



**CITY OF BUCKEYE**  
**PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING AGENDA**  
**June 23, 2015**

**NOTICE OF POSSIBLE QUORUM OF THE BUCKEYE CITY COUNCIL**

In accordance with Title 38, Chapter 3, Article 3.1, Arizona Revised Statutes, a majority of the City Council may attend the regular meeting of the Buckeye Planning and Zoning Commission but there will be no voting taking place by the City Council. Council members may participate in the discussion of any item on the agenda.

*Accessibility for all persons with disabilities will be provided upon request. Please telephone your accommodation request to (623)349-6911, 72 hours in advance if you need a sign language interpreter or alternate materials for a visual or hearing impairment. [TDD (623)234-9507]*

**City of Buckeye**  
**Council Chambers**  
**530 East Monroe Avenue**  
**Buckeye, AZ 85326**

**Workshop: None**  
**Regular Meeting: 6:00 pm**

**Order of Items**

1. The Chair will call the item number and read the notice of hearing.
2. A staff member of the Development services Department will summarize the case.
3. The applicant or representative may speak in support of the application.
4. Other persons in favor of the application may be heard.
5. Those opposed to the application may be heard.
6. The applicant may be heard in rebuttal.
7. All questions must be addressed to the Chair in order to present general discussion between those in favor of the application and those opposed to it.

At Large	District 1	District 2	District 3	District 4	District 5	District 6
Jim Zwerg	Jeffrey Nagy	Preston Hundley	Carol Kempiak <i>Chairperson</i>	Clayton Bedoya	Reverend Gregory Clemmons	Nick Hudec <i>Vice Chairperson</i>
Thomas Marcinko <i>(Alternate)</i>	Jesse Knight <i>(Alternate)</i>	Richard Burrell <i>(Alternate)</i>	Deanna Kupcik <i>(Alternate)</i>	Vacant <i>(Alternate)</i>	Bill Elliott <i>(Alternate)</i>	Duane Mitry <i>(Alternate)</i>

**Council Liaison:** Councilmember Craig Heustis

<b>1.</b>	<b>CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL</b>
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2.	<b>APPROVAL OF MINUTES FROM MAY 12, 2015 AND MAY 26, 2015 PLANNING AND ZONING COMMISSION REGULAR MEETINGS</b>	<b>Action required:</b> <i>Motion</i>
3.	<b>CONSENT AGENDA</b>	
3A.	<b>Subject:</b> Revision to Planning and Zoning Commission Bylaws <b>Presented by:</b> Terri Hogan, Planning Manager	<b>Action required:</b> <i>Motion only</i>
4.	<b>CONTINUANCE AGENDA</b> <i>No Items</i>	
5.	<b>REGULAR AGENDA</b>	
5A.	<b>Subject:</b> Verrado Highlands-Phase I (PP15-01/PLZ-15-00014) <b>Applicant:</b> Kurt Jones of Tiffany & Bosco on behalf DMB White Tank, LLC <b>Location:</b> Generally located west of Verrado Way and north of Indian School Road (north of Regent Hills and west of Victory-Phase I in Verrado). <b>Request:</b> Preliminary Plat for 219-lot single family residential subdivision on approximately 111 acres. <b>Recommendation:</b> Approval with stipulations <b>Presented by:</b> Sean Banda, Planner II	<b>Action required:</b> <i>Public Hearing, Discussion and motion</i>
5B.	<b>Subject:</b> Subdivision Process Streamlining Amendment (DCA15-01/PLZ-15-00060) <b>Applicant:</b> City of Buckeye <b>Location:</b> Citywide <b>Request:</b> An amendment to the Development Code to revise subdivision review procedures and requirements <b>Recommendation:</b> Discussion only (no action) <b>Presented by:</b> Ed Boik, Senior Planner	<b>Action required:</b> <i>Discussion only</i>
6.	<b>COMMENTS FROM THE PUBLIC</b> Alternates and members of the audience may comment on non-agenda items. However, State Open Meetings Law does not permit the Commission to discuss items not specifically on the agenda.	<b>Action required:</b> <i>None</i>
7.	<b>REPORT FROM STAFF</b>	<b>Action required:</b> <i>None</i>
8.	<b>COMMENTS FROM THE PLANNING AND ZONING COMMISSION</b>	
9.	<b>ADJOURNMENT</b>	<b>Action required:</b> <i>Motion</i>



**CITY OF BUCKEYE**  
**PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING MINUTES **DRAFT****  
**MAY 12, 2015**

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City of Buckeye  
530 East Monroe Avenue  
Buckeye, AZ 85326

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**

Chairperson Carol Kempiak called the meeting to order at 6:00 p.m.

Members present: Alternate Thomas Marcinko seated for At Large District, Commissioner Jeffrey Nagy, Commissioner Preston Hundley, Chairperson Carol Kempiak, Commissioner Bedoya, Alternate Bill Elliott, Alternate Duane Mitry seated District 6 excused himself at 6:56pm, Alternate Jesse Knight

Members absent: Commissioner Jim Zwerg, Commissioner Gregory Clemmons, Vice Chairperson Nick Hudec, Alternate Richard Burrell, Alternate Deanna Kupcik,

Staff present: Planning Manager Terri Hogan, Senior Planner Ed Boik, Planner II Andrea Marquez, Fire Marshall Nate Ryan, Public Works Director Scott Lowe, Administrative Assistant Keri Hernandez, Council Liaison Craig Heustis, City Attorney Chris Schmaltz

**2. APPROVAL OF MINUTES FROM MARCH 24, 2015 PLANNING AND ZONING COMMISSION REGULAR MEETING**

A motion was made by Commissioner Bedoya and seconded by Alternate Mitry to approve the minutes of the March 24, 2015 Planning and Zoning Commission Regular Meeting as presented. Motion carried.

**3. CONSENT AGENDA**

No items

**4. CONTINUANCE AGENDA**

No items

**5. REGULAR AGENDA**

**5A. PUBLIC WORKS ACTIVITIES**

Public Works Director Scott Lowe presented and was available to answer questions from the Commission.

**5B. PARADISE RV INC. (RZ14-03)**

Planner II Andrea Marquez presented and was available to answer questions from the Commission. Commissioner Bedoya inquired of any feedback from the neighborhood. Ms. Marquez stated there were two neighborhood supporters of this project. Commissioner Nagy inquired of the fire sprinklers. Ms.

Marquez informed the Commission of stipulation regarding sprinklers. Alternate Marcinko asked about the safety of the container currently onsite. Ms. Marquez referred the Commission to stipulation A, which requires the applicant to develop the proposed site plan that was submitted. Fire Marshall Nate Ryan spoke to the Commission and informed them of the applicant working with the fire department in developing the site.

A public hearing was opened at 6:58 pm. With there being no comments, the public hearing was closed at 6:58 pm.

A motion was made by Commissioner Bedoya and seconded by Alternate Elliott to approve with stipulations. Motion carried.

#### **5C. PARADISE RV INC. (CUP14-02)**

Planner II Andrea Marquez presented and was available to answer questions from the Commission.

A public hearing was opened at 6:59 pm. With there being no comments, the public hearing was closed at 6:59 pm.

Ms. Hogan suggested that stipulation O read as such: Property owner agrees to conform to the requirements of the letter agreement between the property owner and the Fire Department.

A motion was made by Commissioner Bedoya and seconded by Alternate Elliott to approve with revision to stipulation O and the removal of stipulation H. Motion Carried.

#### **5D. TOBACCO RETAILER AMENDMENT (DCA14-03)**

Senior Planner Ed Boik presented and was available to answer questions from the Commission.

Mr. Bedoya inquired of the operating distance from a school zone. Mr. Boik informed the Commission that the operating distance would be in accordance with the Medical Marijuana regulations.

A public hearing was opened at 7:05 pm. With there being no comments, the public hearing was closed 7:05 pm.

A motion was made by Commissioner Nagy and seconded by Commissioner Hundley to approve. Motion Carried.

#### **6. COMMENTS FROM THE PUBLIC**

None

#### **7. REPORT FROM STAFF**

None

#### **8. COMMENTS FROM THE PLANNING AND ZONING COMMISSION**

Vice Chairperson Kempniak voiced her concern regarding the seating of Alternates.

#### **9. ADJOURNMENT**

A motion was made by Commissioner Bedoya and seconded by Commissioner Hundley to adjourn at 7:07 pm. Motion Carried.

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**Carol Kempniak, Chairperson**

**ATTEST:**

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**Keri Hernandez, Administrative Assistant**

I hereby certify that the foregoing is a true and correct copy of the Planning and Zoning Commission Regular Meeting held on the 12<sup>th</sup> day of May, 2015. I further certify that a quorum was present.

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**Keri Hernandez, Administrative Assistant**



**CITY OF BUCKEYE**  
**PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING MINUTES **DRAFT****  
**MAY 26, 2015**

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City of Buckeye  
530 East Monroe Avenue  
Buckeye, AZ 85326

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**

Chairperson Carol Kempiak called the meeting to order at 6:00 p.m.

