a later date by the State Land Department or the purchaser of the State Trust land(s).

6.2 Project Timeline

It is anticipated that Lake Pleasant Heights will have an approximate build out of eleven (11) years, depending on market conditions. Due to the timeframe for the build out of the community, all development and related infrastructure will be built in phases. Development is expected to begin in the southern portion of the site on private land and move north, ending with the State Trust land(s) (Sections 2 and 36).

6.3 Project Phasing

Lake Pleasant Heights is anticipated to be developed in three basic phases and six sub-phases as dictated by demand. The three basic phases generally reflect major infrastructure improvements with smaller development phases within these basic phases. These phases will include residential, mixed use and community facilities. The development areas for each of these phases are exhibited in Figure 19, Development Phasing Plan. The extension of infrastructure will occur in tandem with the phasing of development in accordance with descriptions as shown in Figure 20, Wastewater, Water & Roadway Infrastructure (By Phase). Current development schedules are anticipated as follows:

Phase 1A-	2015 through 2019	≈ 1952 Units Absorbed
Phase 2A -	2019 through 2020	≈ 965 Units Absorbed
Phase 2B-	2020 through 2021	≈ 541 Units Absorbed
Phase 2C-	2022 through 2024	≈ 1334 Units Absorbed
Phase 3A-	2024 through 2024	≈ 50 Units Absorbed
Phase 3B-	2024 through 2027	≈ 1719 Units Absorbed

Adherence to the proposed development schedule is reliant on future market conditions.

The proposed schedule demonstrates general development phasing intent and is not intended to specifically bind the Developer. The Developer may develop in an area outside of the boundaries of a phase shown on the phasing plan, so long as the completion of the appropriate infrastructure is developed concurrently. Such development shall commence in accordance with applicable code and ordinances. Infrastructure plans will be updated subsequent to changes in the phasing plan. Such revisions may be approved administratively and do not constitute a Minor Amendment to the PCD.

6.4 Off-Site Roadway Phasing

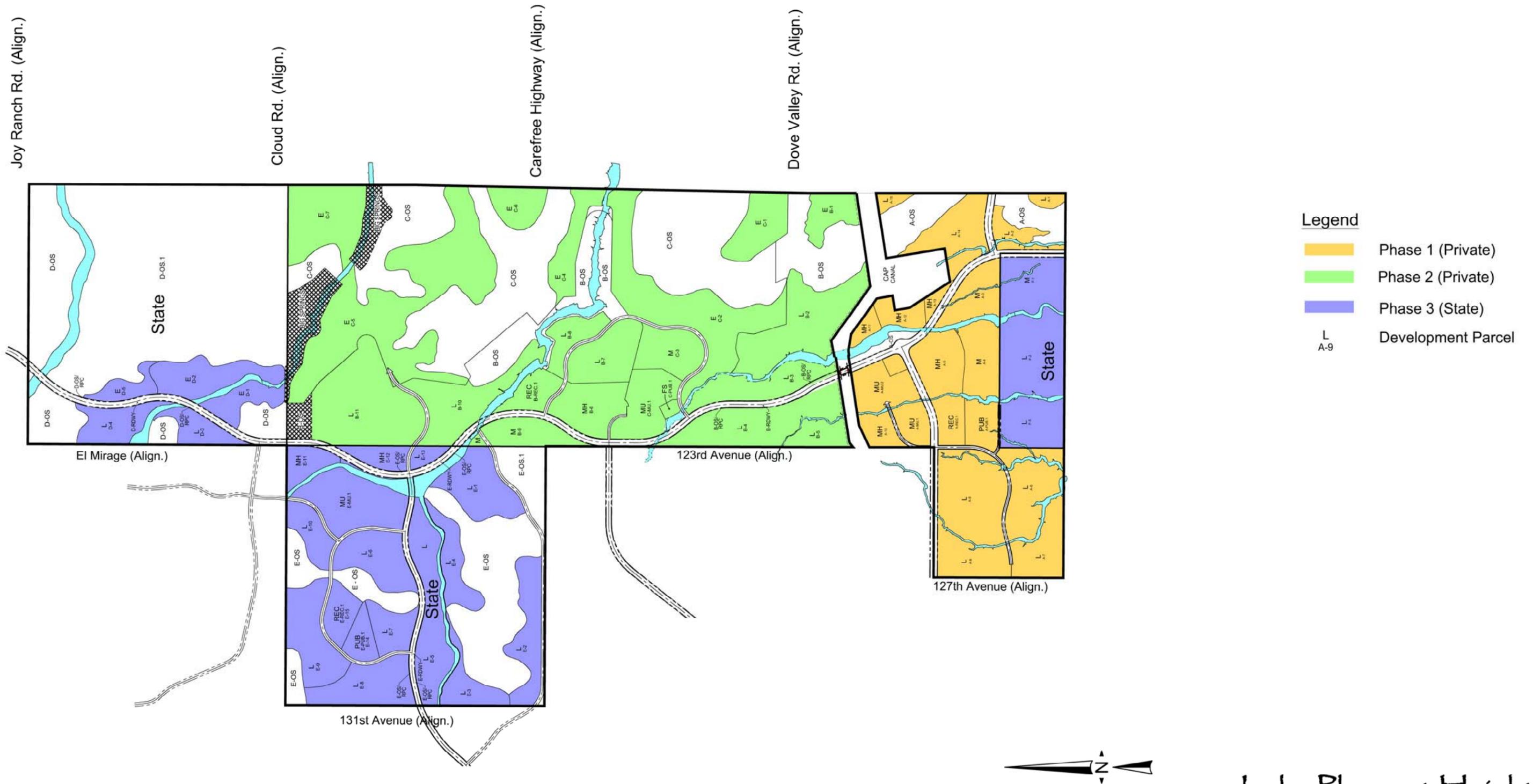
The following offsite roadways will be constructed based on approved Final Plat lot counts and revised traffic impact studies, as prepared from phase to phase, within Lake Pleasant Heights:

- To commence construction of the first 1,300 homes, El Mirage Road (134' of roadway right-of-way with a roadway section consistent with the requirements defined within the updated TIA for the phase 1A development.

- In support of the construction of the first 460 homes, construct the roadway segments for El Mirage Road between the southern boundary of Lake Pleasant Heights and the Central Arizona Project Canal. Further, construct segments of Westland Boulevard as necessary to support final plats adjacent to this roadway.
- As an alternative, or as additional improvements to those noted above, explore the extension of Vistancia Boulevard from the west to connect El Mirage Road to the then terminus of arterial roadway improvements as supported through the City of Peoria, the Master Developer of Vistancia and by a traffic impact analysis that would demonstrate access and circulation improvements and acceptable levels of service.
- Note: The updated Category III Traffic Impact Analysis should set the identified roadway phasing from this point forward.

Figure 19: Development Phasing Plan

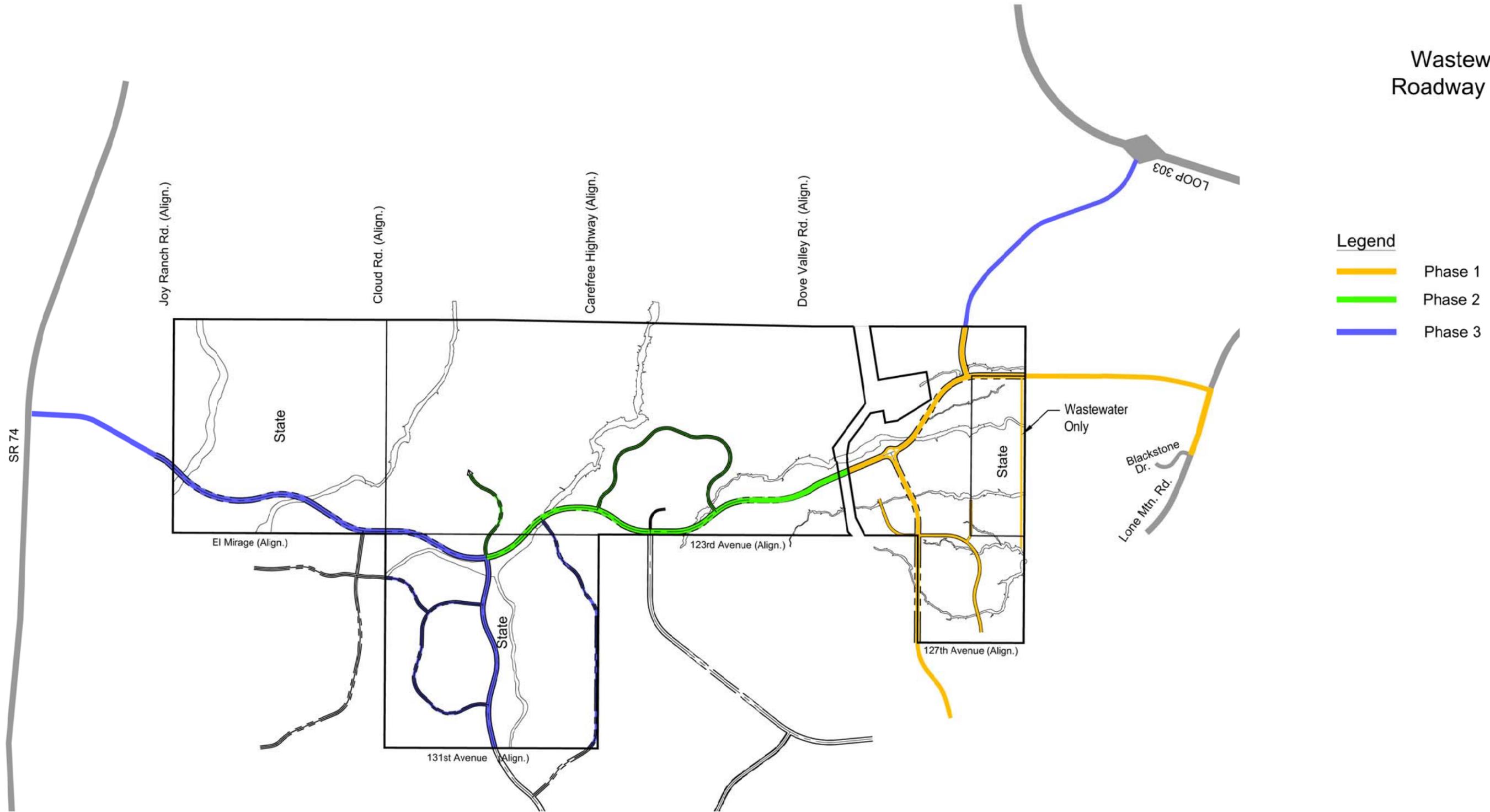
Figure 19
Development Phasing Plan



- Legend**
- Phase 1 (Private)
 - Phase 2 (Private)
 - Phase 3 (State)
 - L
A-9 Development Parcel

Figure 20 : Wastewater, Water & Roadway Infrastructure (By Phase)

Figure 20
Wastewater, Water &
Roadway Infrastructure
(By Phase)



Lake Pleasant Heights
Planned Community District

APPENDICES

Appendix A
Property Ownership
Verification

OWNERSHIP VERIFICATION

It is requested that a **REZONING** application be accepted by the Planning

Division of the City of Peoria for property generally located at:

South of SR74, North of Lone Mountain, east of 131st Ave, West of 115th Ave

Said property is owned by:

And

Group 3 Properties / Noranda Properties

Representative- LVA Urban Design Studio

c/o- Alan Beaudoin

Telephone number 480-994-0994

Telephone number

The subject property is legally described as

See Attached

(or see attached)

The subject property contains 780.5 gross acres (includes right of way to the centerline of adjacent street or alley) and 780.5 net acres (excludes adjacent perimeter right of way).

Tax Parcel Number 503 - 88 - 006F & 019D

Attached is a map/survey, which accurately portrays the parcel configuration and property dimensions, as reflected in the legal description.

I hereby certify that the above information and information submitted as part of the requested application is correct, and that I am authorized to file an application on said property, being either the owner of record or authorized to file on behalf of the owner. (If not owner of record, attach written authorization from owner.)

Applicant's Signature

Date

Appendix B
Legal Descriptions

**Legal Description
For
Lake Pleasant
(Phoenix) ASLI VIII,
LLC**

PARCEL NO. 1:

A parcel of land consisting of all of Lots 4,8,10,11,12,13, and a portion of Lots 14 and 15, the southeast quarter of the northwest quarter, and the North half of the southwest quarter of Section 13; and the southeast quarter of Section 14, all in Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; more particularly described as follows:

Beginning at the South quarter corner of said Section 14, from which the southeast corner of said Section 14 bears South 89 degrees 42 minutes 40 seconds East at a distance of 2641.22 feet, forming the Basis of Bearing of this description;
thence along the North-South mid-section line of said Section 14, North 00 degrees 13 minutes 01 East a distance of 2643.59 feet to the center quarter corner of said Section 14;
thence along the East-West mid-section line of said Section 14, South 89 degrees 45 minutes 42 seconds East a distance of 2648.19 feet to the East quarter corner of said Section 14, also being the West quarter corner of said Section 13 and the southwest corner of said Lot 11;
thence along the West line of said Section 13 also being the West line of said Lot 11, North 00 degrees 03 minutes 52 seconds East a distance of 1316.90 feet to the northwest corner of said Lot 11, also being the western-most corner of said Lot 10 and the western-most corner of the southerly boundary of said Lot 16;
thence along the southerly boundary of said Lot 16, also being common to the boundaries of said Lots 10, 8, 12, 15, 14 and 13 respectively, traversing the following courses and distances:

North 49 degrees 03 minutes 50 seconds East, 32.55 feet, (North 48 degrees 51 minutes 06 seconds East, 32.54 feet record);
North 65 degrees 02 minutes 26 seconds East, 455.59 feet, (North 64 degrees 48 minutes 36 seconds East, 455.60 feet record);
North 80 degrees 58 minutes 47 seconds East, 1452.26 feet, (North 80 degrees 44 minutes 30 seconds East, 1452.26 feet record);
South 08 degrees 29 minutes 23 seconds East, 25.01 feet, (South 09 degrees 15 minutes 12 seconds East, 25.01 feet record);
North 81 degrees 33 minutes 54 seconds East, 90.15 feet, (North 80 degrees 44 minutes 48 seconds East, 90.16 feet record);
South 80 degrees 31 minutes 21 seconds East, 336.54 feet, (South 80 degrees 30 minutes 42 seconds East, 336.53 feet record);
South 53 degrees 40 minutes 34 seconds East, 912.19 feet, (South 53 degrees 53 minutes 54 seconds East, 912.19 feet record);
South 09 degrees 11 minutes 58 seconds East, 307.69 feet, (South 09 degrees 25 minutes 18 seconds East, 307.69 feet record);
South 80 degrees 36 minutes 12 seconds West, 300.04 feet, (South 80 degrees 34 minutes 42 seconds West, 300.04 feet record);
South 09 degrees 36 minutes 43 seconds East, 300.04 feet, (South 09 degrees 25 minutes 18 seconds East, 300.04 feet record);
South 31 degrees 46 minutes 00 seconds East, 974.81 feet, (South 32 degrees 18 minutes 42 seconds East, 977.00 feet record);
North 80 degrees 47 minutes 52 seconds East, 699.94 feet, (North 80 degrees 34 minutes 42 seconds East, 700.62 feet record);
North 09 degrees 12 minutes 02 seconds West, 1200.07 feet, (North 09 degrees 25 minutes 18 seconds West, 1200.08 feet record);
North 80 degrees 47 minutes 53 seconds East, 1333.32 feet, (North 80 degrees 35 minutes 00 seconds East, 1331.02 feet record), to a point on the East line of said Section 13 and the northeast corner of said Lot 13;

**Legal Description
For
Lake Pleasant (Phoenix)
ASLI VIII, LLC (Cont.)**

thence leaving said southerly boundary of said Lot 16, along said East line of Section 13, also being the East line of said Lot 13, South 00 degrees 01 minutes 23 seconds West a distance of 1217.77 feet to the East quarter corner of said Section 13, also being the southeast corner of said Lot 13 and the northeast corner of said Lot 14;

thence continuing along the East line of said Section 13, and the East line of said Lots 14 and 4 respectively, South 00 degrees 04 minutes 37 seconds West a distance of 2644.27 feet to the southeast corner of said Section 13 also being the southeast corner of said Lot 4;

thence along the South line of said Section 13, also being the South line of said Lot 4, North 89 degrees 37 minutes 59 seconds West a distance of 1222.38 feet to the southwest corner of said Lot 4;

thence along the West line of said Lot 4, North 00 degrees 11 minutes 36 seconds East a distance of 1322.20 feet to the northwest corner of said Lot 4, also being the southwest corner of said Lot 14 and the southeast corner of said Lot 15;

thence along the South line of said Lot 15 and thereafter the South line of said North half of the southwest quarter of Section 13, North 89 degrees 37 minutes 37 seconds West a distance of 3951.50 feet to the southwest corner of said North half of the southwest quarter of Section 13;

thence along the East line of said southeast quarter of Section 14, South 00 degrees 22 minutes 05 seconds West a distance of 1322.96 feet to the southeast corner of said Section 14;

thence along the South line of said southeast quarter of Section 14, North 89 degrees 42 minutes 40 seconds West a distance of 2641.22 feet to the Point of Beginning.

Except therefrom the following described parcel:

That certain part of the southeast quarter of Section 13, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the southeast corner of said Section 13:

thence along the East line of said southeast quarter, North 00 degrees, 04 minutes, 37 seconds East a distance of 1927.03 feet to a point from which the East quarter corner of said Section 13 bears North 00 degrees 04 minutes 37 seconds East at a distance of 717.24 feet;

thence leaving said East line, North 89 degrees 55 minutes 23 seconds West a distance of 1154.21 feet to the Point of Beginning, said point lying on a non-tangent curve, concave southeasterly, the radius point of which bears South 04 degrees 52 minutes 15 seconds West at a distance of 1275.00 feet;

thence southwesterly along the arc of said curve, through a central angle of 18 degrees 00 minutes 37 seconds a distance of 400.78 feet to the beginning of a non-tangent line;

thence along the said non-tangent line North 60 degrees 25 minutes 59 seconds West a distance of 32.89 feet to the beginning of a non-tangent curve, concave southwesterly, the radius point of which bears South 72 degrees 07 minutes 40 seconds West at a distance of 1425.00 feet;

thence northwesterly along the arc of said curve, through a central angle of 13 degrees 53 minutes 40 seconds, a distance of 345.57 feet to the beginning of a tangent line;

thence along said tangent line, North 31 degrees 46 minutes 00 seconds West a distance of 147.11 feet to a point of intersection with Government Lot 16 of said Section 13;

thence along the southerly boundary of said Lot 16, North 80 degrees 47 minutes 52 seconds East a distance of 447.08 feet to a point;

thence leaving said southerly boundary and traversing the following courses and distances:

South 31 degrees 05 minutes 42 seconds East, 145.34 feet;

South 28 degrees 29 minutes 43 seconds East, 100.28 feet;

South 21 degrees 59 minutes 19 seconds East, 223.83 feet;

**Legal Description
For
Lake Pleasant (Phoenix)
ASLI VIII, LLC (Cont.)**

South 00 degrees 36 minutes 15 seconds East, 76.78 feet to the Point of Beginning.

PARCEL NO. 2:

That portion of Sections 12 and 13, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Beginning at the West quarter corner of said Section 12; thence along the West line of the northwest quarter of said Section 12, North 00 degrees 12 minutes 34 seconds East a distance of 590.12 feet to a point from which the northwest corner of said Section 12 bears North 00 degrees 12 minutes 34 seconds East at a distance of 2048.14 feet, said point being the beginning of a non-tangent curve, concave northeasterly, the radius point of which bears North 85 degrees 08 minutes 19 seconds East at a distance of 1487.50 feet; thence southeasterly along the arc of said curve, through a central angle of 45 degrees 49 minutes 36 seconds, a distance of 1189.74 feet to a point; thence leaving said curve on a non-tangent line, South 53 degrees 40 minutes 52 seconds East a distance of 881.88 feet to the beginning of a non-tangent curve, concave southwesterly, the radius point of which bears South 32 degrees 11 minutes 40 seconds West at a distance of 2215.96 feet thence southeasterly along the arc of said curve, through a central angle of 42 degrees 41 minutes 32 seconds, a distance of 1651.15 feet to a point; thence on a non-tangent line, South 89 degrees 11 minutes 25 seconds East a distance of 2949.55 feet to a point on the East line of the southeast quarter of said Section 12 from which the East quarter corner of said Section 12 bears North 01 degrees 09 minutes 48 seconds East at a distance of 2253.86 feet; thence along said East line, South 01 degrees 09 minutes 48 seconds West a distance of 376.79 feet to the southeast corner of said Section 12, also being the northeast corner of said Section 13; thence along the East line of the northeast quarter of said Section 13, South 00 degrees 01 minutes 23 seconds West a distance of 1011.62 feet to the northerly boundary of Lot 16 of said Section 13; thence along said northerly boundary, traversing the following courses and distances:

South 80 degrees 46 minutes 50 seconds West, 1914.23 feet;
North 53 degrees 42 minutes 04 seconds West, 1355.11 feet;
South 80 degrees 56 minutes 20 seconds West, 357.13 feet;
South 09 degrees 03 minutes 22 seconds East, 25.01 feet;
South 80 degrees 56 minutes 20 seconds West, 1760.48 feet;
South 50 degrees 03 minutes 32 seconds West, 122.96 feet to the West line of the northwest quarter of said Section 13; thence along said West line, North 00 degrees 03 minutes 52 seconds East a distance of 987.48 feet to the northwest corner of said Section 13, also being the southwest corner of said Section 12; thence along the West line of the southwest quarter of said Section 12, North 00 degrees 12 minutes 40 seconds East a distance of 2638.67 feet to the Point of Beginning.

PARCEL NO. 3:

That portion of Section 12, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the West quarter corner of said Section 12; thence along the West line of the northwest quarter of said Section 12, North 00 degrees 12 minutes 34 seconds East a distance of 590.12 feet to a point from which the northwest corner of said Section 12 bears North 00 degrees 12 minutes 34 seconds East at a distance of 2048.14 feet, said point being the beginning of a non-tangent curve, concave northeasterly, the radius point of which bears North 85 degrees 08 minutes 19 seconds East at a distance of 1487.50 feet; thence southeasterly along the arc of said curve, through a central angle of 05 degrees 28 minutes 28 seconds, a distance of 142.13 feet to the Point of Beginning; thence leaving said curve and traversing the following courses and distances:

**Legal Description
For
Lake Pleasant (Phoenix)
ASLI VIII, LLC (Cont.)**

South 64 degrees 26 minutes 14 seconds East, 110.34 feet;
South 42 degrees 44 minutes 44 seconds East, 312.69 feet;
North 82 degrees 31 minutes 42 seconds East, 214.06 feet;
South 28 degrees 15 minutes 29 seconds East, 316.01 feet;
South 59 degrees 02 minutes 10 seconds East, 527.48 feet;
South 22 degrees 17 minutes 08 seconds East, 229.37 feet;
South 49 degrees 45 minutes 49 seconds East, 177.75 feet;
South 25 degrees 16 minutes 40 seconds East, 277.04 feet;
South 05 degrees 31 minutes 15 seconds West, 186.47 feet to a point lying on a non-tangent curve, concave southwesterly, the radius point of which bears South 39 degrees 07 minutes 06 seconds West at a distance of 2215.96 feet; thence northwesterly along the arc of said curve, through a central angle of 06 degrees 55 minutes 26 seconds, a distance of 267.79 feet, thence on a non-tangent line, North 53 degrees 40 minutes 52 seconds West a distance of 881.88 feet to the beginning of a non-tangent curve, concave northeasterly, the radius point of which bears North 39 degrees 18 minutes 43 seconds East at a distance of 1487.50 feet; thence northwesterly along the arc of said curve, through a central angle of 40 degrees 21 minutes 07 seconds, a distance of 1047.61 feet to the Point of Beginning.