Members present: Commissioner Jim Zwerg, Commissioner Jeffrey Nagy, Chairperson Carol Kempiak, Commissioner Clayton Bedoya, Commissioner Gregory Clemmons, Vice Chairperson Nick Hudec, Alternate Thomas Marcinko, Alternate Deanna Kupcik, Alternate Bill Elliott

Members absent: Commissioner Preston Hundley, Alternate Jesse Knight, Alternate Richard Burrell, Alternate Duane Mity

Staff present: Planning Manager Terri Hogan, Planner II Andrea Marquez, Senior Planner Ed Boik, Administrative Assistant Keri Hernandez, Deputy City Engineer Jason Mahkovtz, Council Liaison Craig Heustis, City Attorney Chris Schmaltz

**2. APPROVAL OF MINUTES FROM APRIL 28, 2015 PLANNING AND ZONING COMMISSION REGULAR MEETING**

A motion was made by Commissioner Clemmons and seconded by Commissioner Bedoya to approve the minutes of the April 28, 2015 Planning and Zoning Commission Regular Meeting as presented. Motion carried.

**3. CONSENT AGENDA**

No items

**4. CONTINUANCE AGENDA**

No items

**5. REGULAR AGENDA**

**5A. BELLA VAGARE PRELIMINARY PLAT (PP14-06)**

Planner II Andrea Marquez presented and was available to answer questions from the Commission. Applicant John Andreotti presented and was available to answer questions from the Commission. Commissioner Clemmons asked the applicant how many lots face the channel. Mr. Andreotti stated that there are a total of 24 lots that face the channel. Vice Chairperson Hudec inquired about the details of the water campus. Deputy City Engineer Jason informed the Commission the multiple tanks would be screened by an eight foot screen wall and various vegetation to limit exposure, and this would be more defined at the final plat stage. Mr. Hudec inquired of the green belt area and if it is intended to be open space. Mr. Mahkovtz stated that this will be a combination of open space and

required storm water retention. Ms. Kempfiak spoke of her concern with future owners and notification of the surrounding agricultural activity. Ms. Hogan stated that this is indeed covered in stipulation F.

A public hearing was opened at 6:26 pm.

Werner Meyer of 8828 S 228<sup>th</sup> Ave in Buckeye, spoke of his concerns with the proposed preliminary plat.

Mikayla Sermeno of 22630 West Beverly Lane of Buckeye, spoke of her concerns with the height of the homes facing her property.

With there being no further comments, the public hearing was closed at 6:35 pm.

A motion was made by Vice Chairperson Hudec and seconded by Commissioner Zwerg to approve with modified stipulation. Motion carried.

#### **5B. JACKRABBIT CROSSING ANNEXATION (A15-01)**

Senior Planner Ed Boik presented and was available to answer questions from the Commission.

A public hearing was opened at 6:46 pm. With there being no comments, the public hearing was closed at 6:46 pm.

A motion was made by Commissioner Zwerg and seconded by Vice Chairperson Hudec to approve with stipulations. Motion carried.

#### **3C. JACKRABBIT CROSSING GENERAL PLAN AMENDMENT (mGPA14-01)**

Senior Planner Ed Boik presented and was available to answer questions from the Commission.

A public hearing was opened at 6:47 pm. With there being no comments, the public hearing was closed at 6:47 pm.

A motion was made by Commissioner Zwerg and seconded by Vice Chairperson Hudec to approve with stipulations. Motion carried.

#### **5D. JACKRABBIT CROSSING REZONING/PAD (RZ14-02)**

Senior Planner Ed Boik presented and was available to answer questions from the Commission.

A public hearing was opened at 6:48 pm. With there being no comments, the public hearing was closed 6:48 pm.

Deputy City Engineer Jason Mahkovtz modified stipulation D at the request of the developer to read as such: The Developer will be required to pay for their proportionate share of traffic signals on a per acre basis. This project per acre requirement based on 16.77 acres, will be 10.48% of the total signal cost at Jackrabbit and Indian School. This amount does not include any associated pavement improvements necessary to accommodate the signal.

A motion was made by Vice Chairperson Hudec and seconded by Commissioner Clemmons to approve with presented revision to stipulation D. Motion Carried.

#### **5E. PLANNING AND ZONING COMMISSION BYLAWS**

Planning Manager Terri Hogan presented and was available to answer questions from the Commission.

The Commission spoke of concerns regarding the roles and seating of the Alternates. Ms. Hogan advised that the Bylaws will be placed on the consent agenda at the next Planning and Zoning Commission meeting.

#### **6. COMMENTS FROM THE PUBLIC**

None

#### **7. REPORT FROM STAFF**

None

#### **8. COMMENTS FROM THE PLANNING AND ZONING COMMISSION**

Commissioner Nagy informed the Commission that Buckeye was ranked the third safest city in the Valley. Mr. Nagy also commented of the Development Community being pleased with working with the City of Buckeye.

Chairperson Kempiaik inquired about the property located at the SEC of Miller and Monroe. Mr. Boik informed the Commission that the work being mediated is the removal of underground fuel tanks.

#### **9. ADJOURNMENT**

A motion was made by Commissioner Zwerg and seconded by Commissioner Clemmons to adjourn at 7:02 pm. Motion carried.

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**Carol Kempiaik, Chairperson**

**ATTEST:**

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**Keri Hernandez, Administrative Assistant**

I hereby certify that the foregoing is a true and correct copy of the Planning and Zoning Commission Regular Meeting held on the 26<sup>th</sup> day of May, 2015. I further certify that a quorum was present.

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**Keri Hernandez, Administrative Assistant**



# P&Z COMMISSION BYLAWS

## Report to the Planning and Zoning Commission

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**TITLE:** Revision to P&Z Commission Bylaws  
**MEETING DATE:** June 23, 2015  
**AGENDA ITEM:** 3A

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### SUMMARY:

1. An inconsistency between the P&Z Commission adopted bylaws and the City of Buckeye Boards, Commission and Committee Manual was identified. Specifically, the attendance policy as stated in Section 2-4-7G of the Manual states that "Any regular or alternate member who has unexcused absences for at least fifty percent (50%) of the regular meetings of a board, committee, or commission in a given calendar year or three (3) consecutive unexcused absences shall be considered as not fulfilling the obligation assumed by acceptance of appointment to the board." Currently and in contrast, alternate Commission members were being released as an excused absence if not needed for a quorum.
2. As the direction the City is for alternates to attend and become familiar with Commission proceedings, staff has recommended that the Commission bylaws be revised to reflect the language and attendance policy within the Manual. Therefore the following two sections have been revised in the attached exhibit.

#### Page 2 – Article I.H

~~"Quorum checks shall occur at least three (3) business days prior to a scheduled meeting. Regular Commission members are expected to attend all scheduled meetings unless excused. A regular Commission member must notify the Commission Secretary at least three (3) days twenty-four (24) hours in advance of the scheduled meeting for the absence to be considered excused. Alternates will then be notified if they are needed to attend the meeting for a quorum to be met."~~

#### Page 4 – Article III.A

Any regular or alternate member who has unexcused absences for at least fifty percent (50%) of the regular meetings of the Commission in a given calendar year or three (3) consecutive unexcused absences shall be considered as not fulfilling the obligation

assumed by acceptance of the appoint to the Commission. Excused absences shall include family and health-related issues ~~or for Alternates who have been released from attending because a quorum has been established.~~ The decision on whether an absence was excused or unexcused shall ultimately be decided by the Chair of the Commission.

**BACKGROUND:**

3. February 10, 2015 P&Z Commission Meeting: The P&Z Commission adopted bylaws.
4. May 26, 2015 P&Z Commission Meeting: Discussion of revised to bylaws regarding alternate attendance policy; staff directed to bring back revision to next meeting for motion of approval on the consent agenda.

**RECOMMENDATION:**

5. Staff recommends the Planning and Zoning Commission motion approval of the bylaw revision regarding Commission attendance policy for the following reason:
  - Consistency with the City's Boards, Commissions and Committee Manual

**ATTACHMENTS:**

Exhibit A Proposed Revision to P&Z Commission Bylaws

Prepared By:  
Terri Hogan, AICP, Planning Manager

## CITY OF BUCKEYE PLANNING AND ZONING COMMISSION BYLAWS

This City of Buckeye Planning and Zoning Commission (Commission) is created by the Buckeye City Council pursuant to Arizona Revised Statutes Section 9-461 et. seq. to guide the growth and physical development of the City of Buckeye by promoting and protecting the public health, safety, and welfare. These Bylaws have been adopted by the Commission to ensure continuity of action, uniformity in consideration of development applications, and instruction of new and existing members of the Commission such that the Citizens of Buckeye will be better served in matters coming before the Commission.

### ARTICLE I – MEETINGS

- A. Regular meetings.** Regular meeting shall 1) be held on the second and fourth Tuesday of the month. Meetings shall start at 6:00 PM, M.S.T.; and 2) be held in the City Council Chambers at Buckeye City Hall, 530 E. Monroe, Buckeye, Arizona, unless determined otherwise by the Chair or majority vote of the Commission.
- B. Annual meeting.** The meeting for the election of officers and annual project summary shall be held at the first regular meeting of the calendar year or as soon thereafter as possible.
- C. Special meetings.** As needed, Special Meetings of the Commission may be held at the call of the Chair or by vote of the Commission, upon not less than 24 hours' notice to each Commissioner.
- D. Workshops.** As needed, the Commission may meet for a Workshop prior to (or in lieu of) the regularly scheduled meeting for the purpose of reviewing the items on that day's agenda or to discuss other educational, legal, or administrative matters. Workshops shall be held in the City Council Executive Conference Room at Buckeye City Hall, 530 E. Monroe, Buckeye, Arizona, unless determined otherwise by the Chair or majority vote of the Commission.
- E.** All meetings and hearings of the Commission shall be open to the public, except that the Commission may hold executive sessions under circumstances as permitted by A.R.S. Section 38-431.03. Written minutes shall be kept of all public meetings and hearings and executive sessions.
- F.** Notices of all meetings shall be given by the Development Services Department (Department). Notices shall be conveyed to each Commissioner at such email address as furnished to the Department by the Commissioner, and shall set forth

in outline form matters to come before the Commission at the meeting. Nothing contained herein shall be construed as limiting the ability of any Commissioner to waive any failure of proper notice. Appearance by a Commissioner at a meeting without objection shall constitute waiver by the Commissioner of any defect in notice.

- G. A majority of the duly appointed members of the Commission shall constitute a quorum for the transaction of business and a majority vote of the quorum shall be required for any official action. All references herein to a majority of the Commission shall mean a majority of the Commissioners present and voting.
- H. ~~Quorum checks shall occur at least three (3) business days prior to a scheduled meeting. Regular Commission members are expected to attend all scheduled meetings unless excused. A regular Commission member must notify the Commission Secretary at least three (3) business days~~ **TWENTY-FOUR (24) HOURS** in advance of the scheduled meeting for the absence to be considered excused. ~~Alternates will then be notified if they are needed to attend the meeting for a quorum to be met.~~
- I. Minutes and records of all findings and determinations shall be kept by the Department. The vote of each Commissioner shall be recorded with each motion and the minutes, records, resolutions, findings and determinations shall be of public record.
- J. The Commission shall transmit all of its recommendations, decisions, findings, reports, and official actions, regardless of vote, to the Buckeye City Council.
- K. All votes shall be by voice vote or by roll call.
- L. All meetings shall be guided according to Robert's Rules of Order as amended. In any case where there is a conflict between these Bylaws and Robert's Rules of Order, these Bylaws shall control. General reference should also be given the *City of Buckeye Boards, Commissions, and Committees Manual* and the *2010 Development Code*.

## ARTICLE II – ORGANIZATION

- A. **Chair.** The Chair shall have the following duties: 1) Preside at meetings of the Commission; 2) Appoint all committees; 3) Generally supervise the conduct of the affairs of the Commission; 4) Rule on all procedural questions; and 5) Call for a motion on all matters being considered by the Commission, but only after interested parties and all Commissioners present have had a reasonable opportunity to be heard. The Chair may participate in discussion of

and vote on all matters. The Chair may limit the number of people permitted to speak on any matter before the Commission and may limit the time allotted to each speaker, provided that such procedure shall nonetheless result in a full and fair hearing on all relevant issues. Any ruling of the Chair may be reversed by a majority of the Commission.

- B. Vice-Chair.** The Vice-Chair shall perform the duties of the Chair during the absence or disability of the Chair. In the event that both the Chair and Vice-Chair are absent, then the members present shall choose one from among their number to be Chair pro tem of the meeting.
- C.** The Chair and Vice-Chair of the Commission shall be elected annually by the members of the Commission, and shall not be from the same Council district. Any vacancy in the office of the Chair or Vice-Chair of the Commission may be filled by the members of the Commission at any regular, special, or workshop meeting.
- E. Commissioners.** In accordance with the *City of Buckeye Boards, Commissions, and Committee Manual*, both regular and alternate members are appointed by the City Council. The Commission consists of 6 District Commissioners and an At Large Commissioner.
- F. Alternates.** Alternates may attend and observe any Commission meeting; however, in accordance with the *City of Buckeye Boards, Commissions, and Committee Manual*, they shall not participate until such a time as a vacancy has occurred and the alternate has filled such vacancy.
- G. Council Liaison.** The Council Liaison as appointed by the City Council may be in attendance at any regular, special or work session as appropriate.
- H. Staff Liaison.** Unless otherwise appointed, the Planning Manager shall be the Staff Liaison in accordance with the *City of Buckeye Boards, Commissions, and Committees Manual*.
- I. Secretary.** In accordance with Section 7.2.2.k of the *2010 Development Code*, a representative from the City Clerk shall be the Secretary of the Commission. In the secretary's absence, the Staff Liaison or designee shall act as Secretary. The Secretary shall be responsible for meeting notices, agenda creation and distribution, quorum checks, meeting set up, roll call, and keeping a formal record of all meetings.
- J. Legal Counsel.** The City Attorney shall be in attendance upon request at any regular, special or workshop meeting of the Commission.

### **ARTICLE III – ATTENDANCE**

- A.** Any regular or alternate member who has unexcused absences for at least fifty percent (50%) of the regular meetings of the Commission in a given calendar year or three (3) consecutive unexcused absences shall be considered as not fulfilling the obligation assumed by acceptance of the appointment to the Commission. Excused absences shall include family and health-related issues or for Alternates who have been released from attending because a quorum has been established. The decision on whether an absence was excused or unexcused shall ultimately be decided by the Chair of the Commission.
- B.** If a Commission member does not meet the above minimum Commission meeting attendance requirement, the Chair may contact the Commission member to discuss the situation. A majority of the Commission may also direct the Chair to contact any member not attending the required number of meetings regarding his or her attendance.
- C.** If after consultation with that Commission member, attendance does not improve over the next six (6) month period, the Chair will report the matter to the City Council Liaison. The City Council is authorized to remove a Commissioner for cause.

### **ARTICLE IV – ORDER OF BUSINESS**

- A.** Call to order, pledge of allegiance, roll call
- B.** Approval of the minutes of the previous meeting
- C.** Consent Agenda (n/a for Workshops)
- D.** Continuance Agenda (n/a for Workshops)
- E.** Regular or Workshop Agenda
- F.** Comments from the public
- G.** Report from staff
- H.** Comments from Commissioners

I. Adjournment

**ARTICLE V – MATTERS PENDING BEFORE THE COMMISSION**

- A. Every matter on which the Commission is authorized or required to act, brought before the Commission by any person, official, organization, or agency shall be presented through the Development Services Department. Such presentation shall include a written report.
- B. **Consent Agenda.** A consent agenda may be prepared for those cases that do not require a public hearing. All items on the consent agenda may be approved by motion without debate. An item may be removed from the consent agenda prior to the approval at the request of any member of the Commission present at the meeting or by City staff if requested by the applicant. Items removed from the consent agenda shall be considered on the regular agenda.
- C. **Continuance Agenda.** A continuance agenda may be prepared for items that are recommended for continuance by staff with concurrence from the applicant. These items will not have a hearing at this time but shall be moved for continuance either indefinitely or to a date certain after a brief presentation from the staff.
- D. **Regular Agenda.** A regular agenda may be prepared for items that are either unfinished business or new business. Unfinished Business is for consideration of any matters continued from a previous meeting and New Business constitutes a public hearing on any new matter. Regular agenda items will receive a complete presentation from staff and a full public hearing.
- E. **Comments from the Public.** Any member of the public may address the Commission at this time. Prior to speaking, a speaker card must be filled out and presented to the Chair via the Secretary.
- F. **Report from Staff.** Staff may take this time to update the Commission on previous or upcoming agenda items or any other pertinent matters to include Quarterly Reports on the status of any major projects. As a matter of practice, staff will update the Commission on the previous week’s City Council meeting with regard to any previous Commission items.
- G. **Comments from Commissioners.** Any Commissioner may make comments on any topic during this time.

- H. Reconsideration.** A decision of the Commission may be brought up for reconsideration or rehearing only if 1) There was a substantial procedural error in the original proceeding; or 2) The Commission acted without jurisdiction in the original proceeding; or 3) The original decision was based upon fraud or misrepresentation. A motion to reconsider a previous decision may be made only by a Commission member who voted on the prevailing side. Any person (other than a Commissioner) seeking reconsideration must file a request with the City Clerk, together with materials supporting one or more of the criteria listed within 8 business days of the original decision. The Commission, by majority vote, may hold a rehearing if the request meets the requirements. A rehearing shall be noticed and conducted in the same manner as the original proceedings before the Commission.

## **ARTICLE VI – PUBLIC HEARINGS**

- A.** When a matter is set for a hearing on a given day and so advertised, the matter may be heard and disposed of on the records before the Commission whether or not anyone in favor of or in opposition to the application appears at the hearing.
- B.** Each matter shall be heard in the following order:
1. The Chair will call the item number and read the notice of hearing.
  2. A staff member of the Development Services Department will summarize the case.
  3. The applicant or its representative may speak in support of its application.
  4. Other persons in favor of the application may be heard.
  5. Those opposed to the application may be heard.
  6. The applicant may be heard in rebuttal.
  7. All questions must be addressed to the Chair in order to present general discussion between those in favor of the application and those opposed to it.
- C.** The concurring vote of a majority of the quorum of the Commission present shall be required for the adoption of any motion. The vote of each member

present on each motion shall be recorded with the motion and the reasons for such vote if so requested by the Commissioner casting said vote.