PARCEL NO. 4:

That portion of Section 12, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the West quarter corner of said Section 12; thence along the West line of the northwest quarter of said Section 12, North 00 degrees 12 minutes 34 seconds East a distance of 590.12 feet to a point from which the northwest corner of said Section 12 bears North 00 degrees 12 minutes 34 seconds East at a distance of 2048.14 feet, said point being the beginning of a non-tangent curve, concave northeasterly, the radius point of which bears North 85 degrees 08 minutes 19 seconds East at a distance of 1487.50 feet; thence southeasterly along the arc of said curve, through a central angle of 05 degrees 28 minutes 28 seconds, a distance of 142.13 feet; thence leaving said curve and traversing the following courses and distances:

South 64 degrees 26 minutes 14 seconds East, 110.34 feet;
South 42 degrees 44 minutes 44 seconds East, 312.69 feet;
North 82 degrees 31 minutes 42 seconds East, 214.06 feet;
South 28 degrees 15 minutes 29 seconds East, 316.01 feet;
South 59 degrees 02 minutes 10 seconds East, 527.48 feet;
South 22 degrees 17 minutes 08 seconds East, 229.37 feet;
South 49 degrees 45 minutes 49 seconds East, 177.75 feet;
South 25 degrees 16 minutes 40 seconds East, 277.04 feet;
South 05 degrees 31 minutes 15 seconds West, 186.47 feet to a point lying on a non-tangent curve, concave southwesterly, the radius point of which bears South 39 degrees 07 minutes 06 seconds West at a distance of 2215.96 feet; thence southeasterly along the arc of said curve, through a central angle of 03 degrees 57 minutes 45 seconds, a distance of 153.25 feet to a point on the arc and the Point of Beginning;
thence leaving said curve and traversing the following courses and distances:

South 64 degrees 41 minutes 59 seconds East, 206.45 feet;

NOTE:

North 67 degrees 09 minutes 59 seconds East, 124.74 feet; POSSIBLE ARSENIC PITS ON ADJOINING PROPERTY. P.O.B. PARCEL

**Legal Description
For
Lake Pleasant (Phoenix)
ASLI VIII, LLC (Cont.)**

North 78 degrees 20 minutes 59 seconds East, 119.86 feet;
South 81 degrees 38 minutes 14 seconds East, 262.11 feet;
South 58 degrees 53 minutes 05 seconds East, 55.08 feet;
South 03 degrees 10 minutes 39 seconds East, 82.87 feet;
South 07 degrees 21 minutes 21 seconds West, 215.51 feet;
South 16 degrees 34 minutes 52 seconds East, 694.85 feet;
North 89 degrees 11 minutes 25 seconds West, 275.06 feet to the beginning of a non-tangent curve, concave southwesterly, the radius point of which bears South 74 degrees 53 minutes 12 seconds West at a distance of 2215.96 feet;
thence northwesterly along the arc of said curve, through a central angle of 31 degrees 48 minutes 21 seconds, a distance of 1230.11 feet to the Point of Beginning.

Parcel No. 5:

That portion of Section 12, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the West quarter corner of said Section 12;
thence along the West line of the northwest quarter of said Section 12, North 00 degrees 12 minutes 34 seconds East a distance of 590.12 feet to a point from which the northwest corner of said Section 12 bears North 00 degrees 12 minutes 34 seconds East at a distance of 2048.14 feet, said point being the beginning of a non-tangent curve, concave northeasterly, the radius point of which bears North 85 degrees 08 minutes 19 seconds East at a distance of 1487.50 feet;
thence southeasterly along the arc of said curve, through a central angle of 45 degrees 49 minutes 36 seconds, a distance of 1189.74 feet to a point;
thence leaving said curve on a non-tangent line, South 53 degrees 40 minutes 52 seconds East a distance of 881.88 feet to the beginning of a non-tangent curve, concave southwesterly, the radius point of which bears South 32 degrees 11 minutes 40 seconds West at a distance of 2215.96 feet;
thence southeasterly along the arc of said curve, through a central angle of 42 degrees 41 minutes 32 seconds, a distance of 1651.15 feet to a point;
thence on a non-tangent line, South 89 degrees 11 minutes 25 seconds East a distance of 1225.55 feet to the Point of Beginning;
thence traversing the following courses and distances:

North 25 degrees 10 minutes 17 seconds West, 250.28 feet;
North 90 degrees 00 minutes 00 seconds East, 835.42 feet;
South 35 degrees 07 minutes 11 seconds East, 292.43 feet;
North 89 degrees 11 minutes 25 seconds West, 897.29 feet to the Point of Beginning.

PARCEL NO. 6

That portion of Sections 1 and 12, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Beginning at the northwest corner of said Section 1, from which the North quarter corner of said Section 1 bears South 89 degrees 41 minutes 51 seconds East at a distance of 2638.53 feet;
thence along the North line of the northwest quarter of said Section 1, South 89 degrees 41 minutes 51 seconds East a distance of 859.15 feet;
thence leaving said North line and traversing the following courses and distances:

South 00 degrees 17 minutes 51 seconds West, 337.67 feet,
South 53 degrees 03 minutes 41 seconds East, 526.00 feet;
South 41 degrees 06 minutes 40 seconds East, 1050.15 feet to the beginning of a non-tangent

**Legal Description
For
Lake Pleasant (Phoenix)
ASLI VIII, LLC (Cont.)**

curve, concave southwesterly, the radius point of which bears South 24 degrees 01 minutes 45 seconds East at a distance of 197.84 feet;
thence northeasterly to southwesterly along the arc of said curve, through a central angle of 185 degrees 43 minutes 56 seconds, a distance of 641.34 feet to a point;
thence leaving said curve on a non-tangent line, South 69 degrees 33 minutes 15 seconds West, 995.15 feet;
thence traversing the following courses and distances:

South 23 degrees 54 minutes 39 seconds East, 454.54 feet,
South 07 degrees 46 minutes 58 seconds West, 1069.36 feet;
South 59 degrees 14 minutes 17 seconds East, 205.44 feet,
North 61 degrees 51 minutes 34 seconds East, 276.44 feet;
South 39 degrees 53 minutes 01 seconds East, 1660.72 feet;
South 49 degrees 05 minutes 18 seconds West, 350.30 feet;
South 47 degrees 48 minutes 44 seconds East, 779.62 feet,
South 03 degrees 12 minutes 09 seconds East, 242.96 feet,
North 89 degrees 25 minutes 06 seconds East, 676.11 feet;
South 76 degrees 29 minutes 43 seconds East, 890.34 feet to the beginning of a non-tangent curve, concave northwesterly, the radius point of which bears South 15 degrees 40 minutes 55 seconds West at a distance of 280.37 feet;
thence southeasterly to southwesterly along the arc of said curve, through a central angle of 153 degrees 12 minutes 20 seconds, a distance of 749.69 feet to a point;
thence leaving said curve on a non-tangent line, North 88 degrees 55 minutes 42 seconds West a distance of 1418.75 feet;
thence South 53 degrees 38 minutes 50 seconds West a distance of 671.61 feet to the beginning of a non-tangent curve, concave northwesterly, the radius point of which bears South 75 degrees 46 minutes 29 seconds West at a distance of 200.28 feet;
thence southeasterly to northwesterly along the arc of said curve, through a central angle of 122 degrees 17 minutes 37 seconds, a distance of 427.48 feet to a point;
thence leaving said curve on a non-tangent line, North 75 degrees 41 minutes 50 seconds West a distance of 1451.25 feet to the beginning of a non-tangent curve, concave northeasterly, the radius point of which bears North 55 degrees 06 minutes 38 seconds West at a distance of 201.40 feet;
thence southwesterly to northwesterly along the arc of said curve, through a central angle of 126 degrees 41 minutes 11 seconds, a distance of 445.31 feet to a point;
thence leaving said curve on a non-tangent line, North 06 degrees 55 minutes 07 seconds West a distance of 250.52 feet;
thence South 89 degrees 11 minutes 58 seconds West a distance of 339.91 feet;
thence North 89 degrees 47 minutes 26 seconds West a distance of 224.67 feet to a point on the West line of the northwest quarter of said Section 12;
thence along said West line North 00 degrees 12 minutes 34 seconds East a distance of 1310.45 feet to the northwest corner of said Section 12, also being the southwest corner of said Section 1;
thence North 00 degrees 09 minutes 54 seconds East a distance of 2638.25 feet to the West quarter corner of said Section 1;
thence North 00 degrees 14 minutes 07 seconds East a distance of 2639.11 feet to the Point of Beginning;

NOTE: PARCELS 7 & 8 ARE NOT SURVEYED, AND ARE ONLY GRAPHICALLY REPRESENTED FOR INFORMATIONAL PURPOSES.

**Legal Description
For
Lake Pleasant (Phoenix)
ASLI VIII, LLC (Cont.)**

PARCEL NO.7:

An easement for access and utilities created in Document No. 98-223363 and supplemented in Document No. 99-214316, over the East 30 feet of the following Parcels A, Band C:

(A) The portion of Section 27, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying South of the right of way of Arizona Highway 74;

(B) Section 34, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

(C) Section 3, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; And over the West 30 feet of the North 30 feet of

Section 12, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

PARCEL NO.8:

An easement for access and utilities over the North 30 feet of Section 11, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and over the East 30 feet of the North 30 feet of Section 10, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

PARCEL NO.9:

Permanent and non-exclusive easement for ingress, egress both vehicular and non-vehicular, roadway and related facilities as created by Easement Agreement recorded in Document No. 2005-1285971.

**Legal Description
For
Arizona State Land Department
At
Lake Pleasant Heights**

Section 36, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian,
Maricopa County, Arizona,

Section 2, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian,
Maricopa County, Arizona,

The southwest quarter of the southeast quarter; the south half of the southwest quarter of Section
13, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa
County, Arizona,

**Legal Description
For
Group Three and Noranda Properties
At
Lake Pleasant Heights**

Those certain portions of Sections 1 and 12, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the northwest corner of said Section 1 from which the North quarter corner of said Section 1 bears South 89 degrees 41 minutes 51 seconds East at a distance of 2638.53 feet;

thence along the North line of the northwest quarter of said Section 1, South 89 degrees 41 minutes 51 seconds East a distance of 859.15 feet to the Point of Beginning;

thence continuing along said North line of the northwest quarter of Section 1, South 89 degrees 41 minutes 51 seconds East a distance of 1779.38 feet to the North quarter corner of said Section 1;

thence along the North line of the northeast quarter of said Section 1, South 89 degrees 41 minutes 47 seconds East a distance of 2638.59 feet to the northeast corner of said Section 1;

thence along the East line of said northeast quarter of Section 1, South 00 degrees 14 minutes 22 seconds East a distance of 2630.09 feet to the East quarter corner of said Section 1;

thence along the East line of the southeast quarter of said Section 1, South 01 degrees 09 minutes 32 seconds West a distance of 2644.48 feet to the southeast corner of said Section 1, also being the northeast corner of Section 12;

thence along the East line of the northeast quarter of Section 12, South 01 degrees 13 minutes 05 seconds West a distance of 2657.05 feet to the East quarter corner of said Section 12;

thence along the East line of the southeast quarter of Section 12, South 01 degrees 09 minutes 48 seconds West a distance of 2253.86 feet;

thence traversing the following courses and distances:

North 89 degrees 11 minutes 25 seconds West, 826.71 feet;

North 35 degrees 07 minutes 11 seconds West, 292.43 feet;

North 90 degrees 00 minutes 00 seconds West, 835.42 feet;

South 25 degrees 10 minutes 17 seconds East, 250.28 feet;

North 89 degrees 11 minutes 25 seconds West, 950.49 feet;

North 16 degrees 34 minutes 52 seconds West, 694.85 feet;

North 07 degrees 21 minutes 21 seconds East, 215.51 feet;

**Legal Description
For
Group Three and Noranda Properties
At
Lake Pleasant Heights (cont.)**

North 03 degrees 10 seconds 39 seconds West, 82.87 feet;

North 58 degrees 53 minutes 05 seconds West, 55.08 feet;

North 81 degrees 38 minutes 14 seconds West, 262.11 feet;

South 78 degrees 20 minutes 59 seconds West, 119.86 feet;

South 67 degrees 09 minutes 59 seconds West, 124.74 feet;

North 64 degrees 41 minutes 59 seconds West, 206.45 feet to the beginning of a non-tangent curve, concave southwesterly, the radius point of which bears South 43 degrees 04 minutes 51 seconds West at a distance of 2215.96 feet;

thence northwesterly along the arc of said curve, through a central angle of 03 degrees 57 minutes 45 seconds a distance of 153.25 feet to the beginning of a non-tangent line;

thence traversing the following courses and distances:

North 05 degrees 31 minutes 15 seconds East, 186.47 feet;

North 25 degrees 16 minutes 40 seconds West, 277.04 feet;

North 49 degrees 45 minutes 49 seconds West, 177.75 feet;

North 22 degrees 17 minutes 08 seconds West, 229.37 feet;

North 59 degrees 02 minutes 10 seconds West, 527.48 feet;

North 28 degrees 15 minutes 29 seconds West, 316.01 feet;

South 82 degrees 31 minutes 42 seconds West, 214.06 feet;

North 42 degrees 44 minutes 44 seconds West, 312.69 feet;

North 64 degrees 26 minutes 14 seconds West, 110.34 feet to the beginning of a non-tangent curve, concave northeasterly, the radius point of which bears North 79 degrees 39 minutes 51 seconds East at a distance of 1487.50 feet;

thence northwesterly along the arc of said curve, through an central angle of 05 degrees 28 minutes 28 seconds a distance of 142.13 feet to the a point on the West line of the northwest quarter of said Section 12, from which point the West quarter corner of said Section 12 bears South 00 degrees 12 minutes 34 seconds West at a distance of 590.12 feet;

thence along said West line of the northwest quarter of Section 12, North 00 degrees 12 minutes 34 seconds East, a distance of 737.69 feet;

**Legal Description
For
Group Three and Noranda Properties
At
Lake Pleasant Heights (cont.)**

thence, leaving said West line of the northwest quarter of Section 12, and traversing the following courses and distances:

South 89 degrees 47 minutes 26 seconds East, 224.67 feet;

North 89 degrees 11 minutes 58 seconds East, 339.91 feet;

South 06 degrees 55 minutes 07 seconds East, 250.52 feet to the beginning of a non-tangent curve, concave northeasterly, the radius point of which bears North 71 degrees 34 minutes 33 seconds East at a distance of 201.40 feet;

thence southerly to easterly along the arc of said curve, through a central angle of 126 degrees 41 minutes 11 seconds a distance of 445.31 feet to the beginning of a non-tangent line;

thence South 75 degrees 41 minutes 50 seconds East, a distance of 1451.25 feet to the beginning of a non-tangent curve, concave northwesterly, the radius point of which bears North 18 degrees 04 minutes 06 seconds East at a distance of 200.28 feet;

thence southeasterly to northeasterly along the arc of said curve, through a central angle of 122 degrees 17 minutes 37 seconds a distance of 427.48 feet to the beginning of a non-tangent line;

thence traversing the following courses and distances:

North 53 degrees 38 minutes 50 seconds East, 671.61 feet;

South 88 degrees 55 minutes 42 seconds East, 1418.75 feet to the beginning of a non-tangent curve, concave westerly, the radius point of which bears North 11 degrees 06 minutes 45 seconds West a distance of 280.37 feet;

thence northeasterly to northwesterly along the arc of said curve, through a central angle of 153 degrees 12 minutes 20 seconds a distance of 749.69 feet to the beginning of a non-tangent line;

thence traversing the following courses and distances:

North 76 degrees 29 minutes 43 seconds West, 890.34 feet;

South 89 degrees 25 minutes 06 seconds West, 676.11 feet;

North 03 degrees 12 minutes 09 seconds West, 242.96 feet;

North 47 degrees 48 minutes 44 seconds West, 779.62 feet;

North 49 degrees 05 minutes 18 seconds East, 350.30 feet;

North 39 degrees 53 minutes 01 seconds West, 1660.72 feet;

South 61 degrees 51 minutes 34 seconds West, 276.44 feet;

**Legal Description
For
Group Three and Noranda Properties
At
Lake Pleasant Heights (cont.)**

North 59 degrees 14 minutes 17 seconds West, 205.44 feet;

North 07 degrees 46 minutes 58 seconds East, 1069.36 feet;

North 23 degrees 54 minutes 39 seconds West, 454.54 feet;

North 69 degrees 33 minutes 15 seconds East, 995.15 feet to the beginning of a non-tangent curve, concave southwesterly, the radius point of which bears North 18 degrees 17 minutes 50 seconds West at a distance of 197.84 feet;

thence northeasterly to northwesterly to southwesterly along the arc of said curve, through a central angle of 185 degrees 43 minutes 55 seconds a distance of 641.34 feet to the beginning of a non-tangent line;

thence traversing the following courses and distances:

North 41 degrees 06 minutes 40 seconds West, 1050.15 feet;

North 53 degrees 03 minutes 41 seconds West, 526.00 feet;

North 00 degrees 17 minutes 51 seconds East, 337.67 feet to the Point of Beginning.

Containing 34,005,216.89 Square Feet or 780.652 Acres more or less.



**Legal Description
For
Group Three and Noranda Properties
At
Lake Pleasant Heights
5 Acre Parcel**

That certain part of the southeast quarter of Section 13, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the southeast corner of said Section 13 from which the East quarter corner of said Section 13 bears North 00 degrees 04 minutes 37 seconds East, (Basis of Bearing) at a distance of 2644.27 feet:

Thence along the East line of said southeast quarter, North 00 degrees, 04 minutes, 37 seconds East a distance of 1927.03 feet to a point from which the East quarter corner of said Section 13 bears North 00 degrees 04 minutes 37 seconds East at a distance of 717.24 feet;

Thence leaving said East line, North 89 degrees 55 minutes 23 seconds West a distance of 1154.21 feet to the Point of Beginning, said point lying on a non-tangent curve, concave southeasterly, the radius point of which bears South 04 degrees 52 minutes 15 seconds West at a distance of 1275.00 feet;

thence southwesterly along the arc of said curve, through a central angle of 18 degrees 00 minutes 37 seconds a distance of 400.78 feet to the beginning of a non-tangent line;

thence along the said non-tangent line North 60 degrees 25 minutes 59 seconds West a distance of 32.89 feet to the beginning of a non-tangent curve, concave southwesterly, the radius point of which bears South 72 degrees 07 minutes 40 seconds West at a distance of 1425.00 feet;

thence northwesterly along the arc of said curve, through a central angle of 13 degrees 53 minutes 40 seconds, a distance of 345.57 feet to the beginning of a tangent line;

thence along said tangent line, North 31 degrees 46 minutes 00 seconds West a distance of 147.11 feet to a point of intersection with Government Lot 16 of said Section 13;

thence along the southerly boundary of said Lot 16, North 80 degrees 47 minutes 52 seconds East a distance of 447.08 feet to a point;

thence leaving said southerly boundary and traversing the following courses and distances:

South 31 degrees 05 minutes 42 seconds East, 145.34 feet;

Legal Description
For
Group Three and Noranda Properties
At
Lake Pleasant Heights (cont.)
5 Acre Parcel

South 28 degrees 29 minutes 43 seconds East, 100.28 feet;

South 21 degrees 59 minutes 19 seconds East, 223.83 feet;

South 00 degrees 36 minutes 15 seconds East, 76.78 feet to the Point of Beginning.

Containing 217,822.90 Square Feet or 5.001 acres more or less.



EXPIRES JUNE 30, 2013

EXHIBIT
 LAKE PLEASANT HEIGHTS PHASE I
 5 ACRE PARCEL
 LOCATED IN THE S.E. 1/4 OF SECTION 13
 T.5N., R.1W., G&S.R.B.&M.
 MARICOPA COUNTY, ARIZONA

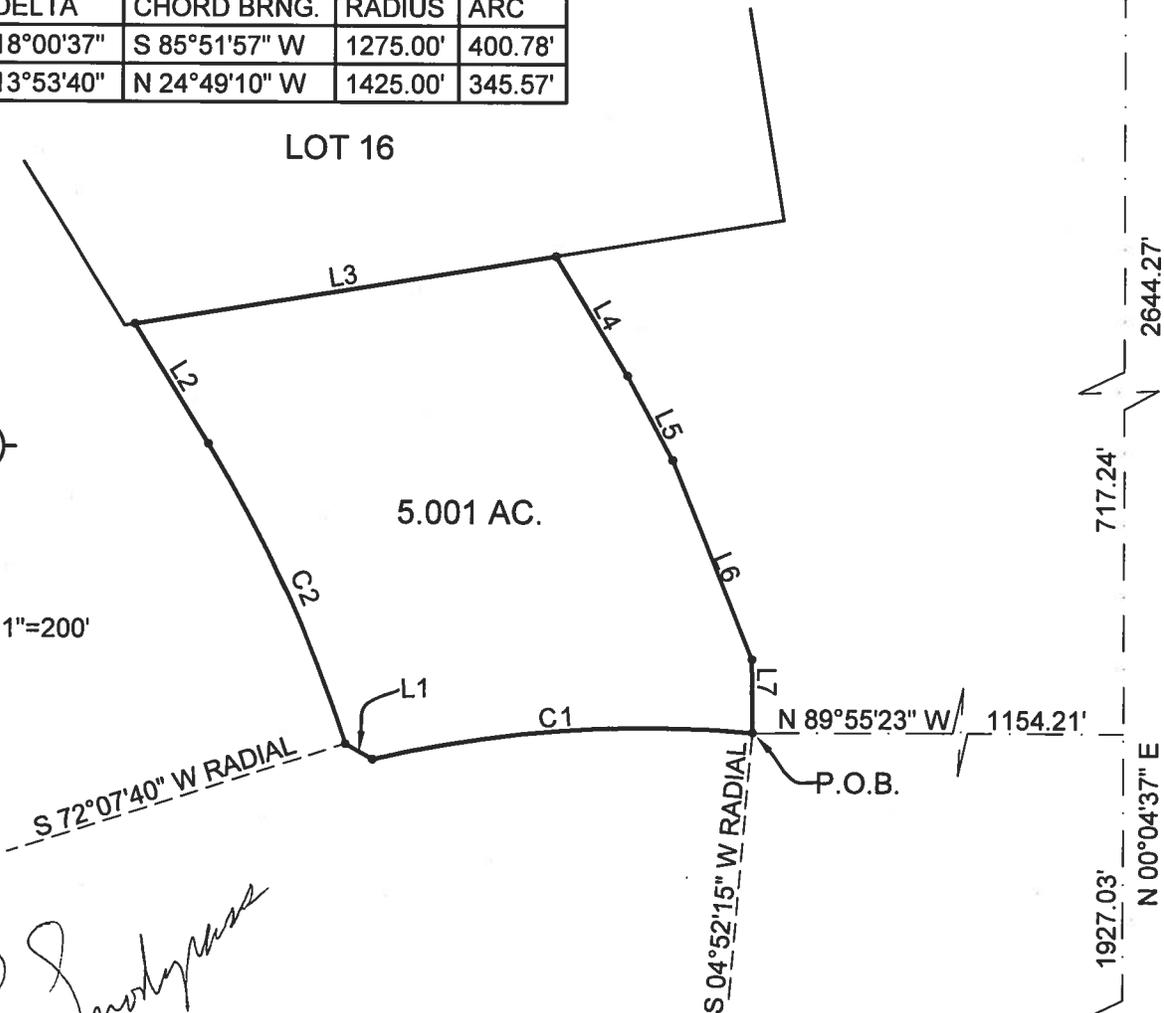
E. 1/4 COR.
 SEC. 13
 T.5N.,R.1W.
 G.&S.R.B.&M.