## **ARTICLE VII – CONFLICT OF INTEREST**

- A.** Any member of the Commission who has a substantial interest as defined in A.R.S. Section 38-502 in the outcome of any matter brought before the Commission shall make known that interest and the minutes of that meeting shall record that the member made such fact known. The member shall refrain from voting or in any way participating in the matter.
- B.** Any member who feels that for personal reasons the member should not participate in any matter before the Commission, the member may refrain from voting or participating in that matter without stating his reasons for doing so, if it is not a matter covered in Paragraph A. above.
- C.** Additional information for this topic can be obtained in the *City of Buckeye Boards, Commissions, and Committee Manual* and the *2010 Development Code*.

## **ARTICLE VIII – ETHICS**

Reference should be made to the *City of Buckeye Boards, Commissions, and Committee Manual* and the *American Planning Association Statement of Ethical Principles in Planning*.

## **ARTICLE IX – AMENDMENT OF BYLAWS**

These Bylaws or any part thereof, may be amended at the meeting of the Commission after not less than a three (3) day notice has been given to all members of the Commission and a copy of the proposed amendment set with notice, provided that it shall require the concurring vote of a majority of the quorum to make any amendment or change in these Bylaws.



# PRELIMINARY PLAT

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** PP15-01 (PLZ-15-00014)  
**TITLE:** Verrado Highlands Phase I-Preliminary Plat  
**DATE:** June 23, 2015  
**AGENDA ITEM:** 5A

**Applicant:** Kurt Jones, Tiffany & Bosco  
**Request:** Preliminary Plat (219 lots) for Verrado Highlands-Phase I  
**Voting District:** 6  
**Location:** Generally located west of Verrado Way and north of Indian School Road (north of Regent Hills and west of Victory-Phase I).  
**Site Acreage/Density:** Approximately 111 acres; 1.96 du/ac  
**Staff Recommendation:** **Approve** with stipulations

### AREA CONTEXT

*Table 1: Vicinity/Existing Land Use, Future Land Use, Current Zoning.*

	LAND USE	GENERAL PLAN	ZONING
<b>Subject Property</b>	<b>Vacant</b>	<b>Master Planned Community</b>	<b>PC, Planned Community</b>
North	Vacant (Verrado Highlands Future Phases)	Master Planned Community	PC, Planned Community
South	Verrado (Regent Hills District)	Master Planned Community	PC, Planned Community
East	Verrado (Victory District-Phase I)	Master Planned Community	PC, Planned Community
West	Vacant (Verrado Highlands Future Phases)	Master Planned Community	PC, Planned Community

#### *Annexation and Relevant Case History*

1. A99-11 – Annexation into the Town of Buckeye – Approved by Town Council in 1999
2. CMP99-22 - Verrado Community Master Plan – Approved by Town Council on November 2, 1999

## **PROJECT DESCRIPTION**

### *Site and Project Details*

3. The Applicant is proposing a Preliminary Plat for Verrado Highlands-Phase I within the Verrado Community Master Plan consisting of 219 single-family residential lots on approximately 111 acres generally located west of Verrado Way and north of Indian School Road (north of Regent Hills and west of Victory-Phase I).
  
4. The applicant has chosen to develop three more development parcels within this phase (Parcels 5.411-413) and has chosen to use two of the CMP Development options for Phase I (Residential Low and Residential Low Medium). Each parcel will have different planned lot widths (they are shown in the setback and lot data).

## **ANALYSIS**

### *Land Use Allocations*

5. Conformance with General Plan: The City of Buckeye 2007 General Plan designates this property as Master Planned Community. Verrado is developing consistent with this general plan designation.
  
6. Land Use: The property is zoned Planned Community and is governed by a Community Master Plan (CMP), which was adopted in 1999 with an accompanying development agreement. This Preliminary Plat lies within the approved Verrado CMP area.
  
7. The Verrado CMP covers 8,816 acres and includes seven Planning Units. Densities range from 0 du/ac to 35 du/ac. Commercial sites allowing neighborhood retail, office space, major retail, public facilities, etc. are included within the CMP area.
  
8. The approved Master Plan Land Use Budget allows a total of 14,080 residential units, 1,000 Resort Rooms, and 4,234,550 square feet of Commercial/Mixed-Use space. Per the approved CMP all parks will be privately owned and maintained unless otherwise dedicated to the City of Buckeye. This application meets all requirements of the approved Verrado CMP. The proposed plat is consistent with the Verrado CMP and required Planning Unit Plans

*Setback and Lot Data*

9. Verrado Community Master Plan Land Use Designation – Overall

<b>Existing Use:</b>	Undeveloped
<b>Parcel Size Gross:</b>	111± acres
<b>Existing Zoning:</b>	Planned Community (PC)
<b>Density Proposed:</b>	1.96 du/ac
<b>Street Widths (right-of-way):</b>	24'-40'

Verrado Parcel 5.411-Community Master Plan Land Use Designation – Residential Low Medium

<b>Lots:</b>	65
<b>Standard Lot Dimensions</b>	50'x120'
<b>Minimum Lot Size</b>	4,500 square feet
<b>Average Lot Size</b>	6,605 square feet
<b>Front Living</b>	12'
<b>Side-Loaded Garage</b>	10'
<b>Front-Loaded Garage</b>	18'
<b>Min. Rear</b>	15'
<b>Min. Side</b>	0';10' aggregate; where a side yard is provided, the minimum shall be 5'

Verrado Parcel 5.412- Community Master Plan Land Use Designation – Residential Low Medium

<b>Lots:</b>	84
<b>Standard Lot Dimensions</b>	60'x125'
<b>Minimum Lot Size</b>	4,500 square feet
<b>Average Lot Size</b>	8,337 square feet
<b>Maximum Building Height:</b>	30'
<b>Setbacks:</b>	
<b>Front Living</b>	12'
<b>Side-Loaded Garage</b>	10'
<b>Front-Loaded Garage</b>	18'
<b>Min. Rear</b>	15'
<b>Min. Side</b>	0';10' aggregate; where a side yard is provided, the minimum shall be 5'

Verrado Parcel 5.413- Community Master Plan Land Use Designation – Residential Low

<b>Lots:</b>	70
<b>Standard Lot Dimensions</b>	70'x130'
<b>Minimum Lot Size</b>	6,000 square feet
<b>Average Lot Sizes</b>	10,060 square feet
<b>Setbacks:</b>	
<b>Front Living</b>	12'

<b>Side-Loaded Garage</b>	10'
<b>Front-Loaded Garage</b>	18'
<b>Min. Rear</b>	20'
<b>Min. Side</b>	0';13' aggregate; 10' aggregate if garage is provided and is setback at least 30' from the property line, where a side yard is provided, the minimum shall be 5',5' additional setback for side abutting a public street

*Schools*

10. Verrado has an existing elementary, middle and high school. Currently, a school site is under construction and to be opened in the fall of 2015 on the northwest corner of Verrado Way and Thomas Road. The Highlands District is within the Saddle Mountain School District. There is a future school site within this area if a school site is necessary in future phases.

*Open Space/Recreation*

11. This phase of the Highlands District has approximately 14.5 acres of usable open space. This plat also has washes on its northern and southern boundaries. In addition to the open space and amenities provided in this phase, the homeowners in this plat will have all of the parks and open space available to them within Verrado as well as a planned Maricopa County Trail that is being planned with Verrado and will connect on Indian School east of Acacia Wash.

*Landscaping*

12. All final landscaping will be required to be reviewed and approved in accordance with Planning Unit Environmental Design Plan for the Highlands District according to the Verrado CMP. The applicant has chosen one of the CMP development options for landscaping. The plan is to have a more natural desert look for the Highlands District because of the natural desert mountain surrounding.

*Circulation*

13. All street widths and designs conform to the approved Verrado CMP, Master Circulation Plan, and updated Planning Unit Circulation and Streets Plan. The City Engineer and Fire Department have reviewed and approved the proposed street sections.

*Infrastructure*

14. Water: EPCOR Water Company will be the water provider once the Developer constructs the necessary infrastructure. The water distribution system will be extended into this plat via Verrado Way from the east. Water storage is provided by the Zone 3 South reservoirs, located adjacent to the Raven Golf Course.

15. Sewer: EPCOR Water Company provides for sewer service to the site. The wastewater distribution systems will be extended from the main line in Verrado Way.

*Public Safety*

16. Police: The subject property is located within the City of Buckeye Police Department service area. In addition there will be a small substation located at Fire Station 3 at 2582 N Verrado Way within the Verrado Master Planned Community.

17. Fire: The subject property will be served by the Town of Buckeye. Currently, the closest City of Buckeye fire station to the subject property is Fire Station 3 located at 2582 N Verrado Way within the Verrado Master Planned Community. If it is determined in future development phases of Verrado that an additional fire station is needed, a parcel within this plat on the southwest corner of Verrado Way and Highlands Park Drive (the main collector) has been set aside. The fire department has reviewed the access and circulation and approved the preliminary plat.

*Public Notice*

18. In preparation for the Planning and Zoning Commission and the City Council public hearings, the following mandatory notification elements have or will be completed by the referenced date, in accordance with the Public Hearing requirements established in the City of Buckeye Development Code, Section 8.8.6.