NO.	DELTA	CHORD BRNG.	RADIUS	ARC
C1	18°00'37"	S 85°51'57" W	1275.00'	400.78'
C2	13°53'40"	N 24°49'10" W	1425.00'	345.57'

LOT 16

5.001 AC.

SCALE: 1"=200'



S.E. COR.
 SEC. 13
 T.5N.,R.1W.
 G.&S.R.B.&M.

John R. Snodgrass
 REGISTERED LAND SURVEYOR
 CERTIFICATE NO. 22281
 JOHN R. SNODGRASS
 Date Signed.....
 ARIZONA, U.S.A.
 2-19-13

EXPIRES JUNE 30, 2013

NO.	DIRECTION	DIST.
L1	N 60°25'59" W	32.89'
L2	N 31°46'00" W	147.11'
L3	N 80°47'52" E	447.08'
L4	S 31°05'42" E	145.34'
L5	S 28°29'43" E	100.28'
L6	S 21°59'19" E	223.83'
L7	S 00°36'15" E	76.78'

Appendix C

Big Springs Legal Description

Exhibit "A"
pg. 1 of 5

Land Description
Big Spring Easement
At Lake Pleasant Heights Phase III

Those certain portions of G.L.O. Lots 2, 3, 4 and 5 and the southwest quarter of the northeast quarter of Section 1, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Parcel No. 1:

Commencing at the northwest corner of said Section 1 from which the North quarter corner of said Section 1 bears South 89 degrees 41 minutes 51 seconds East (Basis of Bearing) at a distance of 2638.53 feet;

thence along the North line of the northwest quarter of said Section 1, South 89 degrees 41 minutes 51 seconds East a distance of 859.15 feet to the Point of Beginning;

thence continuing along said North line, South 89 degrees 41 minutes 51 seconds East a distance of 1779.38 feet to the North quarter corner of said Section 1;

thence along the North line of the northeast quarter of said Section 1, South 89 degrees 41 minutes 47 seconds East a distance of 450.37 feet;

thence leaving said North line and traversing the following courses and distances:

South 21 degrees 45 minutes 20 seconds East, 246.62 feet;

South 33 degrees 05 minutes 58 seconds East, 340.09 feet;

South 44 degrees 10 minutes 04 seconds East, 340.19 feet;

South 43 degrees 18 minutes 55 seconds West, 494.42 feet;

North 47 degrees 13 minutes 11 seconds West, 322.92 feet;

North 62 degrees 32 minutes 29 seconds West, 195.63 feet;

North 63 degrees 38 minutes 53 seconds West, 337.70 feet;

South 82 degrees 42 minutes 27 seconds West, 104.17 feet;

South 87 degrees 58 minutes 47 seconds West, 103.64 feet;

North 62 degrees 18 minutes 29 seconds West, 83.79 feet;

North 35 degrees 01 minutes 33 seconds West, 79.93 feet;

Exhibit "A"
pg. 2 of 5

North 13 degrees 17 minutes 32 seconds West, 73.14 feet;

North 23 degrees 39 minutes 18 seconds West, 33.45 feet;

North 38 degrees 47 minutes 32 seconds West, 40.82 feet;

North 57 degrees 53 minutes 15 Seconds West, 122.29 feet;

North 75 degrees 15 minutes 05 seconds West, 152.08 feet;

North 82 degrees 32 minutes 10 seconds West, 265.02 feet;

North 53 degrees 43 minutes 19 seconds West, 255.22 feet;

North 89 degrees 29 minutes 45 seconds West, 590.35 feet to the East line of Parcel 10 described in Trust Deed recorded in the office of the County Recorder of Maricopa County, Arizona as instrument number 2009-0553286;

thence along said East line, North 00 degrees 17 minutes 51 seconds East a distance of 154.54 feet to the Point of Beginning.

Containing 1,260,422.51 Square Feet or 28.935 Acres more or less.

Parcel No. 2:

Commencing at the East quarter corner of said Section 1, from which the northeast corner of said Section 1 bears North 00 degrees 14 minutes 22 seconds West (Basis of Bearing) at a distance of 2630.09 feet;

thence along the East line of the northeast quarter of said Section 1, North 00 degrees 14 minutes 22 seconds West a distance of 721.07 feet to the Point of Beginning;

thence leaving said East line and traversing the following courses and distances:

South 88 degrees 40 minutes 00 seconds West, 223.48 feet;

South 58 degrees 55 minutes 38 seconds West, 122.82 feet;

South 49 degrees 56 minutes 11 seconds West, 220.76 feet;

North 85 degrees 39 minutes 53 seconds West, 159.08 feet;

North 35 degrees 38 minutes 08 seconds West, 184.98 feet;

North 66 degrees 48 minutes 52 seconds West, 398.03 feet;

Exhibit "A"
pg. 3 of 5

North 66 degrees 09 minutes 22 seconds West, 522.44 feet;

North 46 degrees 35 minutes 33 seconds West, 171.06 feet;

North 46 degrees 24 minutes 52 seconds East, 328.86 feet;

South 45 degrees 33 minutes 34 seconds East, 103.82 feet;

South 67 degrees 02 minutes 18 seconds East, 450.42 feet;

South 84 degrees 47 minutes 01 seconds East, 320.78 feet;

South 77 degrees 02 minutes 02 seconds East, 274.10 feet;

South 88 degrees 10 minutes 18 seconds East, 417.26 feet to the East line of said northeast quarter of Section 1;

thence along said East line, South 00 degrees 14 minutes 22 seconds East a distance of 311.49 feet to the Point of Beginning.

Containing 655,866.76 Square Feet or 15.057 Acres more or less.

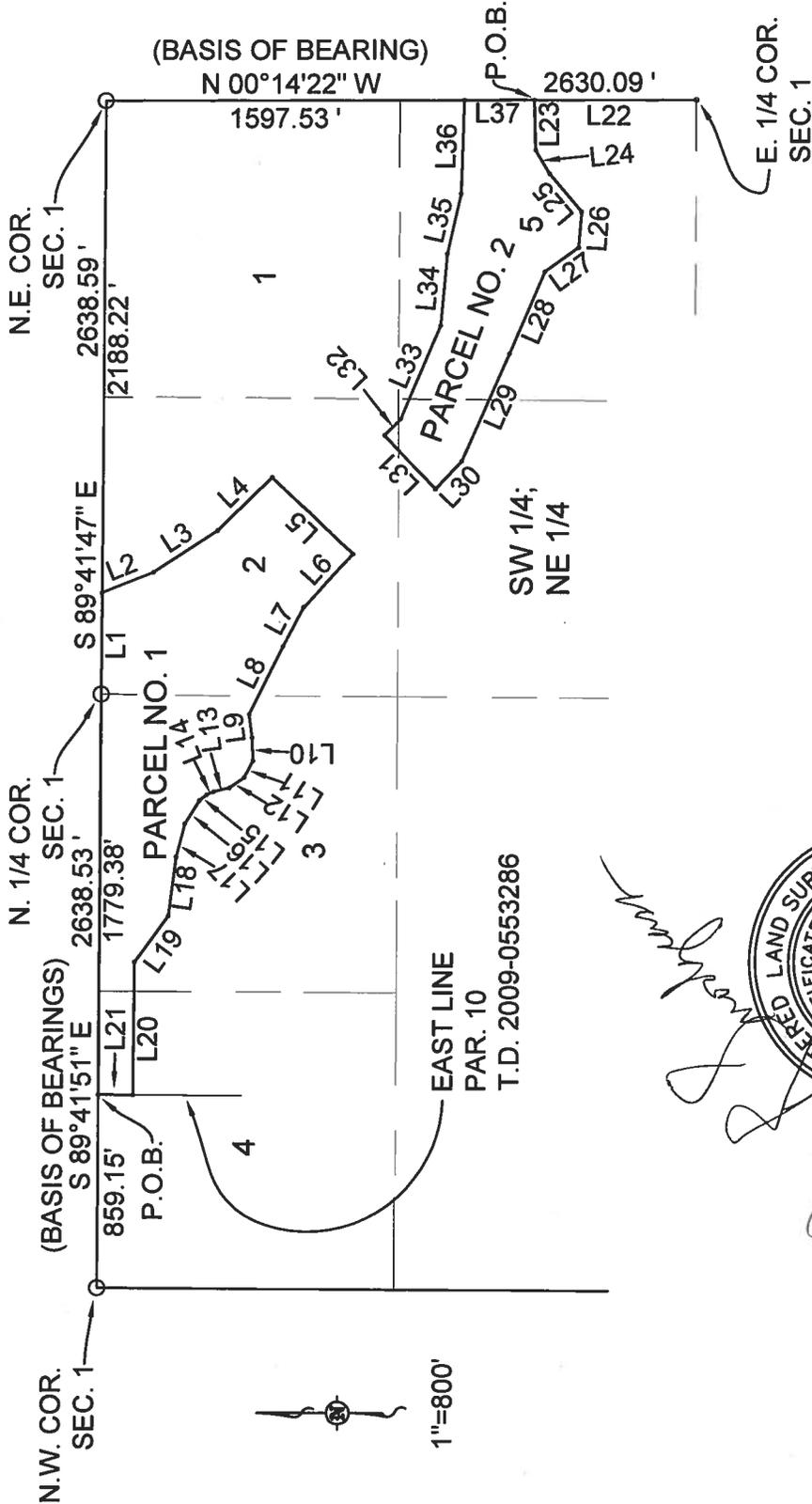


EXPIRES JUNE 30,2013

EXHIBIT "A"

PG. 4 of 5

BIG SPRING EASEMENT AT LAKE PLEASANT HEIGHTS PHASE III
PORTIONS OF G.L.O. LOTS 2, 3, 4 & 5 AND THE S.W. 1/4 OF THE N.E. 1/4
SECTION 1, T.5N.,R.1W., G.&S.R.B.&M., MARICOPA COUNTY, ARIZONA



AREAS:

PARCEL 1....1,260,422.51 S.F., (28.935 AC.)

PARCEL 2.....655,866.76 S.F., (15.057 AC.)

John R. Snodgrass

REGISTERED LAND SURVEYOR
CERTIFICATE No. 22281
JOHN R. SNODGRASS
Date Signed: 2/21/12
ARIZONA, U.S.A.

EXPIRES JUNE 30, 2013

EXHIBIT "A"

PG. 5 of 5

BIG SPRING EASEMENT AT LAKE PLEASANT HEIGHTS PHASE III
 PORTIONS OF G.L.O. LOTS 2, 3, 4 & 5 AND THE S.W. 1/4 OF THE N.E. 1/4
 SECTION 1, T.5N.,R.1W., G.&S.R.B.&M., MARICOPA COUNTY, ARIZONA

NO.	DIRECTION	DISTANCE
L1	S 89°41'47" E	450.37'
L2	S 21°45'20" E	246.62'
L3	S 33°05'58" E	340.09'
L4	S 44°10'04" E	340.19'
L5	S 43°18'55" W	494.42'
L6	N 47°13'11" W	322.92'
L7	N 62°32'29" W	195.63'
L8	N 63°38'53" W	337.70'
L9	S 82°42'27" W	104.17'
L10	S 87°58'47" W	103.64'
L11	N 62°18'29" W	83.79'
L12	N 35°01'33" W	79.93'
L13	N 13°17'32" W	73.14'
L14	N 23°39'18" W	33.45'
L15	N 38°47'32" W	40.82'
L16	N 57°53'15" W	122.29'
L17	N 75°15'05" W	152.08'
L18	N 82°32'10" W	265.02'
L19	N 53°43'19" W	255.22'
L20	N 89°29'45" W	590.35'
L21	N 00°17'51" E	154.54'
L22	N 00°14'22" W	721.07'
L23	S 88°40'00" W	223.48'
L24	S 58°55'38" W	122.82'
L25	S 49°56'11" W	220.76'
L26	N 85°39'53" W	159.08'
L27	N 35°38'08" W	184.98'
L28	N 66°48'52" W	398.03'
L29	N 66°09'22" W	522.44'
L30	N 46°35'33" W	171.06'
L31	N 46°24'52" E	328.86'
L32	S 45°33'34" E	103.82'
L33	S 67°02'18" E	450.42'
L34	S 84°47'01" E	320.78'
L35	S 77°02'02" E	274.10'
L36	S 88°10'18" E	417.26'
L37	S 00°14'22" E	311.49'



EXPIRES JUNE 30, 2013

Appendix D
Site Photographs



Appendix D



Appendix D



Appendix D



Appendix D



Appendix D



Appendix D



Appendix D



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Appendix E
Desert Lands Conservation Overlay

ARTICLE 14-22B LAKE PLEASANT HEIGHTS DESERT LANDS CONSERVATION OVERLAY

SECTION 14-22B-1 INTENT

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The purpose of the Lake Pleasant Heights Desert Lands Conservation Overlay (DLCO) is to identify and protect the unique and environmentally sensitive Sonoran Desert lands in the City and to provide appropriate and reasonable controls for the development of such lands. These lands are generally located along the eastern side with the exception of some areas in Section 2 in the western portion within Lake Pleasant Heights (**See Figure 20 of the Lake Pleasant Heights Planned Community District**). The DLCO is intended to:

- A.** Identify sensitive desert conservation features and resources.
- B.** Protect Peoria’s distinctive desert landscapes and wildlife habitats.
- 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 goals, policies and objectives of the City of Peoria General Plan and the Lake Pleasant Heights PCD. 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.

The DLCO not only aims to protect sensitive and unique desert features, but also native plants and plant communities in order to maintain the City's aesthetic appeal by conserving distinctive scenic character. Native plant communities are also protected 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 palo verde 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 four distinctive types of geography (Desert Floor, Bajada, Floodplain and Upland, as consistent with the landforms as part of Section 14-22A Lake Pleasant Heights Hillside Overlay District, included in this document) 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.

The open space requirements for each subdivision shall be reviewed on a stand-alone basis per the provisions of this article at the time of a site plan submittal. Should it be determined that a development parcel does not contain any conservation features, the developer may seek, and the Planning Manager may provide, a waiver to exclude such development parcel from the provisions of this article.

SECTION 14-22B-2 APPLICABILITY

A. The Lake Pleasant Heights Desert Lands Conservation Overlay (DLCO) establishes a special overlay zoning district, which applies to specific resources and environmental conditions within Lake Pleasant Heights. 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. **Bajada:** Cone-shaped alluvial fans that have coalesced into a continuous slope along the front of a mountain (a compound alluvial fan)
2. **Cultural Resource:** Prehistoric and historic sites identified according to standards established by the State Historic Preservation Office. Includes artifacts such as rock walls, etc.
3. **Floodplain:** Flat or nearly flat land adjacent to streams or rivers that receives periodic flooding. Consists of the channel and the flood fringe.

4. **Inselberg 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.
5. **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.
6. **Primary Peak:** Prominent peaks that are visual landmarks from various points of view and rise at least 400 feet above the surrounding base elevation.
7. **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 found parallel to washes, rivers, tanks and springs.
8. **Riverine Area:** Environmentally diverse riparian areas associated with rivers and major washes (e.g. the New River, the Agua Fria River, Morgan Wash).
9. **Rock/Boulder Formation:** Formations including escarpments, cliffs or pinnacles which consist of exposed rock faces with limited vegetative cover.
10. **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.
11. **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.
12. **Skyline Ridge:** A prominent long ridgeline landform that generally defines the horizon and visually appears against the background of the sky.
13. **Spring:** A permanent small stream or source of water coming out of the ground where the aquifer meets the ground surface.
14. **Talus Slope (or Alluvial Fan):** A slope strewn with a layer of loose rock debris, usually over unconsolidated soils.
15. **Terrace:** 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.
16. **Unstable Slope:** A slope that exhibits one or more of the following conditions: boulder collapse, boulder rolling, rock falls, slope collapse and talus slopes.
17. **Wash, Jurisdictional:** A wash that is governed by the United States Army Core of Engineers ("USACOE"), and is included as part of the permit ("404 Permit") obtained

through Section 404 of the United States Federal Water Pollution Control Act, or commonly known as the "Clean Water Act".

18. Wash, Non-Jurisdictional: These are washes not governed by the USACOE and are not subject to the provisions of the 404 Permit.

19. Wildlife Corridor: Open space linkages that connect wildlife populations that are separated by human activity (such as roads or other development). These Corridors provide a number of benefits, including 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.

20. 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 and/or topography by removal, cuts, fills, grading or the building of structures.
- C. Conservation:** Open space that may be moderately modified from its natural condition due to surrounding development, but where certain effort is made to retain and maintain as much of the character as possible. Such areas may be improved with paths, trails, trailheads and similar features intended to carefully intertwine people with the open space. For comparison, see also Preservation.
- D. Conservation Features or Areas:** Individual conservation features, defined above, and/or areas of the highest significance and preservation priority.
- E. Cultural Resources:** A broad assortment of assets, which includes buildings, sites, structures, objects, and districts that are of historic, cultural, architectural, or archaeological significance. Examples of such resources include petroglyphs, jewelry, textiles, pottery, projectiles, tools, irrigation canals, and pit houses. This includes artifacts, records, and material remains related to such resources. These assets may be included in or eligible for inclusion in the National Register.
- F. Cut:** A land surface, which is shaped through the removal of soil, rock, or other materials.
- G. Desert Lands Conservation Report (DLCR):** A submittal required with any development application to the City for property within the Lake Pleasant Heights Desert Lands Conservation Overlay area, which contains an overview of the conservation features and items of specific interest as they pertain to the intent of the Lake Pleasant Heights Desert Lands Conservation Overlay.

- H. Destroy:** To kill, or cause the death of any protected native plant by any means.
- I. Developer:** The property owner or his representative that is undertaking the development of land subject to the Lake Pleasant Heights Desert Lands Conservation Overlay District.
- J. 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 Lake Pleasant Heights Hillside Development Overlay District of this code and shall be subject to the same requirements of that Article.
- K. Disturbed Area, “Reclaimed” or “Restored”:** Disturbed areas that have been restored to their natural contours, vegetation and colors to the satisfaction of the City of Peoria.
- L. Fill:** The deposition of soil, rock or other materials place by man.
- M. Finished Grade or Newly Established Grade:** The final grade and elevation of the ground surface after grading is completed. (All grading must comply with the provisions set forth Article 14-22A “Lake Pleasant Heights Hillside Development Overlay District”)
- N. 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, registered landscape architect, or land surveyor licensed to practice in the State of Arizona.
- O. Grading:** Any excavating, or filling or combination thereof including the conditions resulting from an excavation or fill.
- P. Habitat Preservation Plan:** An official document submitted as part of a Master Conservation Plan (MCP) containing wildlife habitat and corridor identification and conservation / protection procedures as supported by the Arizona Game & Fish Department.
- Q. Habitat Survey:** An official document submitted as part of a Desert Lands Conservation Report (DLCR) containing correspondence from the Arizona Game & Fish Department that identifies known or potential wildlife living on a given property.
- R. 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.
- S. Landform Type**
- 1. 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. This landform is not listed in the companion Lake Pleasant Heights Hillside Development Overlay District for Lake Pleasant Heights as the slope of this land is less than 10% and therefore not considered hillside.

2. **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 Upland 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 (25) 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. The Bajada landform is generally consistent with the Lower and Upper Transitional landform in the companion Lake Pleasant Heights Hillside Development Overlay District.
3. **Upland 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 twenty-five (25) 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. This landform includes the Uplands landforms in the companion Lake Pleasant Heights Hillside Development Overlay District.

T. 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.

1. **Tonto Upland:** Landscape character zone that represents indigenous plants typically found in the desert of the northern Phoenix metropolitan areas.

2. **Sonoran Desert Upland:** 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. **Lower Sonoran Desert:** 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 Desert Oasis:** 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.

U. 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, semi-private areas and other areas located within the Disturbed Area where the use of Native Sonoran, Sonoran Character and Arid Zone plants are encouraged, but Desert Oasis plants are also allowed. These areas may also include special public areas, such as, but not limited to, parks, plaza's, neighborhood open space, etc.
2. **Lush Desert Edge:** A landscaped area consisting of open backyards, commercial and public areas, streetscapes and common areas where use of Arid Zone plants is generally 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. **Riparian 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 Tonto Upland palette. Open areas used for recreation, including active and passive areas, parks, and neighborhood open space are not included in this area.

V. Master Conservation Plan (MCP): Represented by Figure 1212 within this Planned Community Development (PCD), this exhibit contains the identification and proposed conservation measures for protected landforms, steeper areas and significant drainage areas.

W. Mature Trees: Healthy, full-bodied trees of the following minimum sizes: Eight (8) feet in height with a four (4) inch caliper trunk measured six (6) inches above grade for smaller and measured twelve (12) inches above grade for larger species. Multi-trunk species shall be measured in the same manner as single-trunk species, but must have a minimum diameter of one (1) inch.

X. Mutilate: To deface, maim, damage or disfigure any protected native plant by shooting, chopping, pushing over, burning, cutting or any other means.

Y. Native Plant Permit: A type of permit issued by the State of Arizona Department of Agriculture and by the City of Peoria for the purpose of removing from the premises, relocating on the premises, or destroying any protected native plant.

- Z. 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. This plan shall identify the location of the on-site nursery and shall establish an approximate amount of time each plant, or group of plants, is expected to remain in the nursery. A method for tracking the amount of time each plant or group of plants will remain in the nursery shall also be provided.
- AA. Natural Open Space:** Areas set aside containing naturally occurring conservation features of the Sonoran Desert that have not been altered or have minimal disturbance for roads, utilities, trails and pedestrian pathways providing access to feature areas.
- BB. Plant Protection:** Any project that contains plants specified on the Protected Native Plant List is required to submit a Native Plant Preservation Plan detailing the existing location and proposed treatment of each protected plant. Optimally, protected plants should remain in place.
- CC. Plant Salvaging:** Healthy plants, meeting minimum standards as defined by the Protected Plant Status, which must be removed due to construction are required to be salvaged unless the applicant can demonstrate how conditions such as poor health make successful relocation impossible. Salvaged plants are expected to be replanted within the project.
- DD. Preservation:** Similar to Conservation but is more closely related to a wilderness area in that these open spaces are intended to remain in their natural, untouched state regardless of surrounding development. In some instances, unpaved hiking trails and trailheads may be utilized to gain limited access to these areas; however, park-like amenities such as water, restrooms, lighting, directional signage, improved parking or educational facilities are not likely to be present.
- EE. 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.
- FF. 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.
- GG. Relocate:** To transplant a protected native plant to another location on the premises.
- HH. Remove:** To transport a protected native plant from the premises on which it has been growing.
- II. Restore:** To replant areas of burned, damaged or disturbed Sonoran Desert vegetation and topographical features with trees and plants of the same species, size, density and placement as the surrounding area; and re-contour, as necessary, to appear similar to or to match the character of nearby slopes.
- JJ. Retaining Wall:** A wall used solely to retain twelve (12) or more inches of material but not to support or to provide a foundation or wall for a building.
- KK. Ridge Line:** That line running along the highest elevation between mountain peaks.
- LL. Rip Rap:** A bank protection measure composed of rock, cobble or rubble of differing sizes to protect against erosion or scour.

MM. 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.

NN. Undisturbed Natural Desert: Naturally occurring Sonoran Desert vegetation and topographical features, including washes, are not altered except to allow for roads, utilities, trails and pedestrian pathways providing access to feature areas. Vegetation is not pruned or removed, except to remove a fire hazard, in order to retain a natural habitat for native animal species. Dead trees or cacti also form an integral part of the wildlife habitat.

OO. Unique Feature: A unique and identifiable feature that varies from the immediate surroundings, such as springs, tanks, saddles, expansive saguaro or cholla forests, boulder outcrop, escarpment, etc. **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 APPLICABILITY AND APPROVAL PROCESS

A. Single Residential Lot Development

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. Development of individual custom residential lots within Lake Pleasant Heights will be evaluated in accordance with the approved DLCR or MCP for the subject parcel or overall master plan, depending upon the level of approval currently established for the community. In the event that any lot has been prematurely cleared or graded prior to issuance of a building permit, the Planning & Community Development Department shall have the authority to establish appropriate re-vegetation and salvage criteria, which may include the use of historical aerial photos.

B. Development Parcels

All Development Parcels (excluding Custom Residential Lot Development Parcels) shall consider the MCP at the time of preliminary plat. Lake Pleasant Heights, as a phased development has provided a MCP for the overall project; however an DLCR shall be submitted with each smaller parcel at the time of preliminary plat.

C. Custom Residential Lot Development Parcels

Custom Residential Lot Developments are only required to submit a DLCR with the required Minor Land Division. Each individual lot owner or developer will be required to provide a copy of the MCP with their building permit application. The MCP has established conservation measures for any qualified landforms, cultural resources or vegetation existing on site. In the event that any lot has been prematurely cleared or graded prior to issuance of a building permit, but after the Minor Land Division, the Planning & Community Development Department has the authority to

establish appropriate re vegetation / salvage criteria, which may include the use of historical aerial photos.

D. Desert Lands Conservation Report

Desert Lands Conservation Reports are intended to be concept reports that describe areas of interest for conservation features and methods of preservation for projects of all types and sizes. The report shall include a landscape plant inventory for the intended development area defined by the Site Plan or Subdivision Plat Application. The landscape plant inventory will be prepared in accordance with Protected Plant Status standards. A Desert Lands Conservation Report (DLCR) shall be prepared by certified professionals in each particular topic area being analyzed in the report (e.g. engineer, landscape architect, biologist, botanist, arborist, etc) and shall be submitted in accordance with Sections 14-22B-4A-G of this Article. DLCR submittal requirements are provided in the Desert Lands Conservation Process Guide.

E. Master Conservation Plan

A Master Conservation Plan (MCP) is intended to provide an analysis and documentation of conservation features on a given property. Unlike the DLCR, the MCP provides a policy directive regarding the habitat preservation, unique landforms including washes and hillside areas to be protected, and other related site elements requiring preservation. These elements are defined by Figure 12, Master Conservation Plan.

The Master Conservation Plan (MCP) shall be prepared with the consideration of certified professionals in each particular topic area being analyzed in the report (e.g. engineer, landscape architect, biologist, botanist, arborist, etc) and has been submitted in accordance with Sections 14-22B4A-G of this Article.

F. Site Inspection

For those sites with particularly complex conditions, the City may request a site inspection of the property by City staff. 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 Staff shall review all DLCR document for completeness and shall evaluate the extent to which the document and any recommendations satisfy the requirements and overall intent of this ordinance. Revisions to the document may be required by staff.

All DLCO applications shall require either a Certificate of No Effect, Certificate of Appropriateness, or approved mitigation plan before final project approval may be obtained. If review of the submitted documentation indicates that no cultural resources are likely to be present, staff may issue a Certificate of No Effect. If a DLCR or MCP indicates that cultural resources are present or are likely to be present on the site, the Cultural Resources portion of DLCR or MCP shall require review by the Historic Preservation Commission. The Commission's

purview shall include validation of all archaeological surveys, archaeological reports, and archaeological mitigation plans.

Appeals of the decision(s) regarding a DLCR 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. The Planning Manager or designee shall not approve any DLCR unless the City has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the DLCR or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City’s General Plan and Zoning goals and regulations.

SECTION 14-22B-5 CONSERVATION STANDARDS

In order to preserve sensitive environmental conditions, retain and protect meaningful desert open space, and conserve ecological and aesthetic resources, all development within the affected DLCO area shall be subject to requirements for the preservation of Natural Open Space (NOS) and native plants. In Hillside Areas, requirements of the Hillside Overlay District and the DLCO shall be coordinated as specified herein. The required 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 in accordance and not in addition to the open space provisions of Article 14-22A Lake Pleasant Heights Hillside Development Overlay District, when conservation features are present, and as depicted below. Development Parcels are only required to provide up to the maximum NOS as shown on the table below. Development Parcels that do not contain conservation features are not required to provide NOS per the Lake Pleasant Heights Desert Lands Conservation Overlay, but are still subject to the provisions of the Lake Pleasant Heights Hillside Development Overlay District.

NOS Slope/Landform Matrix

2. The NOS acreage shall be comprised of the conservation features listed and defined in this Article in the following priority:

Table 2 (Ord. No. 05-44)			
NOS SLOPE/LANDFORM MATRIX			
LANDFORM TYPE	SLOPE RANGE	MINIMUM REQUIRED NOS	MAXIMUM REQUIRED NOS
Desert Floor	0%-10%	0%	25%
Bajada	10--25%	0%	55%
Upland	25%+	50%	70%

NOTE: Usable Open Space requirements of this ordinance may be satisfied by accessible NOS containing dedicated trails, floodway areas or reserved or dedicated steep slope areas.

- a. expansion or extension of a regional open space / wildlife corridor,
 - b. increases in the size of an existing or adjacent open space area,
 - c. creation of a linkage to an existing or planned trail, or
 - d. the provision of a public access point (trailhead) 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 order of priority 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. Where the 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.
5. Any NOS being considered for dedication to the City of Peoria, regardless of size and location, will be reviewed by the Community Services and Planning & Community Development Departments for a recommendation as to the acceptance or rejection of the dedication.
6. Whether the NOS is located on individual lots or in common tracts, the boundaries of disturbed areas shall be permanently delineated to prevent encroachment into NOS areas and / or conservation easements.
7. Identification of NOS shall be coordinated with the Lake Pleasant Heights Hillside Overlay District, Article 14-22A.
8. 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 except where needed for paths, trails, roads or other similar necessary elements. Restoration of the Disturbed Area not used to support buildings, paths or trails is mandatory and shall follow plans reviewed and approved by the City. Restored Disturbed Area within NOS, approved by the City, shall count towards NOS acreage requirements.
9. Lake Pleasant Heights will provide multiple public access points. The location of these access points will be established at the time of site plan submittals.

10. The total combined 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 visual or wildlife corridor to the NOS.

B. Edge Treatments

1. Transitions from the built to natural environment play an important role in the development of Lake Pleasant Heights. These areas provide both a scenic value and a physical connection between the two areas. It is important to provide both visual and physical access to natural open space, yet at the same time provide appropriate separation for both humans and desert wildlife. Development parcels adjacent to natural open space are encouraged to provide open space edge treatments using the following considerations, or combination of the following considerations.
 - a. Single loaded street.
 - b. Improved or unimproved open space, a minimum of 200' wide, designed to blend with the natural open space.
 - c. Cul-de-sacs designed to open onto open space. Alternative wall and fence designs that prevent abrupt transitions between the built and natural environments.
 - d. Defined trailheads with signage/way finding, parking, water and shade provisions.
 - e. Substantially alternating lot depths placed in straight-line edge development. Alternating lot depths shall articulate no less than 20% of the average lot depth within the parcel.
 - f. Alternative building placement and/or lot widths for the nearest two rows of homes or the nearest commercial or non-residential building to promote increased views into the natural open space. To qualify, lot widths and/or setbacks shall be increased by no less than 50%.
 - g. Creation of a useable greenbelt or paseo along the edge of development.
 - h. Enhanced native landscaping located along the edge of the development and placed and maintained in a manner that does not result in an easily identified manicured landscaped edge.
 - i. A creative alternative not included in this Article that satisfies the intent of this ordinance. Such alternative shall be approved in writing by the Planning Manager or designee.

C. Rivers and Washes

1. All Washes identified for some level of preservation, are shown in Figure 12 of the Lake Pleasant Heights PCD.
2. Except where allowed by the Planning Manager or designee, the following provisions shall apply to the washes indicated on Figure 12:
 - a. Habitat Migration Corridors, except in locations permitted for disturbance, consist of a preservation corridor with an average width of 100', where no portion is narrower than 70'. The wash bottom may meander within this corridor, but the top of bank shall remain a minimum of 25' from the edge of such corridor.
 - b. Other 404 Washes, except in locations permitted for disturbance, shall contain a preservation corridor with an average width of 60', where no portion is narrower than

35'. The wash bottom may meander within this corridor, but the top of bank shall remain a minimum of 15' from the edge of such corridor.

- c. Significant Washes indicate a 40' corridor that is ideally centered over the natural wash, but may be altered, relocated, or combined, provided that a corridor of similar size, condition, and location be provided (either natural or re-created). Developer may appeal to Planning Manager or Designee for relief from this requirement if, upon actual on site review, the wash is found to be without significant vegetation areas, conservation features, or a high habitat value.
3. No major structural changes or improvements shall be allowed in rivers and washes governed by a Lake Pleasant Heights 404 Permit except those as allowed under the permit. Where changes are made, protected plants shall be left in place except as follows:
- 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.

D. Wildlife Habitat

Wildlife corridors shall be established along both sides of washes identified as part of the 404 Permit and those identified on the PCD Master Conservation Plan (See Figure 12) as described above.

1. Linear utility lines may be placed parallel to, washes identified as part of the 404 Permit. Utility corridors shall be restored using indigenous plants so that there is no net loss of habitat function or value.

E. Scenic Resources

1. For the purposes of this ordinance, a Scenic Resource is a broad term used to describe the characteristics of an area based on the given geographic location and local visual resources. Scenic Resources within Lake Pleasant Heights have been identified as preservation areas and features and are depicted on the Lake Pleasant Heights Master Conservation Plan (See Figure 12). Scenic Resources may be comprised of any combination of the following:

(a) Scenic roadways in mountainous terrain

(b) Large natural area with surface water, undisturbed vegetation and ecosystems, cultural resources, and/or un-fragmented wildlife habitat.

(c) Areas with unaltered ridgelines or distinct views of undisturbed ridgelines.

(d) Areas with particularly dense populations of specific native plant populations such as saguaro cacti.

2. Methods of protection of scenic resources or incorporating such resources into a development may vary on a case-by-case basis depending upon the nature of the resource and its scale. Such methods shall be described in the Desert Lands Conservation Report and detailed in the Master Conservation Plan and in conjunction with the Lake Pleasant Heights Hillside Development Overlay District. Typical conservation methods shall include, but not be limited to, absolute preservation (i.e. leave in natural state), strategic placement and design of buildings, planned / prohibited access, unique building and wall standards intended to preserve desirable views.

F. Archaeological Resources

1. Preliminary Archaeological Site Review

Provide a 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.

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.
- 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.

G. Native Plants

1. No person shall destroy, mutilate, remove, or relocate any protected native plant on land that is subject to the provisions of this Article without first obtaining all required Native Plant Permit(s).
2. Protected Native Plant List – See <http://www.azda.gov/ESD/nativeplants.htm> For the purpose of consistency with the Arizona Department of Agriculture (AZDA), the City of Peoria recognizes the AZDA's protected plant lists as the City's official list. A current copy of this list shall be on file with the Planning and Community Development Department and a link to the AZDA list can be found on the Planning Division's website. The AZDA maintains the lists and descriptions provided below. Please contact the Planning and Community Development Department or visit <http://www.azda.gov/ESD/nativeplants.htm> for specific permitted plants listed by name.
 - a. Highly Safeguarded Native Plants: includes those species of native plants and parts of plants, including the seeds and fruit, whose prospects for survival in this state are in jeopardy or which are in danger of extinction throughout all or a significant portion of their ranges, and those native plants which are likely within the foreseeable future to become jeopardized or in danger of extinction throughout all or a significant portion of their ranges. This category also includes those plants resident to this state and listed as endangered, threatened, or category 1 in the federal Endangered Species Act of 1973.
 - b. Salvage Restricted Native Plants: includes those native plants which are not included in the highly safeguarded category but are nevertheless subject to a high potential for damage by theft or vandalism.
 - c. Salvage Assessed Native Plants: includes those native plants which are not included in either the highly safeguarded or salvage restricted categories but nevertheless have a sufficient value if salvaged to support the cost of salvage tags and seals.
 - d. Harvest Restricted Native Plants: includes those native plants which are not included in the highly safeguarded category but are subject to excessive harvesting or overcutting because of the intrinsic value of their by-products, fiber or woody parts.
3. Drought-Tolerant Plant List – See <http://www.azwater.gov/AzDWR/WaterManagement/AMAs/LowWaterUsePlan.ist.htm>

For the purpose of consistency with the Arizona Department of Water Resources (ADWR), the City of Peoria recognizes the ADWR low-water plant list as the City's official list and will be used in conjunction with the Protected Native Plant List. A current copy of this list shall be on file with the Planning and Community Development Department and a link to the ADWR

list can be found on the Planning Division's website. Please contact the Planning and Community Development Department or visit:
<http://www.azwater.gov/AzDWR/WaterManagement/AMAs/LowWaterUsePlan.ist.htm>

4. Prohibited Plant List

Certain plants that do well in the Sonoran Desert present a distinctly non-desert appearance and/or pose potential hazards to the native vegetation, wildlife and landscape due to their invasive nature, high pollen production, and / or their high water demand. Because of this, the following Sample Prohibited Plant Species List has been provided. This list, though not exhaustive, provides guidance for certain types of plants of which should be avoided.

5. Deviations from the Protected or Prohibited Plant Species Lists may be made by the City if sufficient support from a registered landscape architect or botanist is provided. Such modifications shall be approved on a case-by-case basis if it is determined that the inclusion or exclusion of a particular plant species will detract from the desert appearance or poses a threat to the surrounding habitat, landscape, or general population (e.g. users in parking areas, parks or other open space amenities).

6. Protected Native Plant List

Protected Native Plant List

Botanical Name	Common Name
TREES	
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
SHRUBS	
Acacia constricta	Whitethorn Acacia
Acacia greggii	Catclaw Acacia
Celtis pallida	Desert Hackberry
Larea tridentada	Creosote
CACTI/SUCCULENTS/ACCENTS	
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

7. Native Sonoran Desert vegetation should not be heavily 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 as they are commonly used as habitat.
8. 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.

SAMPLE PROHIBITED PLANT SPECIES LIST	
<i>Botanical Name</i>	<i>Common Name</i>
<i>TREES</i>	
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	Chilean Mesquite

SAMPLE PROHIBITED PLANT SPECIES LIST	
<i>Botanical Name</i>	<i>Common Name</i>
areas only)	
Rhus lancea	African Sumac
Washingtonia sp.	Fan Palm
<i>SHRUBS</i>	
Oleander sp. (except petite varieties)	Oleander
Thevetia peruviana	Yellow Oleander
<i>GROUNDCOVERS, ANNUALS, PERENNIALS, VINES, ETC.</i>	
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

H. Native plant materials being salvaged for public or quasi-public uses may, at the City's discretion, be replanted off-site for local public projects, right-of-way improvements or other government uses which may include storage at a City-operated nursery.

1. Excess salvageable native plant material from private development projects may be donated at no cost by the developer to the City for use in local public projects, right-of-way improvements or other government uses which may include storage at a City-operated nursery. The developer shall contact private nurseries and salvage companies prior to offering any materials to the City. The City will, at its discretion, obtain only those desirable plant materials which are at risk of being destroyed.
2. All materials donated to the City for municipal use or for distribution to other government projects shall be only those materials in excess of the minimum required salvaged materials and those which cannot be located elsewhere on the subject property for reasons of survivability or health of the species.
3. The City shall adhere to the adopted Native Plant Salvage & Donation Protocol when acquiring native plant materials from public, quasi-public or private sources.

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).

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 Certified arborist.

The plan shall contain information and procedures listed in the Desert Lands Conservation Process Guide which addresses the following items:

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,
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. Care of plants in nursery,
8. Transplant the salvaged plants, and
9. Termination of the temporary native plant nursery and restoration of the nursery site.

D. Responsibility for obtaining permit.

In no instance shall destruction of plants with Protected Plant Status occur prior to issuance of all required Native Plant Permits 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 or arborist providing an assessment of the salvageability given the time of year, and concurrence from the Planning & Community Development Department.

E. Action on applications.

Applications may be approved, conditionally approved, 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.

F. Timing of Permit approval.

For proposed development, the Native Plant Permit shall not be issued until the necessary development approvals have been secured.

G. Modification

It shall be prohibited 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. All permits, site plans, conditional use permits and preliminary plat approvals issued by the City have a defined expiration period. Approved Native Plant Permits shall expire if the work authorized under the provisions of this Article has not commenced within the expiration date of the associated development application. Request to extend the expiration period may be made to the Planning Manager or designee.
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 project-specific time extension 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.

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:
 - 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. Compliance with approved permit; revocation.

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.

L. 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.

M. Destruction or restoration

1. 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 determined 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.
2. Waiver of restoration requirement.

The Planning & Community Development Director or designee may waive or modify the restoration requirement in this Article if, and only if it will further the purpose of this Article.

SECTION 14-22B-7 INSPECTIONS

- A. In order to ensure compliance with this Article, inspections may be made by the Planning Manager or designee 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 designee 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 APPEALS

- A. Appeal to the Hearing Officer

1. Decisions arising from the administration of 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 being appealed. The appeal shall be filed with the Planning & Community Development Director.
2. The Hearing Officer shall hold a hearing and provide the applicant and Planning & 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 Article 14-39.

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 Planning & 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 the radius defined by Article 14-39 of the property to which the plan relates. The Planning & Community Development staff shall be responsible for mailing such notices.
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 or designated staff member shall present their positions.
4. The City Council shall act upon the appeal within sixty (60) days after the appeal is filed with the Planning & Community Development Director, or at the next regularly scheduled City Council meeting, whichever date is later.

Appendix F
Biological Assessment

UPDATED BIOLOGICAL ASSESSMENT FOR THE
PROPOSED LAKE PLEASANT HEIGHTS DEVELOPMENT
AND EL MIRAGE ROAD EXPANSION,
SOUTH OF LAKE PLEASANT,
MARICOPA COUNTY, ARIZONA

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EnviroSystems Management Project No. 1658-12

August 8, 2012

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**UPDATED BIOLOGICAL ASSESSMENT FOR THE PROPOSED LAKE PLEASANT
HEIGHTS DEVELOPMENT AND EL MIRAGE ROAD EXPANSION,
SOUTH OF LAKE PLEASANT,
MARICOPA COUNTY, ARIZONA**

Location:

Maricopa County, Arizona
T5N, R1W, Sections 1, 2, 11, 12, 13, 14, and 24
T6N, R1W Sections 25, 35, and 36
Baldy Mountain, Arizona (photorevised 1981), USGS 7.5" quadrangle

Contact Person:

Michael Boyd
EnviroSystems Management, Inc.

Phone Number: (928) 226-0236

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Executive Summary

This updated Biological Assessment (BA) reevaluates the potential impacts to special status species on the proposed 3,268-acre Lake Pleasant Heights community north of Phoenix in Maricopa County, Arizona. Since drafting the previous BA (dated January 23, 2006), the protection status changed for a number of species, thereby indicating the need for updated assessments based on current literature and field surveys. As with the previous determination, the current proposed action will not result in adverse effects to any federally listed endangered or threatened species.

Introduction

The Lake Pleasant Heights master-planned community has undergone changes in ownership and, to a lesser extent, in developing a land use plan, both of which have delayed project permitting and implementation. For the preliminary land use plan, EnviroSystems Management, Inc. (EnviroSystems) prepared two Biological Assessments (BAs) (dated October 26, 2004 and January 23, 2006, respectively). The purpose of this updated BA is to reexamine information from previous BAs regarding the proposed development of the 3,268-acre Lake Pleasant Heights property.

This updated BA will review the proposed action in sufficient detail to determine to what extent the proposed action may affect any of the threatened, endangered, candidate, or sensitive species listed below. The current land use plan encompasses 3,268 acres, of which 1,872 acres are privately owned and 1,396 are owned by the Arizona State Land Department (ASLD). The two BAs previously prepared by EnviroSystems (2005 and 2006) have resulted in 2,236 acres (68.4%) of the project area being surveyed for biological resources. All of the private land has been inventoried, whereas 364.3 acres (26.1%) of the State land has been surveyed. The inventoried portions of State land are shown in Figure 1 and include the entire 120-acre parcel in T5N, R1W, Section 13. In addition, 244.3 acres in T5N, R1W, Section 2 and T6N, R1W, Section 36 were inventoried within a 1,000-foot-wide study corridor centered on the a previously proposed alignment of EL Mirage Road. This updated BA is prepared in accordance with legal requirements set forth under the Endangered Species Act of 1973, as amended (16 U.S.C. 1536 (c)).