1. Published in a newspaper of general circulation.....June 4, 2015
2. Site posted with public hearing information.....June 2, 2015
3. Mailing to property owners within 300' .....June 2, 2015

**FINDINGS AND RECOMMENDATION**

19. Based on the following findings:

- The proposed Preliminary Plat is in conformance with the General Plan, Verrado Community Master Plan (CMP).

Staff recommends that the Planning and Zoning Commission take the following action: recommend approval to the City Council for Verrado Highlands-Phase I Preliminary Plat Case PP15-01 (PLZ-15-00014) subject to the following seven (8) stipulations a-h:

*Planning*

- a) The Final Plat shall be in substantial conformance with the preliminary plat entitled "Verrado Highlands Phase I-Preliminary Plat" consisting of fifteen(15) full-size sheets, dated April 28, 2015 and stamped received April 29, 2015, except as modified by the following stipulations.

- b) Development of the site shall be in conformance with the narrative report entitled "Verrado Highlands Phase I-Preliminary Plat", consisting of seven(7) pages, and stamped received January 20, 2015, except as modified by the following stipulations.
- c) All final landscaping will be required to be reviewed and approved in accordance with Planning Unit Environmental Design Plan for Highlands District According to the Verrado CMP.
- d) Preliminary plat approval shall expire two (2) years from the date of approval (August 4, 2015). Any request for an extension shall be submitted prior to the expiration date.
- e) The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport". Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents. The language for this notice is available at the Development Services Department.
- f) The property owner/s and their successor waive any and all claims for diminution in value of the property with regard to any action taken by City of Buckeye as result of this approval.

### *Engineering*

- g) All comments on the associated Traffic Impact Analysis are to be resolved prior to approval of the Final Plat.
- h) All paving improvements including any modifications to Verrado Way are to conform to the ultimately approved Traffic Impact Analysis.

## **ATTACHMENTS**

Vicinity Map, Narrative and Preliminary Plat

Prepared By:  
Sean Banda, Planner II

Reviewed By:  
Terri Hogan, AICP, Planning Manager



## **Verrado**

### **Highlands Phase 1 – Preliminary Plat**

#### **Project Narrative**

##### **Background and Project Overview**

Verrado was planned and designed as a sustainable community with a strong identity and vision that integrates diverse residential neighborhoods with commercial uses including employment and potential resort opportunities. The Verrado Community Master Plan (“CMP”) provides a framework to preserve and celebrate the natural features of the Property while at the same time being responsive to market conditions. Phase 1 of Verrado created a Main Street District with diverse near-town residential neighborhoods surrounding this commercial and retail district. Phases 2 and 3 within Heritage District have also been planned and developed as near-town neighborhoods designed around a variety of neighborhood parks. A majority of these three phases has developed along gently sloping terrain with major wash corridors traversing outside of the neighborhoods. Only a few of the existing neighborhoods, including the Phase 1 and Phase 3 custom lot subdivisions, are within the foothills adjacent to the many mountains within Verrado. Highlands Phase 1 is comprised of approximately 219 single family detached lots on 61.94 acres of residential land area and is located West of Verrado Way and Victory District Phase 1 and north of Tractor Wash and the Regent Hills neighborhood. The proposed plat includes 50’, 60’ and 70’ wide residential lots on desert foothills terrain ranging from 2.5% to 3.5% with increasing slope to the west. To the north and west of Highlands Phase 1 are significant mountain ridges and dramatic settings. It is with these dramatic settings, challenging topography and a desire to create more exclusive, higher end production residential neighborhoods that we are proposing to create residential enclaves that transition from the near-town neighborhoods of Phases 1 and 2 into a more organic desert adaptive foothills setting within the Highlands District.

##### **Request**

The request is to approve a preliminary plat (“Highlands Phase 1”) located west of the Victory development and north of Verrado’s custom home lots north of the Verrado Golf Club.

##### **Pre-Annexation Development Agreement and Community Master Plan**

The Pre-Annexation and Development Agreement (“PADA”) and Community Master Plan (“CMP”) for Verrado were approved by the Town Council in November of 1999 encompassing 8,800 acres. In January 2004, the Town Council amended the CMP to include an additional

sixteen (16) acres. Currently, the CMP, as amended, allows for 14,080 residential dwelling units, 1,000 resort rooms, and more than 4.2 million square feet of commercial/mixed-use space throughout the entire development. Verrado is divided into Planning Units and provides for a master Land Use Budget to determine where the residential density and commercial/mixed-use intensity can locate within the community.

### **Current Condition of the Site**

Highlands is primarily vacant desert land. There are several dirt roads constructed by the Caterpillar Co. during their proving ground operations on the site. The first phase of Highlands is framed by two (2) washes on the north and south side with mountain views to the north and west and valley views to the south and east. Native desert vegetation is present throughout most of the site.

### **Current General Plan Designation**

Verrado is designated as a Master Planned Community on the Town's General Plan. In addition, because of the major washes that traverse Verrado, the General Plan land use map has several 'Floodway Transitional Areas' designated including portions of Phase 3 South. The updated Planning Unit Drainage Plan and Update to Master Drainage Plan submittal addresses any drainage issues related to this land use designation.

### **Current Zoning Designation**

Verrado is zoned Planned Community ("PC"). Verrado entitlements consist of the Pre-Annexation and Development Agreement, recorded 11/26/1999 (the "Development Agreement") and the Community Master Plan ("CMP"), approved November 17, 1999.

### **Project Description**

Much like Regent Hills directly to the south, across South Tractor Wash, the design character proposed for Highlands creates an initial formal residential enclave adjacent to Verrado Way. As the slope increases and terrain changes to the west, the design character transitions to a less formal, more natural foothills transition design pattern. Each of the residential enclaves in Highlands will be designed for public access, but will have the ability to be 'gate enabled' depending on builder preference. The design allows each enclave more exclusivity versus a continuous neighborhood connection pattern prevalent in the Main Street and Heritage Districts of Verrado. This enclave design will help promote exclusivity and drive premium value of the homes for our target market, but will also allow the builder flexibility to create private neighborhoods with the addition of gates for private access if so desired.

The main access to Highlands Phase 1 is from Verrado Way to the east. The main entry collector roadway crosses over the re-channelized North Tractor Wash with a bridge-like crossing from Verrado Way. The roadway is then flanked by open space on either side for a grand open space entrance to the District. A parcel adjacent to Verrado Way just south of the entry collector roadway is being reserved for a second fire station location within Verrado. This fire station parcel is integrated into the first residential enclave of the Highlands Phase 1 subdivision. The first residential enclave is more formal in design as it rests on the lowest portion of the plat. The proposed 50'x120' lots are designed in a grid-like manner around a main entry park and the southern-most lots are plotted along the Tractor Wash. As a transitional neighborhood, sidewalk will be attached on one side of the street only. A large offline retention area on the north side of the main entry road is being designed as a community park with a large passive turf area. The park then transitions to a more desert character tree bosque in the northwest portion with a path to allow for pedestrian access.

As the main entry collector road curves away from the park and 50' wide lot enclave, the road climbs in elevation with views to the mountains. The next residential enclave consists of 60'x125' wide product with a neighborhood park at the arrival to the enclave. This enclave is designed to maximize views to the nearby mountains and create open space and wash premiums with fewer lots backing to each other.

The cul-de-sac design creates a sense of exclusivity within each enclave and the lotting design enables the side lot walls to step up the sloping terrain. Consistent with its desert adaptive design and with alternative path and trail access provided, sidewalks will not be provided on the cul-de-sac streets. A secondary entrance is located off of Regent Street just north of the Tractor Wash, with a detached sidewalk provided along the street connecting the park and the two entrances. This enclave will most likely be used for the model complex because of its accessibility, the views and terrain.

A round-about is used for the intersection of the collector drive and Regent Street. A 70'x130' lot enclave is designed to access off of the main collector roadway with a secondary entrance located off of Regent Street. This enclave is also centered around an internal park with mountain and wash views from the lots. Similar to the 60'x125' enclave, the cul-de-sac streets will not have sidewalks, but a detached sidewalk will be provided along the street connecting the park and the two entrances to the enclave.

### **Proposed Development Options**

Verrado's CMP has a listing of land use designations. The land use designations are titled 'development options' for residential and commercial mixed-use. The development options selected for this Request are as follows:

- Residential Low Medium (RLM): Minimum Lot size - 4,500 square feet  
 Min. Lot Width/Depth - 50'  
 Min. Front Yard Setback - 18' (front facing garage); 10' (side facing garage) and 12' (living)  
 Min. Side Setback - 0'; 10' aggregate; where a side yard is provided, the minimum shall be 5'  
 Building height - 30'  
 The proposed development option, Residential Low Medium, applies to the 50' x 120' lots and the 60' x 125' lots.

The largest lot sizes, 70' x 130', will utilize Verrado's Residential Low development option, which is as follows:

- Residential Low (RL):  
 Minimum Lot size - 6,000 square feet  
 Min. Lot Width/Depth - 60' min. lot width  
 Min. Front Yard Setback - 18' (garage); 10' (side garage) and 12' (living)  
 Min. Side Setback - 0'; 13' aggregate; 10' aggregate if garage is provided and is setback at least 30' from front property line, where a side yard setback is provided; it must be a min. of 5'; 5' additional setback for side abutting public street  
 Building height - 30'

**Verrado's Design Guidelines**

Verrado's Design Guidelines have consistently been more restrictive than the Town's residential design guidelines. Within Highlands, several lots sizes and street layouts and a more organic street and lotting layout create unique neighborhoods within the foothills area of Verrado. The various parcels create small unique neighborhoods surrounding small usable parks and in close proximity to a larger open space. The enclaves provide for park fronting and wash backing lots. With the use of the design guidelines such as alternating front yard setbacks, single family

home design criteria and a mixture of lots within Highlands, this plat will allow for another signature phase within Verrado.

### **Traffic and Roadways**

Highlands is accessed off of Verrado Way just north of Indian School Road and just south of the main entrance to Victory. Highlands Park Drive is designed as an undivided minor collector (MIC4A) with no parking, and a 28 foot back of curb to back of curb (boc/boc) roadway section. At intersections with the parcel roadways the roadway section expands to accommodate a left turn lane (MIC4) resulting in a 40 foot boc/boc roadway section. Regent Street is designed as a local collector (LC4A) with no parking and a 27 foot (boc/boc) roadway section. The main residential roadways are designed to be a minimum width of 32 feet (boc/boc) back of curb to back of curb (boc/boc), with parking allowed on both sides of the street. One way streets will be a minimum width of 25 feet boc/boc, with parking allowed on one side of the street only. Two way streets with no parking will be 28 feet (boc/boc). An amendment to the Planning Unit Street and Circulation Plan and Update to the Master Street and Circulation Plan is being submitted in conjunction with the Preliminary Plat.

### **Water Management Plan**

EPCOR is the water service provider for Verrado. The water distribution system will be extended into Highlands from Verrado Way from the east. Water storage is provided by the Zone 3 South reservoirs, located adjacent to the Raven Golf Course. EPCOR is currently designing and will be constructing the Zone 3 North booster pump and reservoir in 2015, which will provide additional storage and capacity. An updated Planning Unit II Water Plan and Update to the Master Water Plan is being submitted in conjunction with the Preliminary Plat to demonstrate the water capacity for this plat.

### **Wastewater Management Plan**

EPCOR is the wastewater service provider for Verrado. Highlands wastewater will be handled by connections to the main line in Verrado Way. The trunk sewers convey wastewater to the existing water reclamation facility located in the southeast portion of the Verrado Community. An amendment to the Planning Unit Wastewater Plan and an update to the Master Wastewater Plan is being submitted in conjunction with the Preliminary Plat.

### **Fire Protection**

The existing Verrado Fire Station at the southwest corner of Thomas Road and Verrado Way will be the primary provider for fire protection for this area of Verrado. Working in collaboration with the Fire Department, a fire protection limits plan has been provided and identifies this

phase of Highlands as being within the required response time from the Thomas Road and Verrado Way fire station.

A parcel has been set aside for a second Verrado fire station at the southwest corner of Verrado Way and the main collector roadway within this plat proposal. We will continue to work with the City and Fire Chief to identify how and when this fire station is developed and operational as development continue to move into the northern regions of Verrado. The homes within this plat will require notice of their proximity of the new fire station as part of their purchase and sale documents.

### **Police Protection**

The fire station at the southwest corner of Thomas Road and Verrado Way is a joint fire/police facility. The police have use of a portion of the facility to give Verrado full police and fire protection coverage. This facility was a part of the original development agreement requiring Verrado to provide these facilities to the community.

### **Impact on Local Schools**

Highlands is within portions of Planning Units IV and V were approved for a combined 3,575 residential units. The Request is for approximately 216 single family residential lots. The proposed plat is at a lower density than the original plan for this area of Verrado. A school site is under development located at Verrado Way near the northwest corner of Thomas Road and Verrado Way. An existing elementary and middle school is constructed and open in Verrado's first phase, as well as a high school north of Indian School Road. As part of this preliminary plat, we will notify the school district of our intended platting of this area of Verrado. This area of Verrado is within the Saddle Mountain school district. There is a future school site within this area of Verrado if a school site is necessary.

### **Parks, Open Space and Trails**

The plat is approximately 111 acres in size. Informal neighborhood parks are provided in each of the Highlands enclaves within the proposed plat. These internal enclave parks and the larger park just off the main entrance to the Highlands add up to over 14.51 acres of usable open space within the plat. The site is also adjacent to the washes on the north and south sides. Highlands Phase 1 is designed with pathways connecting local residential streets to the collector roadways Highlands Park Drive and Regent Street and to the larger park. These more organic, pathways serve as the alternative to sidewalks directly adjacent to the streets. The overall connections provide for additional connections between each enclave and the open spaces throughout the plat.

## **Development Timeline**

With this Preliminary Plat submittal and in anticipation of delivering finished lots to market in the Fall of 2016, the platting and development timeline is as follows:

Final Plat & MOD Approvals and Engineering Design	8/1/15
Final Plat & MOD Recording	8/15/15
Construction Start	9/1/15
Subdivision Improvements and Finished Lots	6/1/16
Model Homes Complete and Open to Sales	9/1/16

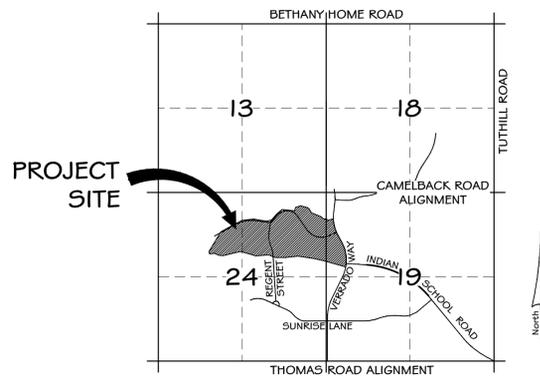
# VERRADO™

## BUCKEYE, ARIZONA HIGHLANDS - PHASE 1 PRELIMINARY PLAT

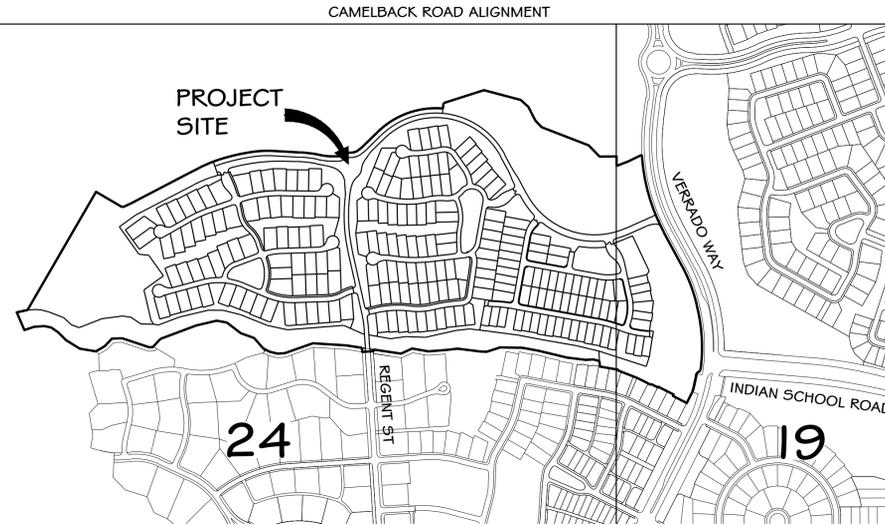
A PORTION OF SECTION 19, TOWNSHIP 2 NORTH, RANGE 2 WEST, AND  
SECTION 24, TOWNSHIP 2 NORTH, RANGE 3 WEST,  
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

R 03 W R 02 W					
3	2	1	6	5	4
10	11	12	7	8	9
15	14	13	18	17	16
22	23	24	19	20	21
27	26	25	30	29	28
34	35	36	31	32	33
T 03 N T 02 N					