Thirteen federally listed threatened (T) or endangered (E) species were identified as occurring in Maricopa County during consultation with U.S. Fish and Wildlife Service (USFWS) in 2004 and 2005. Additionally, Arizona Game and Fish Department (AGFD) listed four species of concern (SC) in the project vicinity (3-mile buffer). Species considered in the 2006 BA included:

Threatened (T), Endangered (E), Proposed Threatened (PT), or Proposed Endangered Species (PE)

Arizona agave (*Agave arizonica*) E
Arizona cliffrose (*Purshia subintegra*) E
Bald eagle (*Haliaeetus leucocephalus*) T
Cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) E
California brown pelican (*Pelecanus occidentalis californicus*) Delisted Taxon, Recovered, Being Monitored First Five Years (was listed as E)
Mexican spotted owl (*Strix occidentalis lucida*) T
Southwestern willow flycatcher (*Empidonax traillii extimus*) E
Yuma clapper rail (*Rallus longirostris yumanensis*) E
Lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*) E
Sonoran pronghorn (*Antilocapra americana sonoriensis*) E
Desert pupfish (*Cyprinodon macularius*) E
Gila topminnow (*Poeciliopsis occidentalis occidentalis*) E
Razorback sucker (*Xyrauchen texanus*) E

EnviroSystems submitted a data request to AGFD (dated September 24, 2004) to inquire about special status species in the project area. The AGFD response letter (dated 10/07/2004) referenced the Department's Heritage Data Management System (HDMS) and listed the following species as occurring in the project vicinity (3-mile buffer):

Candidate Species (C), Sensitive Species (SS), and Species of Concern (SC)

Longfin dace (*Agosia chrysogaster*) SC
Sonoran desert tortoise (*Gopherus agassizii*) SC
Cave myotis (*Myotis velifer*) SC
Lowland leopard frog (*Rana yavapaiensis*) SC

Critical Habitat

This project does not occur in the vicinity of any designated or proposed Critical Habitat for federally listed species.

Consultation to Date

Information obtained from AGFD and USFWS regarding federally listed threatened or endangered species or state listed species of special concern was used to inform the field surveys (Appendix A). Pedestrian surveys were completed in the project area by walking transects thirty feet apart to assure 100% visibility and coverage of the survey area. Surveys were conducted on September 23-24 and October 12-14, 2004 and on November 15-16, 2005. Results from those surveys are attached to this report (Appendix B).

In an effort to assess changes in status of any species addressed in the 2006 BA, updated information was obtained on July 25, 2012 from environmental databases, including Arizona's On-line Environmental Review Tool (AGFD 2012) and USFWS List of Special Status Species for Maricopa County, Arizona (2012a). The current AGFD list includes seven species that could occur within three miles of the project area (Table 1). This updated BA considers all seven, including changes in status, to determine to what extent the proposed action may affect each species and its habitat.

Table 1: AGFD List of Special Status Species in the Project Vicinity (3-Mile Buffer) (July 2012)

Name	FWS	USFS	BLM	State	Critical Habitat
Gila longfin dace	SC	S	S	-	None
Desert pupfish *	LE	-	-	WSC	None
Southwest willow flycatcher *	LE	-	-	WSC	None

Name	FWS	USFS	BLM	State	Critical Habitat
Sonoran desert tortoise	C	S	-	WSC	None
Bald eagle – winter population Bald eagle – Sonoran Desert pop.	SC, BGA	S	S	WSC	None
Cave myotis	SC	-	S	-	None
Lowland leopard frog	SC	S	S	WSC	None
Note: Species with an asterisk (*) were not included in the AGFD consultation letter dated 10/07/2004, though both were analyzed in the original BA. <u>Status Key</u> : LE (listed endangered); SC (species of concern); C (candidate for listing as threatened); WSC (wildlife species of concern); S (sensitive species)					

The current USFWS List includes twenty species known to occur in Maricopa County (Table 2). This updated BA considers all twenty, including changes in status, to determine to what extent the proposed action may affect each species and its habitat. Of those, six were not considered in the original BA, including:

- California least tern (*Sterna antillarum browni*)
- Roundtail chub (*Gila robusta*)
- Sprague’s pipit (*Anthus spragueii*)
- Tucson shovel-nosed snake (*Chionactis occipitalis klauberi*)
- Woundfin (*Plagopterus agrentissimus*)
- Yellow-billed cuckoo (*Coccyzus americanus*)

Table 2: USFWS List of Special Status Species for Maricopa County, Arizona (July 2012)

Name	Current Status	Previous Status
Arizona agave	Delisted	LE
Arizona cliff-rose	LE	LE
Bald eagle	Delisted	AD, LT
California brown pelican	Delisted	DM, LE
Cactus ferruginous pygmy owl	Delisted	LE
California least tern * **	LE	None
Desert pupfish	LE	LE
Desert tortoise, Sonoran pop. **	C	SC
Gila Topminnow	LE	LE
Lesser long-nosed bat	LE	LE
Mexican spotted owl	LT	LT
Razorback Sucker	LE	LE
Roundtail chub * **	C	None
Sonoran pronghorn	LE	LE
Southwest willow flycatcher	LE	LE
Sprague’s pipit * **	C	None
Tucson shovel-nosed snake * **	C	None
Woundfin * **	LE	None
Yellow-billed cuckoo	C	C
Yuma clapper rail	LE	LE

Name	Current Status	Previous Status
<p>Note: Species with an asterisk (*) were NOT on the original USFWS online review and, thus, were NOT considered in the original BA. Species with two asterisks (**) have an elevated status since the original BA was completed in 2006. <u>Status Key</u>: LE (listed endangered); SC (species of concern); C (candidate for listing as threatened); WSC (wildlife species of concern); S (sensitive species)</p>		

The following four species were among those considered in the original BA, but were since Delisted, though additional, limited protections remain [Arizona Native Plant Law of 1914, Bald and Golden Eagle Protection Act of 1940 (as amended), and Migratory Bird Treaty Act of 1918 (as amended)]. They include:

- Arizona agave (*Agave arizonica*)
- Bald eagle (*Haliaeetus leucocephalus*)
- California brown pelican (*Pelecanus occidentalis californicus*)
- Cactus ferruginous pygmy owl (*Glaucidium brasilianum cactorum*)

Current Management Direction

For the 1,872 acres of private lands, current management direction is provided by the City of Peoria. For the 1,396 acres of state land, current management direction is provided by ASLD.

Native Plants Inventory

The Arizona Department of Agriculture (ADA) has been tasked by law and associated regulation to protect certain native plants from unauthorized destruction, taking, and transport from the growing site without a permit. The Arizona native plant law was enacted to protect rare plant species and to protect some species from being over-harvested (McReynolds 2010). ASLD oversees the law and maintains a Department Plant Value List, which requires compensation for the removal of native plants or other natural products as a result of development activities associated with ASLD permits or leases (2012). Minimum size requirements necessary to establish Protected Plant Status include 4-inch diameter or greater for trees, 5-foot diameter or greater branch reach for shrubs, and 3-feet tall or greater for cacti.

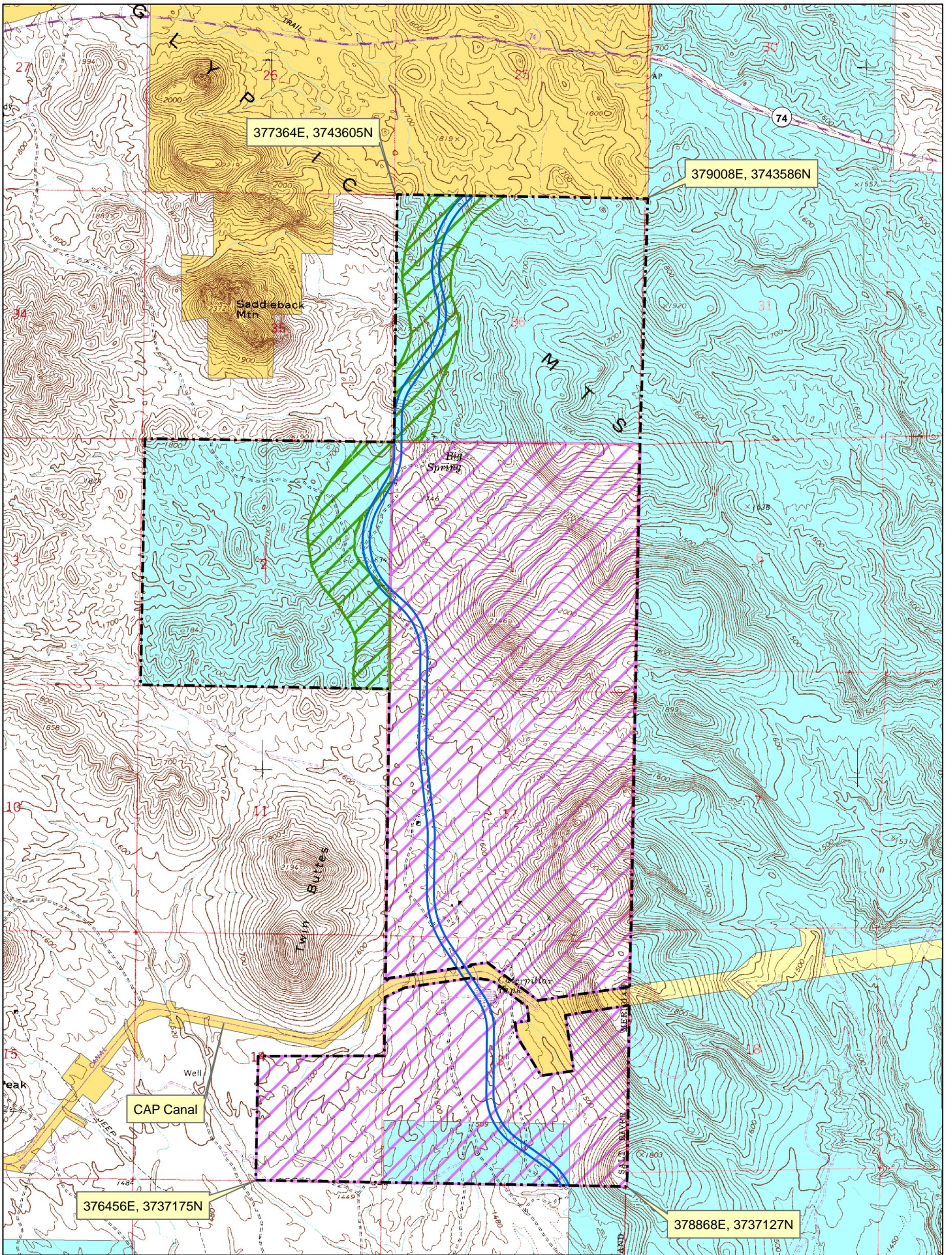
A native plant inventory was conducted in 2005 by a company no longer in business and data for the native plants inventory is no longer available. A new inventory may be required.

Description of the Proposed Action

The current owners plan to move forward with the Planned Community District (PCD) Amendment application for the Lake Pleasant Heights property. As part of the PCD Amendment application, an updated BA for the proposed action must be submitted to the City of Peoria. The current land use plan encompasses 3,268 acres, of which 1,872 acres are privately owned and 1,396 are owned by the Arizona State Land Department (ASLD). The two BAs previously prepared by EnviroSystems (2005 and 2006) have resulted in 2,236 acres (68.4%) of the project area being surveyed for biological resources. All of the private land has been inventoried, whereas 364.3 acres (26.1%) of the State land has been surveyed. The inventoried portions of State land are shown in Figure 1 and include the entire 120-acre parcel in T5N, R1W, Section 13. In addition, 244.3 acres in T5N, R1W, Section 2 and T6N, R1W, Section 36 were inventoried within a 1,000-foot-wide study corridor centered on the a previously proposed alignment of EL Mirage Road. Terrain in the project area is relatively steep and rugged, with some slopes in excess of 40°. Elevations in the parcel range from a low of 1,460 feet to a high of 2,146 feet. At present, the planned construction period for this proposed development is unknown.

Action Area

The action area occurs in the Basin and Range physiographic province of the Southwest, which is characterized by a series of rugged mountain ranges separated by structural basins (Cordell 1984). Mountains tend to rise sharply from the basin floors and gravel fans extending from the base of the



**Lake Pleasant Heights
Biological Resources**

EnviroSystems Project No. 1658-12

Figure 1. Land use plan area,
land ownership, and previous
biological surveys.



1:24,000

Base map is Baldy
Mountain, AZ
(photorevised 1981),
USGS 7.5' quadrangle.

UTM Datum NAD83, Zone 12

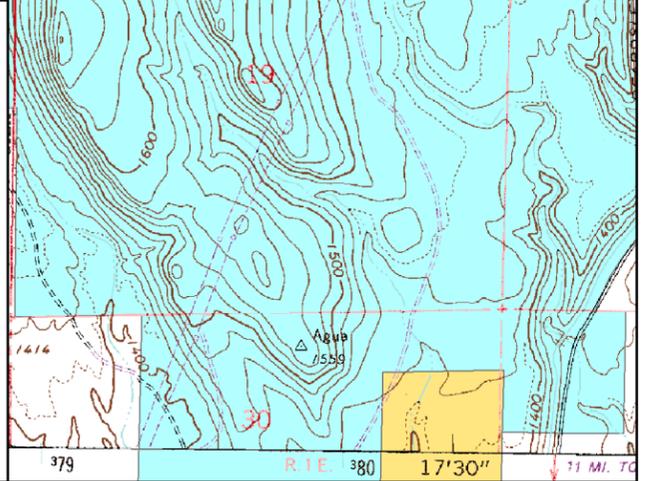
0 0.5 1 Kilometer

0 0.25 0.5 Mile

EnviroSystems Management, Inc.
Environmental Planning • Regulatory Compliance

Legend

- Project area/APE
- Proposed road
- Biological Resources Inventory (EnviroSystems 2005)
- Biological Resources Inventory (EnviroSystems 2006)
- BLM
- BOR
- Private
- State Trust



mountain ranges are common (Cordell 1984). The Lake Pleasant Heights property and the surrounding area display extensive tracts of vacant desert land. Portions of the action area have historically been used for cattle grazing, small mining operations and an informal shooting range.

Vegetation in the action area is typical of Lower Sonoran Desert flora. Dominant plants include saguaro cactus (*Carnegiea gigantea*), hedgehog cactus (*Echinocereus engelmannii*), barrel cactus (*Ferocactus wislizenii*), buckhorn cholla (*Cylindropuntia acanthocarpa*), teddy bear cholla (*Cylindropuntia bigelovii*), pencil cholla (*Cylindropuntia ramosissima*), catclaw acacia (*Acacia greggii*), paloverde (*Cercidium species*), creosotebush (*Larrea tridentata*), mesquite (*Prosopis species*), Mormon tea (*Ephedra funereal*), bursage (*Ambrosia species*), cheatgrass (*Bromus tectorum*), and other grasses and forbs (Brown 1994). A complete list of species observed during the 2004 and 2005 field surveys appear in Appendix B. No permanent water sources occur within the project parcel, though the road corridor is cut by several ephemeral drainages that trend northwest-southeast. The only perennial water source in the project parcel is Big Spring, which has been capped (Photo 1, Appendix C).

The Lake Pleasant Heights property is approximately 3,268 acres (5.1 square miles) in size and is located in an area that provides an opportunity to integrate the developed environment with the natural desert environment. The community will be designed around a network of natural open spaces that will include both active and passive recreation for local residents. Lake Pleasant Heights is compatible with the other master-planned communities in the area, including Vistancia North (formerly White Peak Ranch), Vistancia South (formerly Lakeland Village), and Saddleback Heights.

As a result of more detailed studies, minor changes to the current Lake Pleasant Heights Specific Area are being proposed. It is anticipated that environmental conditions in the project area have not undergone substantive changes since completing biological field surveys in 2005. As stated in the 2006 BA, no permanent water sources occur anywhere inside of or immediately adjacent to the project boundaries. Direct, indirect, and cumulative effects from the proposed action are summarized near the end of this report.

Updated Species Accounts for Special Status Species in the Action Area

Name:	Current Status:	Previous Status:
Arizona agave <i>Agave arizonica</i>	<u>Delisted</u>	Listed Endangered

Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys, original BA for Lake Pleasant Heights (ESM 2006).

Affected habitat description:

Open, rocky slopes and mesas in Sonoran desertscrub, chaparral, or juniper-grassland, 3,600-5,800 ft (1095-1765 m) elevation (ARPC 2001 in AGFD 2010d).

Status update:

When the Arizona agave was added to the list of endangered species in 1984, it was believed to be a unique species. USFWS now recognizes it as a hybrid of Tourney's agave (*A. toumeyana* var. *bella*) and the golden-flowered agave (*A. chrysantha*). Arizona agave was delisted in 2006 (Federal Register 71(117):35195-35198) (USDI 2006 in AGFD 2010d). The Arizona agave will continue to receive limited protection under Arizona Native Plant Law, A.R.S., Chapter 7, Section 3-901, which prohibits collection, except under permit for scientific or educational purposes. Federal agencies that permit, carry-out, or fund projects or programs will no longer be required to consult with USFWS, under Section 7 of the ESA, to avoid impacts to Arizona agave. Land management practices of private landowners will not be affected (USFWS 2012b).

Name: Arizona cliffrose <i>Purshia subintegra</i>	Current Status: Listed Endangered	Previous Status: Listed Endangered
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Data sources, including surveys conducted, prior BA/BE analysis or consultation:
Existing literature (see references), field surveys, original BA for Lake Pleasant Heights (ESM 2006).

Affected habitat description:
Arizona cliffrose occurs on rolling, rocky, limestone hills and slopes within Sonoran desertscrub (AGFD 1997). This species occurs where the winters are mild, summers are hot, and the 9-34 inches of annual precipitation is evenly distributed between summer and winter rainfall periods. Arizona cliffrose is restricted to calcareous limey-tuff soils derived from Tertiary lacustrine deposits that are nutrient-deficient, but high in lithium, nitrates, and magnesium (USFWS 1992, ARPC 2000). Crucifixion-thorn (*Canotia holacantha*) is the most common plant associate. Arizona cliffrose is known to occur in central Arizona and is found near Horseshoe Lake, Maricopa County; near Cottonwood, Yavapai County; near Burro Creek, Mohave County; and near Bylas, Graham County (USFWS 1992).

Analysis of effects:
Effects to this species are not anticipated due to specific soil requirements that are not found within the project area. No individuals were observed during field surveys.

Determination of effect/Rationale/Recommended mitigation:
A no effect determination was made due to the lack of nutrient-deficient, calcareous limey-tuff soils on the project site. No Arizona cliffrose were observed during field surveys.

- Findings (T&E):**
- No effect to species or its habitat
 - May affect species, not likely to adversely affect species or its habitat
 - May beneficially affect species or its habitat
 - Likely to adversely affect species or its habitat

Name: Bald eagle <i>Haliaeetus leucocephalus</i>	Current ESA Status: <u>Delisted</u>	Previous BA Status: AD, Listed Threatened
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Data sources, including surveys conducted, prior BA/BE analysis or consultation:
Existing literature (see references), field surveys, original BA for Lake Pleasant Heights (ESM 2006).

Affected habitat description:
Bald eagles occur in Arizona as either breeding populations or winter migrants. Arizona bald eagles occur at elevations between 460 and 7,390 feet. Nests occur in tall trees, cliff faces, ledges, and pinnacles near open water for foraging. Perches for shelter, roosting, foraging, and guarding are important habitat components. Their diet is comprised mainly of fish, with small mammals, carrion, birds, and reptiles eaten to a lesser extent (AGFD 2002a). Bald eagles occur in the central and northern portion of the state. Resident nesting occurs along Tonto Creek, the Salt River, and the Verde River on the Tonto National Forest.

Status update:

Nationwide and throughout the State of Arizona, the bald eagle is currently not listed as threatened or endangered. On September 30, 2010, the U.S. District Court dissolved an injunction that led to the bald eagle in the Sonoran Desert Area of central Arizona being placed on the Endangered Species list in 2008. The bald eagle was delisted in 2011 (FR 76(171):54711-54713) (USDI 2011 in AGFD 2002a). Bald eagles are protected under the Eagle Act and other federal and state statutes. The word “disturb” under the Eagle Act was recently clarified, as well as the implementation of new regulations requiring permits to incidentally “take” eagles.

Analysis of effects:

No bald eagle nests or individuals are known to occur in the vicinity of the project, and none were observed during field surveys. No effect to this species is anticipated due to the lack of habitat on site.

Name:	Current Status:	Previous BA Status:
Cactus ferruginous pygmy-owl	<u>Delisted</u>	Listed Endangered
<i>Glaucidium brasilianum cactorum</i>		

Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys, original BA for Lake Pleasant Heights (ESM 2006).

Status update:

This species was considered in the original BA for the Proposed Lake Pleasant Heights project (ESM 2006). USFWS delisted the Arizona distinct population segment of the cactus ferruginous pygmy-owl in 2006 (FR 71(72)) (USDI 2006 in AGFD 2010a).

Affected habitat description:

The only recent records of this species’ range within Arizona are from Organ Pipe Cactus National Monument , near Ajo, and suburban Tucson (AGFD 2010a). They have been found in the Rincon, Pajarito, Puerto Blanco, Ajo, Santa Catalina, and Santa Rita mountains; south and west of the Tortolita Mountains in the Tucson area; along the Gila River near Bonita Creek and San Francisco River; at the San Pedro River near Dudleyville; and along Sonoyta Creek. The only recent records are from Organ Pipe Cactus National Monument, near Ajo, and suburban Tucson (AGFD 2001a).

Analysis of effects:

Scattered marginal suitable habitat for the cactus ferruginous pygmy-owl exists within the project boundaries in association with the drainages, but overall the project area has more hilly topography than areas where cactus ferruginous pygmy owls are usually found. No effect to cactus ferruginous pygmy owls is anticipated.

Name:	Current Status:	Previous Status:
California brown pelican	<u>Delisted</u>	Listed Endangered
<i>Pelecanus occidentalis californicus</i>		

Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys, original BA for Lake Pleasant Heights (ESM 2006).

Status update:

Recovered under the Endangered Species Act (November 17, 2009, 74 FR 59444). The brown pelican remains protected under the provisions of the Migratory Bird Treaty Act (USFWS 2011).

Affected habitat description:

The California brown pelican is a large, dark brown-gray water bird with webbed feet. Habitat is usually coastal land from Canada to Mexico, with nesting occurring on islands. In Arizona, the California brown pelican is an accidental transient around lakes and rivers, often blown in by storms. Individuals may also wander up from Mexico in summer and fall. There are no records of brown pelicans breeding in Arizona (USFWS 1998).

Analysis of effects:

Suitable habitat for the California brown pelican does not exist in the project area, though this species could occur incidentally in the project vicinity.

Name: California least tern <i>Sterna antillarum browni</i>	Current Status: Listed Endangered	Previous Status: None
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Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys

Status update:

The California least tern was federally listed as endangered on October 13, 1970 (FR 35:16047) (CDPR 2010). This species was not on the original USFWS online review or on the AGFD data request response letter. As such, it was NOT considered in the 2006 BA.