VICINITY MAP  
NOT TO SCALE



LOCATION MAP  
NOT TO SCALE



OVERALL DEVELOPMENT  
NOT TO SCALE

### GENERAL NOTES

- THE INTENT OF THIS PRELIMINARY PLAT IS TO MEET THE REQUIREMENTS OF THE VERRADO COMMUNITY MASTER PLAN APPROVED BY THE CITY OF BUCKEYE AND INCORPORATED BY REFERENCE INTO THAT CERTAIN PRE-ANNEXATION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF BUCKEYE AND DMB WHITE TANK, LLC, AN ARIZONA LIMITED LIABILITY COMPANY RECORDED IN THE OFFICIAL RECORDS OF MARICOPA COUNTY AS DOCUMENT NO. 99-1071208 (THE "CMP"), INCLUDING ALL MAJOR AND MINOR AMENDMENTS THERETO.
- THIS PRELIMINARY PLAT SHALL CONFORM TO THE MINIMUM REQUIREMENTS AS SET FORTH IN THE APPROVED POTABLE WATER AND MASTER WASTEWATER PLANS PLANNING UNIT V, BOTH DATED 1/9/2015.
- WASTEWATER DISPOSAL FOR THE DEVELOPMENT WILL BE PROVIDED AT ON-SITE WATER RECLAMATION FACILITY "WRF" LOCATED NORTH OF MCDOWELL ROAD IN THE SE 1/4 OF SECTION 31, TOWNSHIP 2N, RANGE 2W. THE WASTEWATER WILL BE TREATED TO STATE AND COUNTY EFFLUENT REUSE WATER QUALITY STANDARDS FOR USE AS GOLF COURSE IRRIGATION. AN ON-SITE RECHARGE FACILITY WILL BE CONSTRUCTED FOR RECHARGE OF EXCESS EFFLUENT. BOTH THE "WRF" AND RECHARGE FACILITIES ARE OWNED, OPERATED AND MAINTAINED BY EPCOR WATER INC., A PRIVATE WATER COMPANY.
- POTABLE WATER FOR THE DEVELOPMENT IS PROVIDED BY BOTH THE CENTRAL ARIZONA PROJECT SURFACE WATER TREATMENT PLANT AND DISTRIBUTION SYSTEM AND ON-SITE AND OFF-SITE PRODUCTION WELLS. IF NECESSARY TO MEET POTABLE DRINKING WATER STANDARDS, A BLENDING FACILITY OR WATER TREATMENT FACILITY IS LOCATED ON-SITE NORTH OF INDIAN SCHOOL ROAD IN THE SE 1/4 OF SECTION 20, TOWNSHIP 2N, RANGE 2W.
- THE DEVELOPER HAS APPLIED TO THE ARIZONA DEPARTMENT OF WATER RESOURCES FOR A CERTIFICATE OF ASSURED WATER SUPPLY FOR THE PROJECT.
- PARCELS 5.411, 5.412, & 5.413 HAVE BEEN SUBJECTED TO THE COVENANTS, CONDITIONS, RESTRICTIONS, AND OTHER PROVISIONS CONTAINED IN THE COVENANT FOR COMMUNITY FOR VERRADO RECORDED IN DOCUMENT NUMBER 2003-0531387, M.C.R., AS SAME MAY BE AMENDED FROM TIME TO TIME, AND PRIOR TO DEVELOPMENT WILL BE SUBJECTED TO THE COMMUNITY CHARTER FOR VERRADO RECORDED IN DOCUMENT NUMBER 2002-1008906, M.C.R.. ALL LOTS IN THESE PARCELS WILL BECOME MEMBERS OF THE HOME OWNER'S ASSOCIATION ESTABLISHED BY THE COMMUNITY CHARTER FOR VERRADO.
- THIS PRELIMINARY PLAT IS INTENDED TO COVER THE PARCELS; 5.411, 5.412, & 5.413. ALL OTHER PARCELS WILL HAVE TO BE SUBMITTED UNDER SEPARATE PRELIMINARY PLAT OR SITE PLAN SUBMITTALS AS REQUIRED BY THE CITY OF BUCKEYE.
- ALL SETBACKS SHALL CONFORM WITH THE VERRADO COMMUNITY MASTER PLAN APPROVED BY THE CITY OF BUCKEYE AND INCORPORATED BY REFERENCE IN TO THAT CERTAIN PRE-ANNEXATION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF BUCKEYE AND DMB WHITE TANK, LLC, AN ARIZONA LIMITED LIABILITY COMPANY RECORDED IN THE OFFICIAL RECORDS OF MARICOPA COUNTY AS DOCUMENT NO. 99-1071208 (THE "CMP"), INCLUDING ALL MAJOR AND MINOR AMENDMENTS THERETO.

### ENGINEER

LAND DEVELOPMENT TEAM, LLC  
CONTACT: JONATHAN STANSEL, P.E.  
3420 EAST SHEA BLVD  
SUITE 156  
PHOENIX, AZ 85028  
PH: (602) 396-5700  
FAX: (602) 396-5701  
EMAIL: Jstansel@LD-Team.com

### OWNER / DEVELOPER

DMB WHITE TANK, LLC  
7600 EAST DOUBLETREE RANCH ROAD  
SUITE 300  
SCOTTSDALE, AZ 85258  
PH: (480) 367-7000  
FAX: (480) 367-7719  
CONTACT: DAVID NILSEN  
EMAIL: DNilsen@DMBInc.com

### SURVEYOR

SURVEY INNOVATION GROUP, INC.  
16414 NORTH 91ST STREET, SUITE 102  
SCOTTSDALE, ARIZONA 85260  
PH: (480) 922-0780  
FAX: (480) 234-3877  
CONTACT: JASON SEGNERI, RLS

### SHEET INDEX

SHEET 1	COVER SHEET
SHEET 2	INDEX SHEET
SHEET 3-10	PRELIMINARY PLAT
SHEET 11	EXAMPLE FIRE LANES
SHEET 12	STREET SECTIONS
SHEET 13	LOT AND TRACT AREAS
SHEET 14-15	CONCEPT GRADING & DRAINAGE

### BASIS OF BEARING

THE EAST LINE OF TOWNSHIP 2 NORTH, RANGE 3 WEST OF THE GILA & SALT RIVER MERIDIAN, BETWEEN THE SOUTHEAST CORNER OF SECTION 36 AND THE NORTHEAST CORNER OF SECTION 12, USING A BEARING OF NORTH 00° 00' MINUTES WEST PER THE PLAT OFFICIALLY FILED 6-25-1936 BY THE DEPARTMENT OF THE INTERIOR GENERAL LAND OFFICE.

### BENCH MARK

MARICOPA COUNTY BRASS CAP STAMPED T2N, R2WS, 520, 521, 528, 528 RLS 33315, 2010 IN HANDHOLE AT THE INTERSECTION OF JACKRABBIT TRAIL AND INDIAN SCHOOL ROAD, SOUTHEAST CORNER OF SECTION 20, CITYSHIP 2 NORTH, RANGE 2 WEST, GILA AND SALT RIVER MERIDIAN.  
ELEVATION=1160.56 VERRADO NGVD'29 DATUM  
(ADD 1.92' TO ACHIEVE NAVD 88)

PROJECT SUMMARY	
Description	Area (acres)
PARCEL 5.411, LOTS 101-165	14.446
PARCEL 5.412, LOTS 201-284	22.205
PARCEL 5.413, LOTS 301-370	24.987
BACKBONE INFRASTRUCTURE ROW & TRACTS	39.226
PARCEL 1	0.698
PARCEL 2	9.946
TOTAL HIGHLANDS PHASE I	111.508

Parcel Summary				
Parcel	5.411	5.412	5.413	Totals
Lot Area (ac)	9.856	16.077	16.167	42.100
ROW Area (ac)	2.127	2.939	3.064	8.130
Sidewalk Parkway Tracts (ac)	1.476	2.096	4.987	8.561
Park Tracts (ac)	0.918	0.975	0.662	2.555
Median Tracts (ac)	0.069	0.118	0.107	0.294
Total Parcel Area (ac)	14.446	22.205	24.987	61.637

CMP Development Options				
Parcel	5.411	5.412	5.413	Totals
Development Option	RLM	RLM	RL	
Product	50C	60C	70C	
Number of Lots	65	84	70	219
Standard Lot Size	50' x 120'	60' x 125'	70' x 130'	
Standard Lot Size	6000 sf	7500 sf	9100 sf	
Minimum Lot Width (feet)	50	60	70	
Minimum Lot Size (sf)	4500	4500	6000	
Smallest Lot Size (sf)	6000	7448	9100	6000
Largest Lot Size (sf)	9303	13950	13858	13950
Average Lot Size (sf)	6605	8337	10060	8334
Density (units/acre)	4.50	3.78	2.80	3.55

COMMUNITY NUMBER	PANEL #	SUFFIX	DATE OF FIRM (INDEX DATE)	FLOOD ZONE	BASE FLOOD ELEV. (IN AO ZONE, USE DEPTH)
C.O.B. 04013C	1645	L	OCT 16, 2013	X, AE	VARIES

ALL FLOOD ZONES ARE SHOWN IN THIS PLAN SET  
NOTE: PROPOSED FLOODPLAIN PER CLOMR CASE NO.: 14-09-2381R AND PENDING LOMR

MANAGING ENGINEER / SURVEYOR	PROJECT COORDINATOR	DESIGN LAYOUT DRAFTED (CHECKED)	FIELD SURVEY DRAFTED (CHECKED)	DRAWING SCALES	AS NOTED
------------------------------	---------------------	---------------------------------	--------------------------------	----------------	----------

PRELIMINARY  
PLAT



VERRADO™  
BUCKEYE, ARIZONA  
HIGHLANDS  
PHASE - 1

REVISIONS:

- 1
- 2
- 3

COB PERMITTING APPROVED SEAL

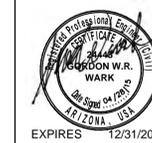
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NOT APPROVED FOR  
CONSTRUCTION  
OR RECORDING

3RD SUB

AS-BUILT SEAL

DESIGN SEAL



ORIGINAL PLAN DATE

01/19/15

LATEST REVISION DATE

04/28/15

PROJECT NUMBER

14DMB240

SHEET NUMBER

1 OF 15

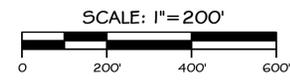
PLZ-15-00014  
SUBMITTAL: 3RD SUB



LEGEND			
	SECTION		SIGN BASE
	ONE WAY STREET DIRECTION		SURVEY MONUMENT
	DRAINAGE FLOW DIRECTION		LANDSCAPE & SIDEWALK EASEMENT
	HIGH POINT		PUBLIC UTILITIES EASEMENT
	LOW POINT		MAP OF DEDICATION
	FIRE HYDRANT		BOUNDARY LINE
	WATER VALVE		LOT LINE
	WATER LINE ("SEE NOTE")		PUBLIC UTILITY EASEMENT (PUE) LINE
	SEWER CLEANOUT		SIGHT VISIBILITY OR SIGHT DISTANCE EASEMENT (SDE)
	SEWER MANHOLE		ROADWAY CENTER LINE
	SEWER LINE		RIGHT OF WAY (ROW) LINE
	CURB OPENING CATCH BASIN		SEWER EASEMENT
	STORMDRAIN MANHOLE		
	STORMDRAIN PIPE		
	STORMDRAIN HEADWALL		

\*NOTE: ALL WATERLINES 8", EXCEPT 12" WATERLINE IN VERRADO WAY AND HIGHLANDS PARK DRIVE.