Affected habitat description:

No Species Abstract has been published in HDMS for *Sterna antillarum browni*. USFWS describes the habitat for this species as open, bare, or sparsely vegetated sand, sandbars, gravel pits, or exposed flats along shorelines of inland rivers, lakes, reservoirs, or drainage systems (2012). Breeding is documented occasionally in Arizona; migrants may occur more frequently. Feeds primarily on fish in shallow waters and secondarily on invertebrates. Nests in a simple scrape on sandy or gravelly soil. No critical habitat rules have been published for the California least tern.

Analysis of effects:

This species requires close proximity to water bodies, but none exist in the project area. A No Effect determination was made for California least tern because no suitable habitat occurs in the project area.

Determination of effect/Rationale/Recommended mitigation:

No effect to this species is anticipated because there is no potential to impact this species or its habitat from project activities.

Findings (T&E):

- No effect to species or its habitat
- May affect species, not likely to adversely affect species or its habitat
- May beneficially affect species or its habitat
- Likely to adversely affect species or its habitat

Name: Mexican spotted owl <i>Strix occidentalis lucida</i>	Current Status: Listed Threatened	Previous Status: Listed Threatened
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Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys, original BA for Lake Pleasant Heights (ESM 2006).

Affected habitat description:

The Mexican spotted owl is a medium-sized owl with large dark eyes and brown plumage and no ear tufts (USFWS 1998). It occupies varied habitats including mixed conifer and ponderosa pine/Gambel oak vegetation types, usually characterized by high canopy closure, high stem density, numerous snags, and downed woody material on sloped terrain (AGFD 2001b, USFWS 1998). In Arizona, this owl is patchily distributed in forested mountains from 4,500 to 10,000 feet (AGFD 2001b). Mexican spotted owls do not build nests but use naturally occurring sites, often in large diameter trees, cliff cavities, and abandoned hawk or raven nests. Spotted owls prey mainly on wood rats, which are snatched from the ground in their talons; birds, insects, reptiles, and other types of small mammals are taken as well (AGFD 2001b).

Analysis of effects:

No effect to the species is anticipated because the proposed project does not contain suitable vegetation layers for spotted owls.

Determination of effect/Rationale/Recommended mitigation:

No multi-layered canopies of mixed conifer forest exist within the project. A no effect determination was found due to the absence of habitat.

Findings (T&E):

- No effect to species or its habitat
- May affect species, not likely to adversely affect species or its habitat
- May beneficially affect species or its habitat
- Likely to adversely affect species or its habitat

Name:	Current Status:	Previous Status:
Southwest willow flycatcher <i>Empidonax traillii extimus</i>	Listed Endangered	Listed Endangered

Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys, original BA for Lake Pleasant Heights (ESM 2006).

Affected habitat description:

The southwestern willow flycatcher is an insectivorous, neotropical migrant that breeds in the southwestern United States and winters in Mexico and Central America. It is found in riparian habitats along perennial drainages where dense growth of willows, tamarisk, and other shrubs and medium-sized trees are present with a scattered overstory of cottonwoods. Breeding and foraging occurs throughout this habitat (Spencer et al. 1996). In Arizona, southwestern willow flycatchers arrive and begin to nest in late May and begin their southward migration by mid-August (Sogge et al. 1997).

Analysis of effects:

No effect to the species is anticipated because the project area does not support the vegetation layers for suitable habitat of the southwestern willow flycatcher.

Determination of effect/Rationale/Recommended mitigation:

The southwestern willow flycatcher requires riparian forest with multiple vegetation layers. A no effect determination was made due to a lack of habitat on site.

Findings (T&E):

- No effect to species or its habitat
 - May affect species, not likely to adversely affect species or its habitat
 - May beneficially affect species or its habitat
 - Likely to adversely affect species or its habitat
-

Name: Yuma clapper rail <i>Rallus longirostris yumanensis</i>	Current Status: Listed Endangered	Previous Status: Listed Endangered
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Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys, original BA for Lake Pleasant Heights (ESM 2006).

Affected habitat description:

The Yuma clapper rail is a water bird with long legs, a short tail, and a long, slender, decurved bill. The species is associated with dense, emergent riparian vegetation. It requires wet substrate (mudflat, sandbar) with dense, herbaceous and woody vegetation for nesting and foraging (AGFD 2001c). It walks through the shallow water feeding on crayfish, fish, frogs, clams, spiders, and insects. Nests are built along the water's edge in dense vegetation, or on higher sites near water. Range in Arizona includes the Bill Williams drainage, the lower Gila River from near Phoenix to the Colorado River, the lower Salt and Verde rivers, and Picacho Reservoir (AGFD 2001c).

Analysis of effects:

The project area does not support the wet substrate and riparian vegetation layers suitable for habitat Yuma clapper rail. Therefore, the proposed action would have no effect to this species or its habitat.

Determination of effect/Rationale/Recommended mitigation:

A no effect determination to the Yuma clapper rail was made due to a lack of habitat on site.

Findings (T&E):

- No effect to species or its habitat
 - May affect species, not likely to adversely affect species or its habitat
 - May beneficially affect species or its habitat
 - Likely to adversely affect species or its habitat
-

Name: Lesser long-nosed bat <i>Leptonycteris curasoae yerbabuena</i>	Current Status: Listed Endangered	Previous Status: Listed Endangered
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Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys, original BA for Lake Pleasant Heights (ESM 2006).

Affected habitat description:

The lesser long-nosed bat is found in desert grassland and shrubland up to the oak transition zone (AGFD 2003b). This species roosts in caves, mine tunnels, and unoccupied buildings during the day (USFWS 1998). They forage in areas with saguaro, prickly pear, organ pipe cacti, ocotillo, paloverde, and agave. From late-April to late-July, pregnant females congregate at traditional roost sites, give birth, and raise their young at lower elevations within the range of columnar cacti. Males and perhaps non-pregnant females do not arrive until sometime in July. By late-July most females and young have

dispersed from the maternity colonies, and some have moved to higher elevations where they are found feeding on agave flowers. By late-September or October, all of these bats are migrating south to Mexico, exactly where is not known. Lesser long-nosed bats are not present in Arizona during winter months (Nowak 1994).

Analysis of effects:

No effect to lesser long-nosed bats is anticipated. No lesser long-nosed bats are known to occur in the project area. The project area is outside the known range for this species and no bats or their sign were observed during field visits.

Determination of effect/Rationale/Recommended mitigation:

There is potentially suitable habitat for this species within the project area, including numerous, shallow overhangs and some shallow mine shafts, as well as bridges and tunnels associated with the Central Arizona Project canal. Some bats may occasionally find roosting habitat near the Central Arizona Project canal, but the area surrounding the canal is restricted and will not be impacted by project activities.

Findings (T&E):

- No effect to species or its habitat
- May affect species, not likely to adversely affect species or its habitat
- May beneficially affect species or its habitat
- Likely to adversely affect species or its habitat

Name:	Current Status:	Previous Status:
Sonoran pronghorn	Listed Endangered	Listed Endangered
<i>Antilocapra americanus sonoriensis</i>		

Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys, original BA for Lake Pleasant Heights (ESM 2006).

Affected habitat description:

The Sonoran pronghorn is one of five subspecies of *A. americana*, and one of three that occur in Arizona; the other two are *A.a. americana* and *A.a. mexicana*. This animal has been described as being the smallest of the five subspecies (AGFD 1999). Pronghorn antelope are the fastest land animal in North America, with speeds recorded up to 60 miles per hour. The eyes are set high and on the sides of the head to give a field of view of almost 300 degrees (AGFD 1999). They have keen eyesight, the large eyes being a dominant feature of the face. Sonoran pronghorn habitat is characterized by broad alluvial valleys separated by block-faulted mountains. Chainfruit cholla (*Opuntia fulgida*) is a major succulent food item; it also provides water in times of drought (AGFD 1999). Historic range is difficult to determine since the subspecies was not described until 1945, many years after the population had declined and populations on the fringes were extirpated. They are thought to have ranged from Hermosillo to Kino Bay, Mexico to the south; Highway 15, Mexico to the east; Altar Valley and the Tohono O’odham Indian Reservation to the north; and Imperial Valley, California to the west (AGFD 1999).

Presently, they are found in Arizona on the Cabeza Prieta National Wildlife Refuge, the Organ Pipe Cactus National Monument, the Luke Air Force Barry M. Goldwater Gunnery Range, and possibly the Tohono O’odham Indian Reservation. In Mexico, they are believed to be confined to the northwest part of Sonora (AGFD 1999).

Analysis of effects:

Effects to Sonoran pronghorn are unlikely to occur. There is no effect to this species anticipated related to project activities.

Determination of effect/Rationale/Recommended mitigation:

The project area is outside both the historic and present range for this species. No Sonoran pronghorn or signs of them were observed during field surveys, and none are expected to occur within or near the project area.

Findings (T&E):

- No effect to species or its habitat
- May affect species, not likely to adversely affect species or its habitat
- May beneficially affect species or its habitat
- Likely to adversely affect species or its habitat

Name:

Desert pupfish
Cyprinodon macularius

Current Status:

Listed Endangered

Previous Status:

Listed Endangered

Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys, original BA for Lake Pleasant Heights (ESM 2006).

Affected habitat description:

The desert pupfish occurred historically in the Rio Sonoyta, San Pedro River, Santa Cruz River, lower Gila River, and lower Colorado River in Arizona, California, and Mexico (USFWS 1998). Pupfish occupy shallow waters of springs, small streams, and marshes, often associated with areas of soft substrates and clear water (USFWS 1998). Desert pupfish habitat occurs at elevations ranging from 1,200 to 3,450 feet (AGFD 2001d). There are no natural populations of this subspecies remaining in Arizona; reintroductions have been made in Pima, Pinal, Maricopa, Graham, Cochise, La Paz, and Yavapai counties (USFWS 1998).

Analysis of effects:

No desert pupfish are known to occur in the project vicinity, and no habitat for this species occurs on the project site. The fact that there is no naturally flowing water near the project site precludes the existence of suitable habitat for this species. Therefore, the proposed action would have no effect to this species or its habitat.

Determination of effect/Rationale/Recommended mitigation:

No perennial waters occur on the project site. No effect to this species is anticipated.

Findings (T&E):

- No effect to species or its habitat
- May affect species, not likely to adversely affect species or its habitat
- May beneficially affect species or its habitat
- Likely to adversely affect species or its habitat

Name:

Gila topminnow
Poeciliopsis occidentalis occidentalis

Current Status:

Listed Endangered

Previous Status:

Listed Endangered

Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys, original BA for Lake Pleasant Heights (ESM 2006).

Affected habitat description:

Gila topminnow have occurred historically in low to mid-elevation streams in drainages associated with the Gila River, occupying headwater springs and vegetated margins, and backwater areas of intermittent and perennial streams and rivers (AGFD 2001e). The Gila topminnow lives primarily in shallow areas with aquatic vegetation and debris for cover. It can tolerate relatively high water temperatures and low dissolved oxygen (AGFD 2001e). Currently, disjunct populations exist in 9-11 natural locations and 22-24 reintroduced locations within the Gila River drainage and one location in the Bill Williams River drainage. Of these localities, 15 are springs while the rest are creeks and washes (AGFD 1996).

Analysis of effects:

No Gila topminnows are known to occur in the project vicinity, and no habitat for this species occurs on the project site. Therefore, the proposed action would have no effect to this species or its habitat.

Determination of effect/Rationale/Recommended mitigation:

No naturally occurring perennial waters occur on the project site. Proposed project construction will have no effect on the Gila topminnow or its habitat because no topminnows or suitable habitat exist in the project area. Proposed project activities will not affect the Gila topminnow or its habitat.

Findings (T&E):

- No effect to species or its habitat
- May affect species, not likely to adversely affect species or its habitat
- May beneficially affect species or its habitat
- Likely to adversely affect species or its habitat

Name:

Razorback sucker
Xyrauchen texanus

Current Status:

Listed Endangered

Previous Status:

Listed Endangered

Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys, original BA for Lake Pleasant Heights (ESM 2006).

Affected habitat description:

Razorback suckers inhabit streams greater than 1 meter deep over sand, mud, or gravel substrates (Minckley 1973). They tend to occupy strong, uniform currents over sandy bottoms, eddies, and backwaters lateral to the river channels, and sometimes concentrating in deep places near cutbanks or fallen trees. Except for spawning migrations, razorback suckers are fairly sedentary, moving relatively few miles over several months. During spawning season, razorback suckers are found in runs with coarse sand, gravel, and cobble substrate, flooded bottomlands, gravel pits, and large eddies formed by flooded mouths of tributary streams and drainage ditches. In the Green River during non-breeding season, the fish are found in depths of 2 to 11 feet over sand or silt substrates, with water velocities of 0.3 to 2.0 feet per second. During summer months use shifts to relatively shallow waters off mid-channel sandbars. This species formerly occurred throughout the Colorado River basin. Currently, populations in the lower basin are restricted to Lake Mohave, Lake Mead, and possibly the lower Colorado River below Havasu Creek (USFWS 1998). Substantial numbers of razorback suckers were reared through the juvenile and adult stages in hatcheries and in isolated ponds and released with limited success (AGFD 2002b).

Analysis of effects:

No razorback suckers are known to occur in the project vicinity and no habitat for this species occurs on the project site. The fact that there is no naturally flowing water near the project site precludes the existence of suitable habitat for this species. Therefore, the proposed action would have no effect to this species or its habitat.

Determination of effect/Rationale/Recommended mitigation:

No permanent water sources lie within the project parcel, though the corridor is cut by several unnamed ephemeral drainages that trend northwest-southeast. The only perennial water source in the project parcel is Big Spring, which has been capped. No suitable habitat occurs on the project site, and no effect to this species is anticipated.

Findings (T&E):

- No effect to species or its habitat
- May affect species, not likely to adversely affect species or its habitat
- May beneficially affect species or its habitat
- Likely to adversely affect species or its habitat

Name: Woundfin <i>Plagopterus argentissimus</i>	Current Status: Listed Endangered	Previous Status: None
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Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys

Affected habitat description:

The species lives in swift parts of silty streams, seemingly avoiding clear waters and very seldom found in quieter pools. They occupy the main channel of seasonally swift, highly turbid, and extremely warm streams, with constantly shifting sandy bottoms. Current velocities and depths preferred by adults are one or two feet per second and eight to 18 inches. Young seek quiet backwaters with sandy substrates (AGFD 2000b).

Historic range includes the lower Colorado River basin including the Virgin, Moapa, Salt and Gila River systems. At present, the woundfin are restricted to approximately 50 miles of perennial reaches of the Virgin River in the states of Utah, Arizona, and Nevada. Found sporadically throughout the Arizona portion of the Virgin River mainstem (Mohave County). Has been documented recently by the Virgin River Fishes Recovery Team near Cedar Pockets in the Virgin River gorge, and near the confluence of the Virgin River and Beaver Dam Wash (both locations are permanent survey sites for the team's biannual monitoring program) (AGFD 2000b).

Status update:

The woundfin was federally listed as endangered on October 13, 1970 (FR 35:16047) (AGFD 2000b). This species was not on the original USFWS online review or on the AGFD data request response letter. As such, it was NOT considered in the 2006 BA.

Analysis of effects:

No woundfin are known to occur in the project area, nor does habitat for this species occur on the project site. The fact that there is no naturally flowing water near the project site precludes the existence of suitable habitat for this species. Therefore, the proposed action would have no effect to this species or its habitat.

Determination of effect/Rationale/Recommended mitigation:

No permanent water sources lie within the project parcel, though the corridor is cut by several unnamed ephemeral drainages that trend northwest-southeast. The only perennial water source in the project parcel is Big Spring, which has been capped. No suitable habitat occurs on the project site, and no effect to this species is anticipated.

Findings (T&E):

- No effect to species or its habitat
- May affect species, not likely to adversely affect species or its habitat
- May beneficially affect species or its habitat
- Likely to adversely affect species or its habitat

Name: Desert tortoise (Sonoran population) <i>Gopherus agassizii</i>	Current Status: Candidate for Listing	Previous Status: Species of Concern
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Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys, original BA for Lake Pleasant Heights (ESM 2006).

Affected habitat description:

The Sonoran population of the desert tortoise occurs primarily on rocky slopes and bajadas of Sonoran and Mojave desertscrub, including a variety of biotic communities within or extending from the Sonoran Desert but most often in paloverde-mixed cacti associations (AIDTT 2000). In the Lower Colorado River subdivision, caliche caves in cut banks of washes (arroyos) are also used for shelter sites. Shelter sites are rarely found in shallow soils. The Sonoran population occurs at elevations ranging from about 510 ft in Mojave desertscrub to semidesert grassland and interior chaparral at about 5300 ft (AGFD 2011b). Tortoises are found in the Arizona Upland and Lower Colorado River subdivision of the Sonoran Desert, desert grassland, and ecotonal areas consisting of Sonoran desertscrub with elements of Mojave desertscrub and juniper woodland, interior chaparral, and desert grassland (Averill-Murray and Klug 2000).

Field surveys from 2004-2005 revealed no desert tortoises, active or abandoned burrows, or any other sign to indicate the presence of *Gopherus agassizii* within the project area. However, the northern part of the project area falls within a broader area of Category III desert tortoise habitat. The management goal of Category III areas is to limit population declines to the extent feasible. Following approval of the PCD application by the City of Peoria, coordination with AGFD and BLM may be considered to determine if appropriate, species-specific mitigation to minimize any potential effects from project activities on *Gopherus agassizii* is warranted.

Analysis of effects:

Although no desert tortoises, active or abandoned burrows, or any other sign were observed during pedestrian surveys in 2004 and 2005, it is presumed that individuals could be present either within or nearby the project area based on the presence of potential habitat. If present, individual desert tortoises could be impacted by construction in the area.

Determination of effect/Rationale/Recommended mitigation:

The project area occurs in hilly and rocky habitat, so potentially suitable habitat exists for desert tortoise in the project site. No tortoises, active burrows, or their sign have been observed there, but the species could be present in the project area. The Arizona Interagency Desert Tortoise Team (AIDTT) recommends mitigation processes and measures, where appropriate, including additional surveys when presence/absence is questionable (2008). Additional surveys may be necessary, as well as

coordination resource agencies, to address and minimize potential impacts that could result from project activities. Construction personnel should be made aware of the potential of desert tortoise to exist in the project area and personnel should be educated in the preservation and avoidance of this species, including contact information for responsible staff at AGFD.

A desert tortoise protection and education program may be suggested to educate all employees, inspectors, supervisors, contractors, and subcontractors who carry out proposed activities at the project site (AIDTT 2008). The education program should include discussions of the following:

1. the legal and sensitive status of the tortoise;
2. a brief discussion of tortoise life history and ecology;
3. mitigation measures designed to reduce adverse effects to tortoises;
4. and protocols to follow if a tortoise is encountered, including appropriate points of contact.

Findings (Candidate):

- No impact on the species
- May impact individuals, but is not likely to result in a trend toward federal listing or loss of viability
- Has a beneficial impact on the species
- Likely to result in a trend toward federal listing or loss of viability for the species

Name:	Current Status:	Previous Status:
Roundtail chub <i>Gila robusta</i>	Candidate for Listing	None

Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys

Affected habitat description:

Roundtail chubs are known from larger tributaries of the Colorado Basin from Wyoming south to Arizona and New Mexico, as well as the Rio Yaqui south to Rio Piaxtla in northwestern Mexico (Sublette et al. 1990 in AGFD 2010c). In New Mexico, it occurs in the upper Gila River. The Zuni and San Francisco Rivers, New Mexico, represent waterways where *G. robusta* has been extirpated (Sublette et al. 1990). In Arizona, this species occurs in two tributaries of the Little Colorado River (Chevelon and East Clear Creeks); several tributaries of the Bill Williams River basin (Boulder, Burro, Conger, Francis, Kirkland, Sycamore, Trout, and Wilder Creeks); the Salt River and four of its tributaries (Ash Creek, Black River, Cherry Creek and Salome Creek); the Verde River and five of its tributaries (Fossil, Oak, Roundtree Canyon, West Clear, and Wet Beaver Creeks); Aravaipa Creek (a tributary of the San Pedro River); Eagle Creek (a tributary of the Gila River). (USDI, FR 74(128):32356, 7 Jul 2009 in AGFD 2010c).

Analysis of Effects:

No roundtail chubs are known to occur in the project vicinity, nor does habitat for this species occur on the project site. The fact that there is no naturally flowing water near the project site precludes the existence of suitable habitat for this species. Therefore, the proposed project activities would have no impact on the species.

Determination of effect/Rationale/Recommended mitigation:

No permanent water sources lie within the project parcel, though the corridor is cut by several unnamed ephemeral drainages that trend northwest-southeast. The only perennial water source in the

project parcel is Big Spring, which has been capped. No suitable habitat occurs on the project site, and no effect to this species is anticipated.

Findings (Candidate):

- No impact on the species
 - May impact individuals, but is not likely to result in a trend toward federal listing or loss of viability
 - Has a beneficial impact on the species
 - Likely to result in a trend toward federal listing or loss of viability for the species
-

Name: Sprague's pipit <i>Anthus spragueii</i>	Current Status: Candidate for Listing	Previous Status: None
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Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys

Affected habitat description:

Although there are no breeding records in Arizona, Sprague's pipit is known to prefer nesting in short-grass plains, mixed-grass prairie, alkaline and wet meadows. Birds are often found in grasslands with mid-height vegetation including upland mixed-grass prairie, alkaline meadows and wet meadow zones around alkali and freshwater lakes [(Stewart 1975; Dryer, pers. comm., in NatureServe 2001) in AGFD 2011c].

Sprague's pipit is considered rare and sparse as a local winter resident in southeastern Arizona. Solitary and reclusive, it is often difficult to detect during the nonbreeding season. (Corman 2010). Populations are typically found in pastures and weedy fields (AOU 1983 in AGFD 2011c), utilizing grasslands with dense herbaceous vegetation or grassy agricultural fields. (NatureServe 2001 in AGFD 2011c). Other habitat features that have been noted include: low visual obstructions, moderate litter cover and little to no woody vegetation (Dechant, et al. 2001). Most records have occurred between 3500 and 5000 feet elevation, but this species may also be found at lower elevations foraging in agricultural fields (Corman 2010 in AGFD 2011c).

Analysis of Effects:

No Sprague's pipits are known to occur in the project vicinity, nor does habitat for this species occur there. It is therefore highly unlikely that this species would be affected by proposed project activities.

Determination of effect/Rationale/Recommended mitigation:

No suitable habitat occurs on the project site, and no effect to this species is anticipated.

Findings (Candidate):

- No impact on the species
 - May impact individuals, but is not likely to result in a trend toward federal listing or loss of viability
 - Has a beneficial impact on the species
 - Likely to result in a trend toward federal listing or loss of viability for the species
-

Name: Tucson shovel-nosed snake <i>Chionactis occipitalis klauberi</i>	Current Status: Candidate for Listing	Previous Status: None
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Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys

Affected habitat description:

While other subspecies of shovel-nosed snakes are found in scattered sand hammocks, crowned with mesquite or other desert shrubs, Rosen (2003 in FWS 2010) suggests that the Tucson shovel-nosed snake is found in more productive creosote-mesquite floodplain habitats, with soils described as soft, sandy loams, with sparse gravel at elevations of 785-1,662 feet (AGFD 2011d).

Historically, this subspecies was known from Pima County in the Avra and Santa Cruz valleys and from western Pinal and a portion of eastern Maricopa counties. One-third of their range, as of 2001, has been converted to either urban development or agriculture. Although no systematic surveys have been conducted to assess the Tucson Shovel-nosed snake’s status throughout its range, the area between the Tucson and Phoenix metropolitan areas is believed to encompass the majority of their current range. Particularly west of Tucson northward along Avra Valley in Pima County to western Pinal County and then north into eastern Maricopa County (AGFD 2011d).

Analysis of Effects:

No Tucson shovel-nosed snakes are known to occur in the project area, nor does habitat seem suitable for this subspecies to occur there. Also, it could be debated that the range for this species occurs south and east of the project area. However, despite the prevalence of non-loam, gravelly soil, desert shrubs do occur in much of the project area, which may have the potential to provide suitable habitat for *Chionactis occipitalis klauberi*. It is therefore unlikely that this species would be affected by proposed project activities.

Determination of effect/Rationale/Recommended mitigation:

Desert shrubs are common in the project area, which could provide suitable habitat for *Chionactis occipitalis klauberi*, though substrate does not appear suitable for this subspecies to occur there. Although no impact is anticipated to this species or its habitat, the proposed project may impact individuals, but is not likely to result in a trend toward federal listing or loss of viability. Additional surveys may be necessary, as well as consultation with federal and state resource managers, to address and minimize potential impacts that could result from project activities. Construction personnel should be made aware of the potential of Tucson shovel-nosed snake to exist in the project area and personnel should be educated in the preservation and avoidance of this species, including contact information for responsible staff at AGFD.

Findings (Candidate):

- No impact on the species
- May impact individuals, but is not likely to result in a trend toward federal listing or loss of viability
- Has a beneficial impact on the species
- Likely to result in a trend toward federal listing or loss of viability for the species

Name: Yellow-billed cuckoo <i>Coccyzus americanus</i>	Current Status: Candidate for Listing	Previous Status: None
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Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys

Affected habitat description:

The yellow-billed cuckoo is a neotropical migrant that winters primarily in South America and breeds primarily in the U.S. (but also in southern Canada and northern Mexico). As a migrant, it is rarely detected; can occur outside of riparian areas. Cuckoos are found nesting statewide, mostly below 5,000 feet elevation, in central, western, and southeastern Arizona. Concern for cuckoos are primarily focused on alterations to its nesting and foraging habitat. Nesting cuckoos are associated with relatively dense, wooded streamside riparian habitat, with varying combinations of Fremont cottonwood, willow, velvet ash, Arizona walnut, mesquite, and tamarisk. Some cuckoos have also been detected nesting in velvet mesquite, netleaf hackberry, Arizona sycamore, Arizona alder, and some exotic neighborhood shade trees (USFWS 2012a). Arizona probably contains the largest remaining population west of the Rocky Mountains. Despite losses of habitats from historic levels, the cuckoo is still found in all counties in Arizona (USFWS accessed 10-31-2011 in AGFD 2011f).

Analysis of Effects:

No yellow-billed cuckoos are known to occur in the project area, nor does riparian nesting habitat for this species occur there. However, the project area could contain suitable foraging habitat due to its proximity to the Agua Fria River to the east and riparian habitats associated with Lake Pleasant to the north. It is therefore highly unlikely that this species would be affected by proposed project activities.

Determination of effect/Rationale/Recommended mitigation:

Coccyzus americanus requires relatively dense, wooded streamside riparian habitat, with varying combinations of Fremont cottonwood, willow, velvet ash, Arizona walnut, mesquite, and tamarisk. However, since the required vegetation type does not occur within the project area, it is anticipated that the proposed project would have no impact on this species.

Findings (Candidate):

- No impact on the species
- May impact individuals, but is not likely to result in a trend toward federal listing or loss of viability
- Has a beneficial impact on the species
- Likely to result in a trend toward federal listing or loss of viability for the species

Name:

Cave myotis
Myotis velifer

Current Status:

Species of Concern

Previous Status:

Species of Concern

Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys, original BA for Lake Pleasant Heights (ESM 2006).

Affected habitat description:

This large, dark gray bat has a wingspan of 11-12 inches (AGFD 2002d). It is listed as a Species of Concern by the USFWS and a Sensitive species by the BLM. Cave myotis roost in caves, mines, tunnels, and under bridges or in buildings within a few miles of water in desertscrub habitats (AGFD 2002d). Plants found within its habitat include creosote, brittlebush, paloverde, and various cacti. These bats leave their roosts just after sunset, generally flying to water first. Individuals are thought to return to the same locality every year (AGFD 2002d). Foraging ranges may be several hundreds of square kilometers. Hoffmeister (1986) suggests that these bats leave for areas to the south in September and return in spring, males during March and females somewhat later. Cave myotis are opportunistic feeders that consume moths, weevils, small beetles, flying ants, and other insects (AGFD 2002d). Predators include raccoons, snakes, hawks, owls, and foxes. Females congregate in large maternity colonies of 50 to 15,000 individuals, gestation is 45-55 days and young are born in the

months from May through early July (AGFD 2002d). Range for the cave myotis is from the southwestern half of Arizona, and adjacent parts of California, Nevada, New Mexico, and Sonora, Mexico (AGFD 2002d).

Analysis of effects:

No impacts to the cave myotis are anticipated.

Determination of effect/Rationale/Recommended mitigation:

Shallow overhangs and some shallow mine shafts, as well as bridges and tunnels associated with the Central Arizona Project canal may provide temporary roosts for individuals. There are no maternity colonies known to exist in the project vicinity and there are no caves large enough to support maternity colonies.

Findings (Species of Concern):

- No impact on the species
- May impact individuals, but is not likely to result in a trend toward federal listing or loss of viability
- Has a beneficial impact on the species
- Likely to result in a trend toward federal listing or loss of viability for the species

Name:	Current Status:	Previous Status:
Lowland leopard frog <i>Rana yavapaiensis</i>	Species of Concern	Species of Concern

Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys, original BA for Lake Pleasant Heights (ESM 2006).

Affected habitat description:

This leopard frog is a member of the *Rana pipiens* complex of frogs. Like most Arizona frog species, the lowland leopard frog prefers permanent stream pools, springs, stock tanks, and side channels of major rivers within desertscrub, grassland and oak and pine/oak woodland habitats. It is seldom found in association with bullfrogs. Adults eat arthropods and other invertebrates (Stebbins 1985). Tadpoles consume a herbivorous diet of algae, plant tissue, and organic debris (AGFD 2001g). The lowland leopard frog generally breeds in the spring, but it is an opportunistic breeder that will take advantage of favorable conditions. The lowland leopard frog historically occurred throughout low elevation sites in the lower Colorado River and its tributaries in Nevada, California, New Mexico, Arizona, Mexico (AGFD 2001g). Its current range in Arizona includes the Colorado River near Yuma, and west, central and southeast Arizona south of the Mogollon Rim (AGFD 2001g). It is found from sea level to 5,980 feet in elevation within its range, in Arizona elevation ranges from 800-5,500 feet (AGFD 2001g).

Analysis of effects:

Careful inspection yielded no frogs, tadpoles or signs of habitation by this species. No effect to this species is anticipated as a result of development of the proposed project.

Determination of effect/Rationale/Recommended mitigation:

Big Spring has been altered and capped so that there is no surface water or riparian habitat present (see Photo 1, Appendix C). No frogs or tadpoles were observed during field visits. No effect to this species is anticipated because there is no potential to impact this species or its habitat directly as a result of the proposed project.

Findings (Species of Concern):

- No impact on the species
 - May impact individuals, but is not likely to result in a trend toward federal listing or loss of viability
 - Has a beneficial impact on the species
 - Likely to result in a trend toward federal listing or loss of viability for the species
-

Name:

Gila longfin dace

Agosia chrysogaster chrysogaster Girard

Current Status:

Species of Concern

Previous Status:

Species of Concern

Data sources, including surveys conducted, prior BA/BE analysis or consultation:

Existing literature (see references), field surveys, original BA for Lake Pleasant Heights (ESM 2006).

Update:

The “longfin dace”(Agosia chrysogaster) and its habitat were analyzed in the original BA for Lake Pleasant Heights (ESM 2006). However, for this updated BA, the literature revealed Agosia chrysogaster not as a distinct species unto itself, but rather as an incomplete name referring to either the Gila longfin dace (Agosia chrysogaster chrysogaster Girard) or the Yaqui longfin dace (Agosia chrysogaster sp. 1). The results from Arizona’s On-line Environmental Review Tool (AGFD 2012) reveals the former – Gila longfin dace – as occurring within 3 miles of the project vicinity. The updated BA considers only that species in the analysis for this project.

Affected habitat description:

Habitat for Gila longfin dace is wide ranging, from intermittent hot low-desert streams to clear and cool brooks at higher elevations (generally less than 4,900 feet, but also recorded up to 6,700 ft). They tend to occupy relatively small or medium size streams, with sandy or gravelly bottoms; eddies, pools near overhanging banks or other cover. Usually in water less than 0.6 ft (0.2 m) deep with moderate velocities of around 1.1f/s (0.3m/s). They are rarely abundant in large streams or above 5,000 ft (1524 m). Generally found in water less than 75° F (24° C), but are tolerant of high temperatures and low dissolved oxygen. During low water, they may take refuge in moist detritus and algal mats (AGFD 2010b).

Analysis of effects:

No habitat for this species occurs on the project site. Therefore, it is highly unlikely that the Gila longfin dace could occur in the project area. As such, this species will not be affected by proposed project activities.

Determination of effect/Rationale/Recommended mitigation:

No Gila longfin dace are known to occur in the project vicinity and no habitat for this species occurs on the project site. The fact that there is no flowing water in the project area or in the portion of the Aqua Fria River nearest the project site precludes the existence of suitable habitat for this species.

Findings (Species of Concern):

- No impact on the species
 - May impact individuals, but is not likely to result in a trend toward federal listing or loss of viability
 - Has a beneficial impact on the species
 - Likely to result in a trend toward federal listing or loss of viability for the species
-

Effects

The project area is impacted in places by off-highway vehicle use, equestrian activity, shooting, hunting, and activities related to historic mining. The area provides habitat for dove, quail, rabbits, songbirds, rodents, other small- to medium-sized mammals, and a variety of reptiles (Hendricks 1985).

The proposed action has limited potential to affect habitat and, to a lesser extent, individuals of Sonoran desert tortoise and Tucson shovel-nosed snake (both candidates for federal listing), though project activities would not likely result in a loss of viability to either one. Impacts to the action area would include ground disturbance in the project area, noise from construction equipment, and possible impacts to air quality resulting from construction-related, airborne particulates.

Cumulative Effects

No cumulative effects are anticipated to federally listed threatened or endangered species as a result of development activities at the project site. This area is part of the northwestward expansion of the Phoenix metropolitan area, where numerous development projects are planned. Potential impacts to listed species in other development areas should be addressed by separate, project-specific analyses as would be required by federal, state or municipalities depending on land ownership.

Analysis of Alternate Actions

No alternatives will be analyzed for this project because No Effect is anticipated all to threatened and endangered species addressed in this updated BA.

Conclusions and Determinations

The proposed project will not result in adverse effects to any federally listed threatened or endangered species. Desert tortoise, federally listed as a Candidate species and state listed as a wildlife species of special concern, may be impacted by project activities. However, no desert tortoise, active burrows, or desert tortoise sign were observed during thorough pedestrian surveys. Construction workers should be made aware of the potential of desert tortoise to exist, and educated in the preservation and avoidance of this species, including contact information of AGFD personnel.

References

Editorial Note: References with a ~~strike through~~ were cited in the original BA, but for the purpose of this updated BA, were determined to be outdated and, thus, replaced by more current information.

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APPENDIX A: AGENCY CONSULTATION INFORMATION
(2012)

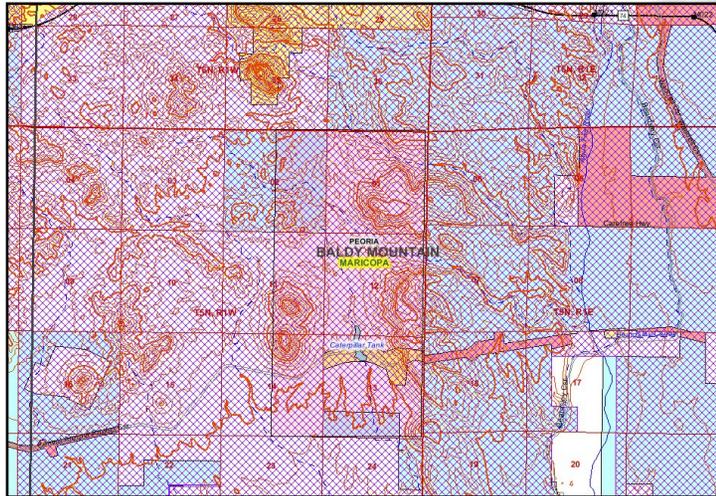
Arizona's On-line Environmental Review Tool

Search ID: 20120725018324

Project Name: Lake Pleasant Heights

Date: 7/25/2012 1:41:39 PM

Project Location



Project Name: Lake Pleasant Heights

Submitted By: Michael Boyd

On behalf of: AZGFD

Project Search ID: 20120725018324

Date: 7/25/2012 1:41:34 PM

Project Category: Development Within Municipalities (Urban Growth), Residential subdivision and associated infrastructure, New construction

Project Coordinates (UTM Zone 12-NAD 83): 377686.792, 3739591.557 meter

Project Area: 2818.722 acres

Project Perimeter: 14384.170 meter

County: MARICOPA

USGS 7.5 Minute Quadrangle ID: 1159

Quadrangle Name: BALDY MOUNTAIN

Project locality is currently being scoped

Location Accuracy Disclaimer

Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Receipt is solely responsible for the project location and thus the correctness of the Project Review Receipt content.

The Department appreciates the opportunity to provide in-depth comments and project review when additional information or environmental documentation becomes available.

Special Status Species Occurrences/Critical Habitat/Tribal Lands within 3 miles of Project Vicinity:

Name	Common Name	FWS	USFS	BLM	State
<i>Agosia chrysogaster chrysogaster</i>	Gila Longfin Dace	SC	S	S	
<i>Cyprinodon macularius</i>	Desert Pupfish	LE			WSC
<i>Empidonax traillii extimus</i>	Southwestern Willow Flycatcher	LE			WSC
<i>Gopherus agassizii</i> (Sonoran Population)	Sonoran Desert Tortoise	C	S		WSC
<i>Haliaeetus leucocephalus</i> (wintering pop.)	Bald Eagle - Winter Population	SC,BG A	S	S	WSC
<i>Haliaeetus leucocephalus</i> pop. 3	Bald Eagle - Sonoran Desert Population	SC,BG A	S	S	WSC
<i>Myotis velifer</i>	Cave Myotis	SC		S	
<i>Rana yavapaiensis</i>	Lowland Leopard Frog	SC	S	S	WSC

APPENDIX B: PLANTS AND WILDLIFE OBSERVED DURING PROTOCOL
SURVEYS OF LAKE PLEASANT HEIGHTS, 2004-2005

Common Name	Scientific Name
Plants	
catclaw acacia	<i>Acacia greggii</i>
ragweed	<i>Ambrosia ambrosioides</i>
triangle-leaf bursage	<i>Ambrosia deltoidea</i>
burrobush	<i>Ambrosia dumosa</i>
three-awn grass	<i>Aristida</i> sp.
sweetbush	<i>Bebbia juncea</i>
red brome	<i>Bromus rubens</i>
saguaro	<i>Carnegiea gigantea</i>
paloverde	<i>Cercidium floridum</i>
hedgehog cactus	<i>Echinocereus fasciculatus</i> var. <i>Boyce-Thompsonii</i>
brittlebush	<i>Encelia farinosa</i>
barrel cactus	<i>Ferocactus acanthodes</i>
ocotillo	<i>Fouquieria splendens</i>
desert lavender	<i>Hyptis emoryi</i>
white ratany	<i>Krameria grayi</i>
creosote bush	<i>Larrea tridentata</i>
wolfberry	<i>Lycium andersonii</i>
ironwood	<i>Olneya tesota</i>
teddy bear cholla	<i>Opuntia bigelovii</i>
Christmas cactus	<i>Opuntia leptocaulis</i>
cane cholla	<i>Opuntia spinosior</i>
trixis	<i>Trixis californica</i>
Wildlife	
rodent burrows	various spp.
Gambel's quail	<i>Callipepla gambelii</i>
javelina	<i>Pecari tajacu</i>
cactus wren	<i>Campylorhynchus brunneicapillus</i>
mule deer	<i>Odocoileus hemionus</i>
coyote	<i>Canis latrans</i>
mountain lion sign (not recent)	<i>Felis concolor</i>

APPENDIX C: PROJECT AREA PHOTOS (2004)



Photo 1. Big Spring (capped)



Photo 2. Dry wash bisecting the project area, looking East



Photo 3. Typical vegetation in the southwest corner of the project area.



Photo 4. Minor drainage on the development property

Appendix G
Hillside Development
Overlay District

LAKE PLEASANT HEIGHTS ARTICLE 14-22A HILLSIDE DEVELOPMENT OVERLAY DISTRICT

(Revised Ord. Nos. 04-201, 2011-08)

CONTENTS

- 14-22A-1 INTENT
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- 14-22A-4 DENSITY
- 14-22A-5 GENERAL PROVISIONS FOR HILLSIDE LOTS
- 14-22A-6 HEIGHTS AND APPEARANCES
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- 14-22A-11 LIGHTING, SEWERS, UTILITIES
- 14-22A-12 MOUNTAIN RIDGE PROFILE
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- 14-22A-14 INSPECTIONS
- 14-22A-15 ENFORCEMENT/COMPLIANCE

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 hillside areas involves special considerations, which result from the slope of the land. These considerations 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.
- B. The Hillside Development Overlay District is an overlay district that applies to all land wherever
- B. the natural terrain of any lot or parcel or any portion thereof has a slope of ten percent (10%) or
- B. greater. The application of the Hillside Development Overlay district shall be as depicted below in
- B. Table 1, Hillside Determination.

B.
B.
B.

Table 1: Hillside Determination

B. < 10% slope	Non-Hillside
B. ≥ 10% slope	Hillside
B. ≤ 5 acres with 50% or more of the site in Hillside	Hillside
B. ≥ 5 acres with less than 50% of the site in Hillside	Only areas greater than 10% considered Hillside

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

SECTION 14-22A-2 DEFINITIONS

Alter the Mountain Top Ridgeline. Means to alter or change the view or appearance of an established ridge line or ridgeline 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.

Cluster Grading. A grading technique used to arrange graded lots in groupings, altering the landforms, including “flattening” of an area, or group of lots, for the purpose of creating developable pads while working to avoid areas with high preservation value inclusive of drainage ways, rock outcroppings or areas of significant vegetation.

Custom Lot. A lot which can be irregular in shape and size, and gives the lot owner the ability to design a completely unique home.

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 limited 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 restored to the natural contours, vegetation and colors to the satisfaction of the Planning Manager.

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

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

Grading. Any excavating, or filling or combination thereof, includes 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.

- Oasis Area: A landscaped area consisting of enclosed courtyards, similar semiprivate 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.
- 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.

- **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.

Mass Grading: A technique used to significantly alter the landforms, including “flattening” of a relatively large area, for the purpose of creating developable pads.

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.

Selective Grading: As opposed to mass grading techniques, selective grading identifies site constraints such as rock outcroppings and steeper areas and grades those areas that are less constrained thereby minimizing impacts on land forms.

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 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.

Vertical Exposed Face: A remaining unimproved exposed area of earth as a result of grading that is vertical in nature or appears to be vertical in nature (rising more than five (5) feet per every one (1) foot.

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 or designee 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. Simultaneously with a preliminary plat or site plan; or
 3. If a 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 site photographs, site specific topography information and 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. 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. Appeals from the Planning Manager decision pursuant to this paragraph may be appealed to the Administrative Hillside Hearing Officer subject to the provisions of Section 14-22A-13.
- 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 1" = 200' or less 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. 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%), and twenty-five percent (25%) and above, 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.

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; and
 - 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.
- 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 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 DENSITY

- A. For all major and minor sub-divisions and for multifamily residential developments, 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 Table 2, whichever is the lesser number.
- B. The following slope categories are based on landform characteristics and the ability for development to occur in these areas. Landforms of less than 10% are identified as Flatlands and are not subject to these Hillside regulations. Landforms having slopes over 10%, up to 15%, are identified as Lower Transitional Lands. Landforms containing slopes over 15%, and up to 25%, are identified as Upper Transitional Lands. Areas with slopes over 25% are identified as Uplands. Within the Uplands are areas with slopes that are extremely rugged in terrain, offer very limited development opportunities, and/or contain land features specific upon themselves. Each landform category contains specific development parameters that will serve as tools for the Developer and the City during the development process.

Table 2: Density Allocation

Slope of Land	Max. Number Units Per Gross Acre
10% to 15% (Lower Transitional)	3.5 (1)
Over 15% to 25% (Upper Transitional)	1.0 (1)
Over 25% (Uplands)	0.5 (1)

- (1) The allowable density of 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.
- C. **Transfer Rate:** 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 unit. 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 thirty (30) 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.
- D. 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 according to the criteria set forth in the PCD. Approvals of a density transfer shall only be made upon a finding that the proposed transfer will not be detrimental to the intent of the Lake Pleasant Heights Hillside Development Overlay District and will advance the City’s interests in protecting a hillside development area.

SECTION 14-22A-5 GENERAL PROVISIONS FOR HILLSIDE LOTS

- A. Minimum lot sizes in hillside areas shall be limited as shown in Table 3. Lot sizes in areas of 10% slope or greater may be reduced by up to twenty percent (20%) provided that all dwelling units / development rights have been transferred off of slope categories greater than twenty five percent (25%). The minimum lot sizes indicated in the 15% and higher categories supersede lot sizes from the underlying zoning requirements.

Table 3: Slope Categories

Slope Category	Minimum Lot Size
10% to 15%	Per underlying Zoning District
Over 15% to 25%	8,000 s.f.
Over 25%	15,000 s.f.

- B. No residential lot within the Lake Pleasant Heights Hillside Development Overlay District shall have a front lot width less than the zoning district allows. The front lot width of all flag lots located within the Lake Pleasant Heights 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.
- C. Building setbacks shall be as required by the zoning district.
- D. All development parcels shall conform to the disturbance and open space requirements of Table 4. Individual lots in a subdivision that has already met the open space requirements of Table 4 shall not be required to provide additional open space. Additional open space may be required per the Lake Pleasant Heights Desert Lands Conservation Overlay, see Article 14-22B “Lake Pleasant Heights Desert Lands Conservation Overlay”, which is found in Appendix E of this Document.
- E. Maximum lot coverage by the main building and all accessory buildings shall not occupy more than that permitted by the underlying zoning district or Table 4, whichever is the lesser area.
- F. No building shall exceed thirty (30) feet, above the newly established or finished grade of the land at any section through the structure and thirty-six (36) feet for commercial.
- G. Custom lots within a development parcel that has met the open space requirement are not subject to Table 4. If a custom lot is within a development parcel that has not met any of the open space requirements for that parcel, then that custom lot shall conform to Table 4 and an individual analysis of each lot shall be prepared prior to submitting construction documents for the house and lot. For custom lots within a development parcel which has met a portion of the open space requirements, the remainder of the open space requirement for that development parcel must be provided by the custom lots. In this instance, the total open space provided both by the development parcel and the custom lots within said development parcel shall conform to Table 4. No building permit shall be issued prior to demonstrating compliance with an existing approved grading and drainage plan or approval of the grading and drainage plan and individual site analysis unique to the subject lot.

- 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-6 HEIGHTS AND APPEARANCES

For development within hillside areas, the height of structures shall be determined as follows:

- A. No part of any structure shall penetrate an imaginary plane, the height of which is (30) feet for residential, and (36) feet for commercial, measured vertically from any point of the building to any newly established or finished grade directly below that point of the building.
- B. No exposed face in any vertical plane (excluding walls) shall be allowed unless it is a rock feature or land form that appears natural. Where a rock feature or rock face remains, an engineer may be required to certify that the exposed face is stable. Where the natural grade is not restored back against the building and the exposed face is not of rock or a landform that appears natural, a combination of retaining walls and/or slope will be utilized to tie into existing grade.
- 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 mechanical equipment may be modified if they are integrated into the roof design.
- D. The principal and accessory buildings, excluding chimneys, shall not exceed thirty (30) feet, measured vertically, from the highest point of the building to the lowest exposed base of a supporting structure. The subterranean portion of a structure is not included in the total height calculation.
- E. Water storage facilities, pumping station, and related facilities shall be designed to minimize their visual impact. All such facilities shall be painted to match the predominant color of the natural terrain, disturbed terrain shall be dyed to blend with surrounding area, and walls shall be contextually sensitive in terms of color and materials. Additional screening techniques are provided in order of preference in the list below. Final designs must be approved by the Public Works Director or designee.

SECTION 14-22A-7 DISTURBED AREA CALCULATIONS FOR INDIVIDUAL HILLSIDE LOTS

- A. The Master Conservation Plan (Figure 14) identifies all significant landforms that will be preserved except to allow construction of trails or paths providing access into the featured open spaces, roads and utility crossings. All other areas are subject to disturbance in accordance to Table 4. Specific criteria for development in hillside are detailed below. Where multiple slope categories (as defined below) exist within a development parcel, requirements for each category will apply, however for development parcels larger than 5 acres, the area of a contiguous slope category must be at least one (1) acre to be applicable.
1. Minimum lot size is determined by underlying zoning district for 15% and under categories per Table 3. Lot sizes indicated in Table 3 over 15% shall supersede the underlying zoning requirements.
 2. Maximum 30' cut/fills permitted. Total vertical exposed face not to exceed 30' (terracing is permitted and encouraged). Deviations may only occur, if approved by Planning Manager or designee – effect shall not be uninterrupted exposed face or retaining wall of greater than 30'.
 3. All walls must meet zoning ordinance requirements except where modified within this document.
 4. Areas preserved per the provisions of the Lake Pleasant Heights Desert Lands Conservation Overlay count towards required minimum open space.
 5. Alternative development options, such as cluster products, may be considered along with the associated development standards on a case-by-case basis with approval from the Planning Manager.

Specific Criteria for areas within the 10-15% slope category, including criteria for grading, are described below.

- a. Mass grading is allowed on 90% of the slope category area per Table 4.
- b. Disturbance is allowed on 90% of the slope category area per Table 4.
- c. 20% of Hillside Development Area within each Development Parcel must remain as natural or recreated open space.

Specific Criteria for areas within the 15%-25% slope category, including criteria for grading, is described below.

- a. 75% of the development parcel is eligible for mass grading.
- b. 80% of the development parcel may be disturbed, but 25% of the site must be restored to look natural (re-vegetated with similar plant species and densities prior to disturbance) and remain as open space.

Specific Criteria for areas above 25%, including criteria for grading, are described below.

- a. Mass grading is not permitted. Cluster grading may be approved by the Planning Manager as a development pattern if the Applicant for subdivision or site plan approval is able to

demonstrate compliance with maximum grading standards and compliance with the intent of this overlay district.

- b. 50% of the development parcel may be disturbed. 50% must remain natural and undisturbed or restored and vegetated to look natural.
- c. Disturbance is limited to areas within the cluster grading envelopes, parcel envelope, and disturbance may not occur on lands outside the limits of the development unit or custom lot except for necessary infrastructure required to serve the proposed development.
- d. Disturbance used to construct roadways and driveways will not be included within the site disturbance calculations.
- e. Solid parcel boundary walls are not permitted except where adjacent to a right of way. Walls are restricted to the building envelopes only.
- f. Alternative development options, such as cluster products, may be considered along with the associated development standards on a case-by-case basis with approval from the Planning Manager.
- g. Envelope Types. Grading/disturbance envelopes are the areas within which all grading and/or improvements must occur. The type of envelope to be used depends on the type of development and/or the land use. The three basic types of grading envelopes are described below. The envelopes are configured to preserve significant natural features such as wash corridors, specimen vegetation and/or major rock outcroppings and to preserve scenic vistas or specific view opportunities.
 - i. Custom Lot Building Envelopes (Selective Grading) - These envelopes are for custom lot residential applications only. Individual building envelopes for custom lots shall be required for all developments in hillside areas above the 25% slope line, or for all custom lots that have not met the open space requirements. These building envelopes shall designate the area that may be disturbed for all residential structures and amenities (i.e. pools, decks, ramadas, turf and retaining walls) in accordance with Table 4. The balance of the lot outside this envelope shall be retained in its natural state with the exception that these areas may be enhanced by adding additional native vegetation.
 - ii. Grouped Envelopes (Cluster Grading) - In certain areas where mass grading or larger areas of disturbance are permitted, but areas of preservation are present; the development parcels may employ localized multi-building construction envelopes as opposed to comprehensive grading of the entire development parcel. These localized multi-building construction envelopes could entail the grading of small groups of lots while maintaining pockets of naturally vegetated open space within and around the group of lots.
 - iii. Pad Envelopes (Mass Grading) - In areas which do not have significant land forms, washes or natural features, one or more development parcels may be graded to achieve the permitted density. These areas will be subject to the plant salvage and transplant standards established for Lake Pleasant Heights, as well as the site grading, drainage, and erosion control standards as defined in this document, the City's Design Manual, and Lake Pleasant Heights Desert Lands Conservation Overlay (Appendix E).

- B. Custom lots - Shall be developed to provide for the minimum amount of ground disturbance (per the provisions set forth in this document) 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.
1. The maximum height of any cut or fill used to establish a building site shall be thirty (30) feet. Cuts or fills above thirty (30) feet shall require approval from the Planning Manager or designee. All cuts and fills must comply with the engineering provisions of the Peoria Codes and Ordinances. Similarly, the maximum height of any cut or fill used to establish a road or roadway shall be limited to thirty (30) feet and must comply with all Peoria Codes and Ordinances. Cuts or fills above thirty (30) feet shall require approval from the Planning Manager. In slope areas in excess of 25%, 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 (beyond the 10% allowance identified in paragraph e. below) 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, re-vegetated slopes, or a combination of walls and slope to minimize spill areas. All spill slope areas shall be re-vegetated and all retaining walls shall be designed to minimize the visual impact.
 2. 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.
 3. In the Uplands, all lots less than 24,000 sf. net area are eligible for 100% disturbance and are not subject to Table 4 requirements. 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 in accordance with Table 4, below.
 4. All surplus excavated material shall be removed from the lot.
 5. All land area above the twenty five percent (25%) slope line that may be used for roadways (public and private) shall not be included in Disturbed Area calculations. The Disturbed Area of all other uses, including storm water retention areas and accessory use areas, shall not exceed the Maximum Disturbed Area as set forth in Table 4.

Table 4: Maximum Disturbed Areas

Landform Category	Slope Category Area	Maximum Disturbed Area	Maximum Lot Coverage	Min. required Open Space
Lower Transitional	10% to 15%	90% Disturbance 90% available for Mass Grading	Per Underlying Zoning	20% Non-Natural or Natural
Upper Transitional	15% -25%	80% Disturbance 75% available for Cluster or Mass Grading	Per Underlying Zoning	25% Natural or Non-Natural (25% of total area must be restored to look natural)
Uplands	25%+	50% Disturbance 50% available for Cluster Grading (Mass Grading is not allowed)	Per Underlying Zoning	50% Natural or restored to look natural and vegetated

- C. A minimum amount of open space must be provided within each development parcel. These areas will be counted towards the required development parcel open space. Open space will be both natural and re-created through slope restoration and re-vegetation or as improved open space with amenities. Open space will be provided within each development parcel based upon the minimum open space criteria listed in Table 4.

Open Space provided within these parcels can be natural, re-created / improved (as defined below) or a combination thereof. Open space requirements will be calculated and determined at time of Plat map.

1. Natural open space that is undisturbed and free from development will primarily be a visual amenity for the community. In addition, some natural open space areas may contain trails that link open space and development parcels within Lake Pleasant Heights. Significant drainage areas (as identified on Figure 14, Master Conservation Plan) shall be set aside as open space (with the exception of potential road and utility crossings). They will be used as primary drainage ways, but also serve as migration corridors for animals, and potential trail corridors that link the open space throughout Lake Pleasant Heights.
2. Re-created, restored or “improved” open space will exist in a variety of types. These areas include preservation areas on individual lots and within easements, parks, both active and passive, paseos, parcel open space and restored desert areas.

SECTION 14-22A-8 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 prior to the commencement of any development or Site Disturbance Activities.

Grading of development areas must respect the sensitive landforms of the community. As noted earlier, mountain ridges of significance, as identified in Figure 14, Master Conservation Plan shall not be graded or disturbed except to allow construction of roads, utilities, trails or paths providing access into the featured open spaces. Other significant features, such as large rock out-cropping's, and significant drainage areas, other than disturbances allowed under the Section 404 permit, shall be preserved except to allow construction of roads, utilities, trails or paths providing access to these significant areas. All cuts and fills are limited to thirty (30) feet in height. All cuts or fills greater than thirty (30) feet in height require approval from the Planning Manager or Designee.

- A. Graded slopes within Lake Pleasant Heights will be characterized as follows into the following slope categories:
1. Community Feature Slopes
 2. Neighborhood Slopes
 3. Residential Lot Slopes
- B. Each of these slope categories are defined below, and contains its own set of standards. In addition, certain slopes may be characterized as "low visibility", which are defined as slopes that are not readily visible from either public or private streets within the community. These slopes shall be subject to criteria that are appropriate to areas of low visibility. The following describes in detail each of the slope categories.
1. Community Feature Slopes: Community Feature slopes are located within the community and are in highly visible areas. These slopes will most commonly be found along major roadways and between development parcels. Community Feature slopes will emphasize the look and character of the community. The landforms and landscape will mimic the character of the natural desert, and may be enhanced given the high visibility of these areas. Uniform slopes shall not be allowed and restoration and re-vegetation shall occur in a timely manner so as not to leave an undisturbed area exposed in a high visibility area. In some instances, slopes found along community roadways, may not be readily visible; these slopes may be uniform.
 2. Neighborhood Slopes: Neighborhood slopes are located primarily within the residential neighborhoods within the community. These slopes will be visible primarily from the specific neighborhood, but may be visible from community collectors and arterial streets. These slopes shall feature the look and character of the community and reflect the natural character of the surrounding land. Uniform Neighborhood slopes are discouraged, but may be permitted in areas of low visibility. Restoration and re-vegetation of these slopes shall occur in a timely manner so as not to leave an undisturbed area exposed in a visible area.
 3. Residential Lot Slopes: Residential lot slopes exist within residential areas and are found on individual lots owned and maintained by the individual lot owner. Specific cut and fill slope criteria have been established that will provide developers and home builders direction for developing both production and custom lots. Most of these slopes will not be visible from

collector or arterial streets. Uniform slopes may be permitted and restoration/landscaping will occur with construction of each home.

a. Cut Slopes

- i. Cuts shall not be steeper than two to one (2:1) and must average three to one (3:1) for Community Feature Slopes and Neighborhood Slopes. Steeper slopes will be allowed when use of boulder walls or other natural or natural looking material is used to stabilize slope. This average allows for all types of landscape planting, including trees. Cut slopes vary in gradient from two to one (2:1), to four to one (4:1), but may be less to create flatter areas for landscape planting. Cut slopes shall be re-vegetated in accordance with section 14-22A-7-F.
- ii. Cuts in the Residential Lot Slopes area shall not be steeper than two to one (2:1) on a side lot to side lot basis, up to six (6) feet in height. Slopes greater than six (6) feet in height in a side yard condition may not be steeper than two and a half to one (2.5:1). Slopes shall not be steeper than two and a half to one (2.5:1) on a rear yard condition.

b. Fill Slopes

- i. Fill slopes shall not be steeper in gradient than one and a half to one (1.5:1), but must average three to one (3:1). Steeper slopes will be allowed when use of boulder walls or other natural or natural looking material is used to stabilize slope. This criterion applies to all Community Feature Slopes and Neighborhood Slopes. Fill slopes vary in gradient from one and a half to one (1.5:1), to four to one (4:1), but may be less to create flatter areas for landscape planting. This average allows for landscape planting of all types, including trees.
- ii. Fill areas in the Residential Lot Slopes area shall not be steeper than two to one (2:1) on a side lot to side lot basis, up to six (6) feet in height. Slopes greater than six (6) feet in height in a side yard condition may not be steeper than two and a half to one (2.5:1). Slopes shall not be steeper than two and a half to one (2.5:1) on a rear yard condition.

c. Grade Tie-ins

- i. Where cut or fill slopes meet existing natural grade, transitions shall be made to mimic or follow the natural movement of the land. Areas where slopes meet natural grade, the slope should be rounded to avoid abrupt grade changes, which create unnatural looking conditions.

d. Landscape De-vegetation, Re-vegetation and Restoration

- i. De-vegetation: De-vegetation shall occur per Appendix E, Desert Lands Conservation Overlay. This process requires a Native Plant Permit or multiple Native Plant Permits, which must be obtained prior to the destruction, mutilation, removal, or relocation of any protected native plant.
- ii. Re-vegetation: Re-vegetation shall occur where any area is disturbed for development, and will remain as open space or right of way. Areas of re-vegetation shall mimic the landscape character and match or exceed density of the area prior to disturbance in the

following manner. These criteria are intended to supersede Appendix E at the discretion of the Planning Manager.

- iii. **Community Feature Slopes:** These slopes will emphasize the look and character of the community. The Developer is encouraged to re-vegetate these areas to higher plant densities than they were prior to development. These slopes shall feature a wide range of plant material, including plant material that may not have occurred prior to development. In appropriate areas, plant material that is typically found as part of the Oasis Area, as described in Appendix E shall be allowed. Community slopes that are characterized as “low visibility” may utilize a reduction of plant densities up to 15%.
- iv. **Neighborhood Slopes:** These slopes will also feature the look and character of the community and reflect the natural character of the surrounding land. Plant densities will be consistent with densities prior to disturbance. In highly visible areas, densities may be increased by as much as twenty five percent (25%) to enhance the scenic quality of these highly visible areas. Neighborhood slopes that are characterized as “low visibility” may utilize a reduction of plant densities up to fifteen percent (15%).
- v. **Residential Lot Slopes:** Residential lot slopes exist within residential areas and are owned and maintained by the individual lot owner. Specific criteria have been established in the City’s Design Manual to provide developers and home builders specific direction for landscape requirements on an individual lot basis.
- vi. **Restoration:** Restoration occurs where the desert has been damaged or destroyed due to factors outside of the development process. These areas may include, but are not limited to, areas that may have been damaged in a fire or other natural occurrence, disturbed by previous land owners, or areas that are noticeably different from their immediate surroundings. The Developer is committed to restoring previously damaged desert when part of a development parcel. Previously damaged areas that are restored, when part of a development parcel, shall count towards any Natural Open Space (NOS) that may be required for that particular development parcel. The developer, when the disturbed area is part of a development parcel’s open space, shall return the damaged desert area to the same landscape character as the immediate surrounding areas. If large scale and unforeseen damage occurs on the property after the approval date of this document, the City and Developer will work together to determine reasonable Restoration requirements. Salvaged plant material, from other areas of the community, may be used to restore any damaged area within Lake Pleasant Heights. The Developer shall not be required to perform any Restoration activities on the land dedicated to the City as designated open space.

SECTION 14-22A-9 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. In the Uplands (areas above 25% in slope) or on any custom lot, 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 whenever possible.

- D. Any individual 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-10 PERIMETER WALLS, PRIVACY WALLS, RETAINING WALLS, SPILL SLOPES, AND EDGE TREATMENTS

Retaining Walls

- A. The design of all retaining walls and ground coverings shall be prepared by a registered engineer, landscape architect 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 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)

Perimeter & Privacy Walls / Fences (interior to lot line)

- E. Fences or walls on lots within a hillside district and within custom selective grading or cluster grading areas 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 6 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 twenty-five percent (10-25%) 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 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 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 or designee within the ten to twenty-five percent (10-25%) 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-11 LIGHTING, SEWERS, UTILITIES

- 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. However, smaller utilities such as telecom pedestals, cable pedestals and transformers will be allowed to be above ground as well as other utilities based on reasonable utility and engineering design standards.

SECTION 14-22A-12 MOUNTAIN RIDGE PROFILE

Within a hillside development area and above the twenty-five percent (25%) 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 ridgeline of significance when viewed from adjacent properties not a part of Lake Pleasant Heights. Significant ridgelines can be found on Figure 14, Master Conservation Plan, prior to the issuance of any building permits, cross-sections shall be submitted showing the relationship of the proposed development with established mountain top ridgelines and ridgelines of significance when applicable.

SECTION 14-22A-13 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; 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. and the amount of surface disturbance, destruction or removal of natural vegetation. Protected desert vegetation shall be preserved in an appropriate manner in accordance with the Lake Pleasant Heights Desert Lands Conservation Overlay district. (Article 14-22B)
 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 ridgelines shall provide additional cross-sections indicating their relation and impact on such ridgelines as established in Section 14-22A-11.
 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 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-5.C.

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.

1.1 **Reserved**

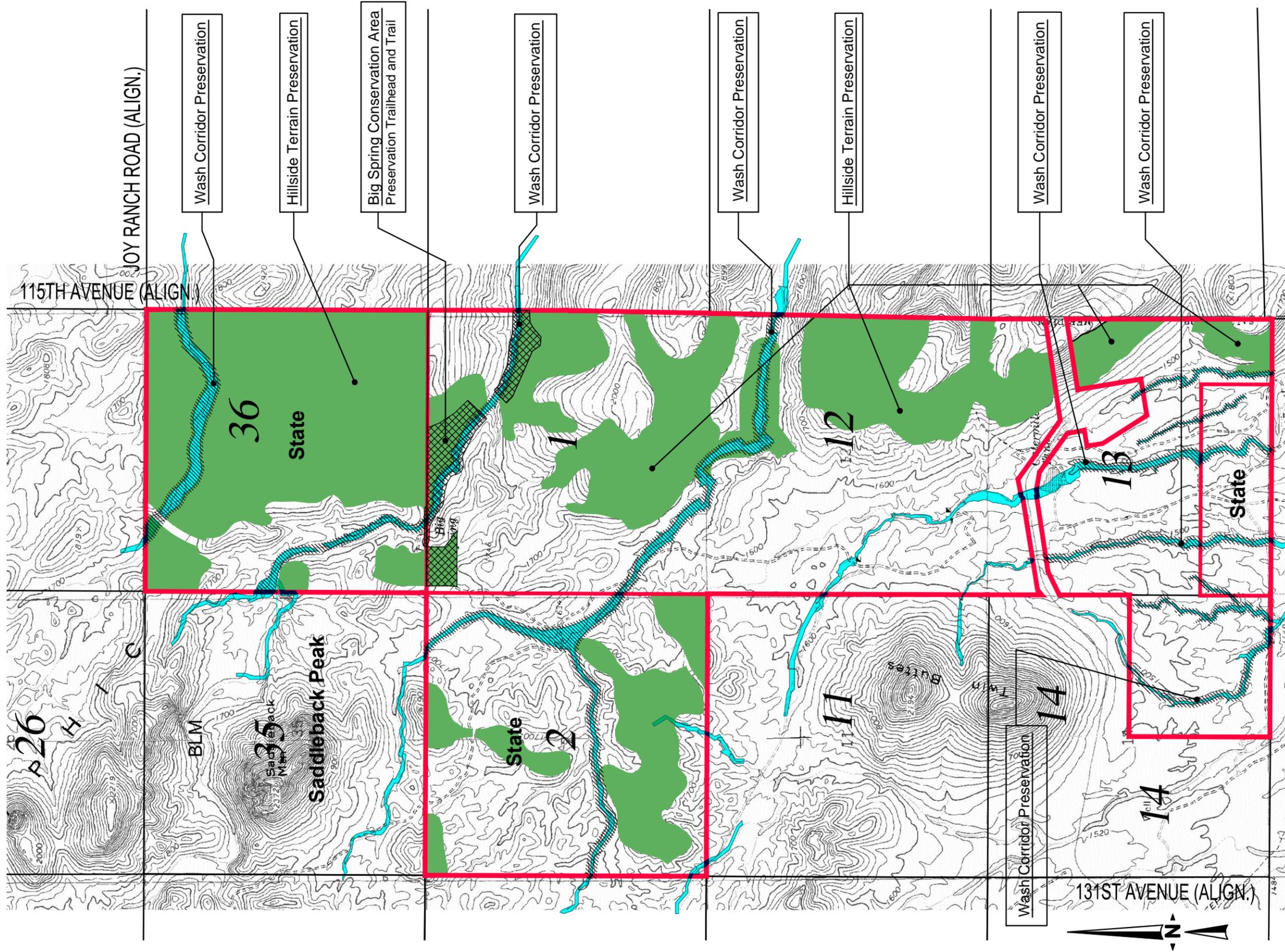
SECTION 14-22A-14 INSPECTIONS

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

Figure 14: Master Conservation Plan



Legend

-  Preservation Feature
-  Wash Corridor Preservation
-  Hillside Terrain Preservation
-  Wash Corridor

Lake Pleasant Heights
Planned Community District

PEORIA, ARIZONA



DATE: 10/8/15