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NOTHING FOUND  
S 1/4 CORNER SEC 13  
N 1/4 CORNER SEC 24  
T2N, R3W

589°44'56"E 2632.76'

589°44'56"E 39.06'

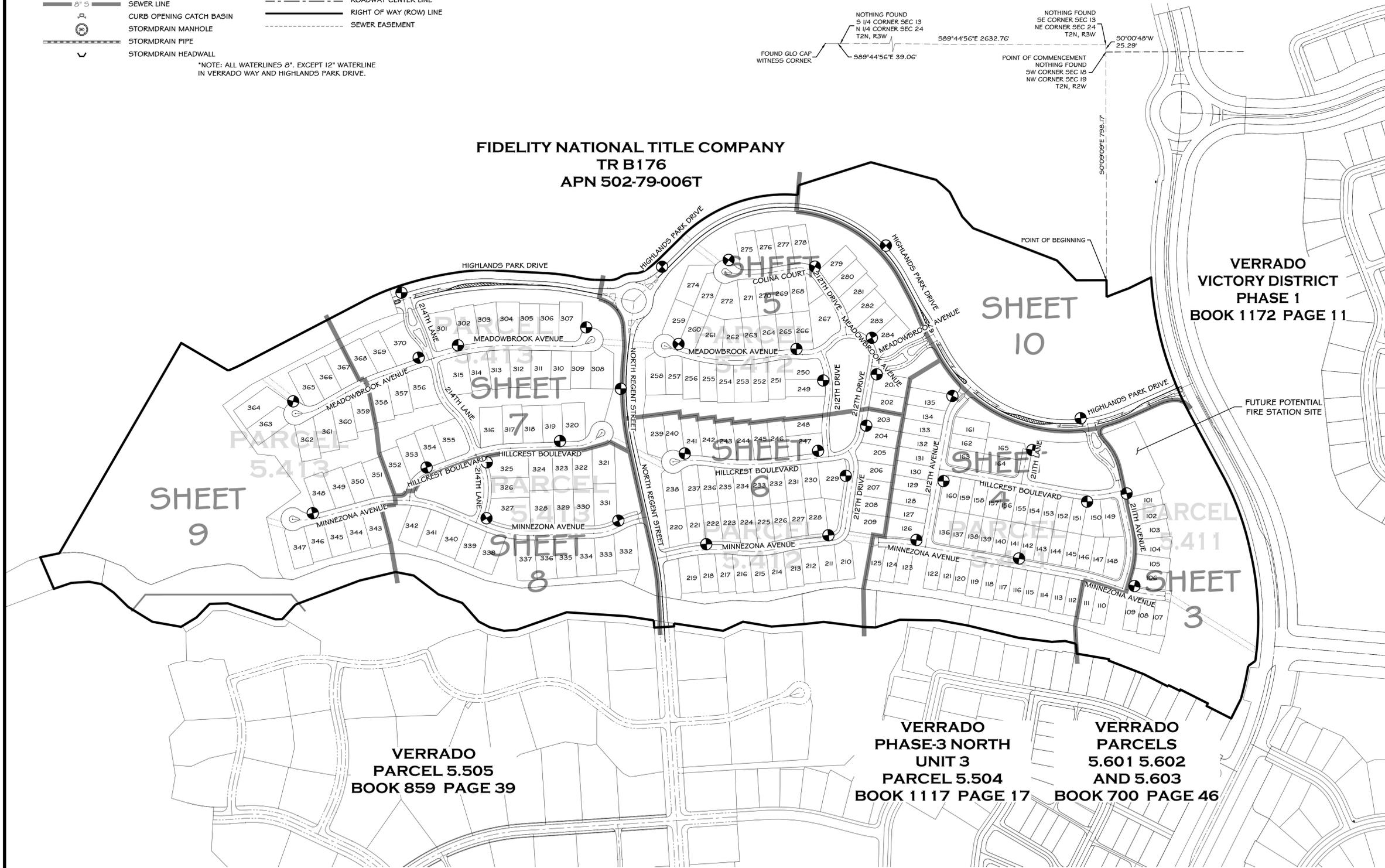
50°00'48"W  
25.29'

POINT OF COMMENCEMENT  
NOTHING FOUND  
SW CORNER SEC 18  
NW CORNER SEC 19  
T2N, R2W

50°09'09"E 798.17'

FOUND GLO CAP  
WITNESS CORNER

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VERRADO  
VICTORY DISTRICT  
PHASE 1  
BOOK 1172 PAGE 11

FUTURE POTENTIAL  
FIRE STATION SITE

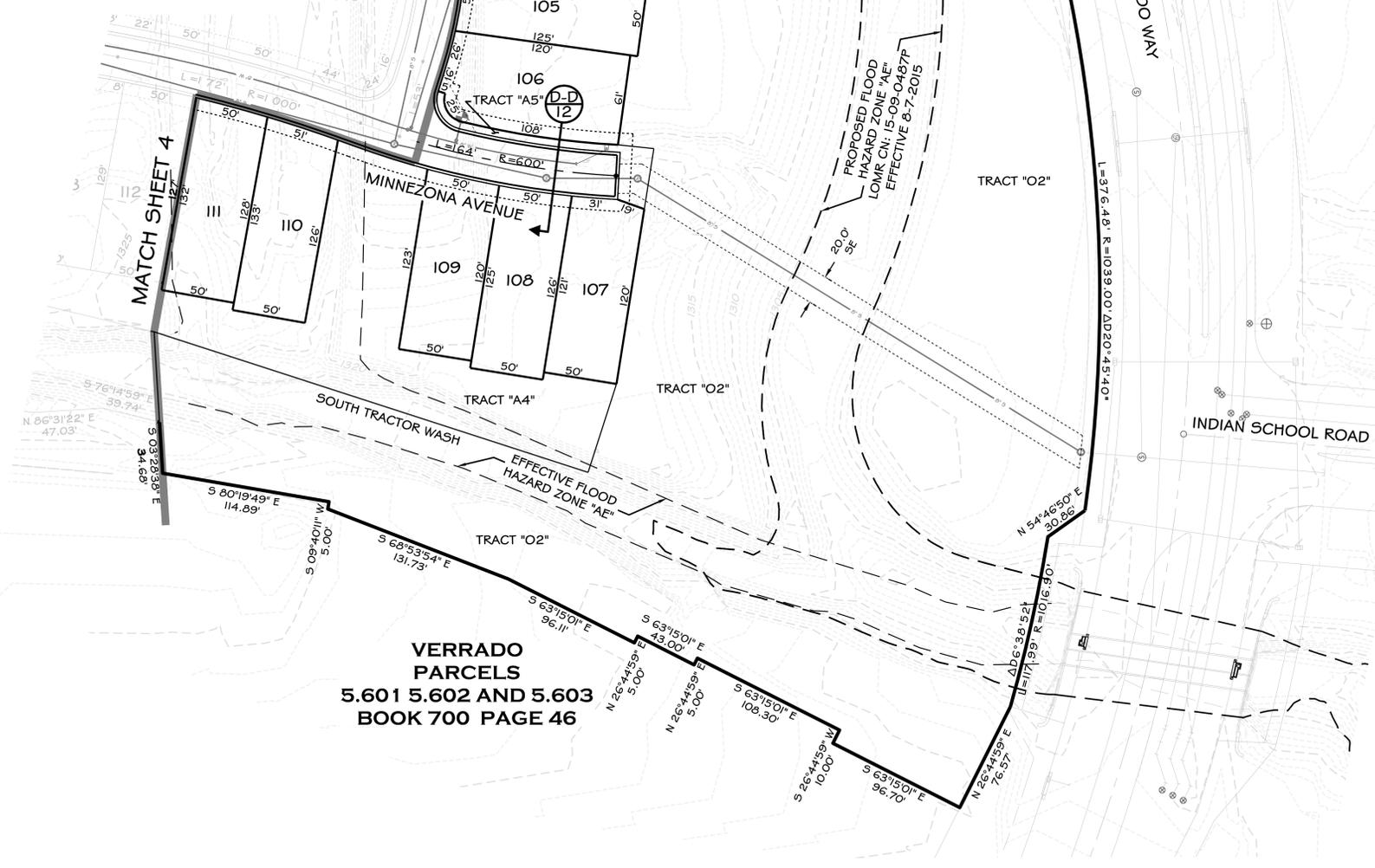
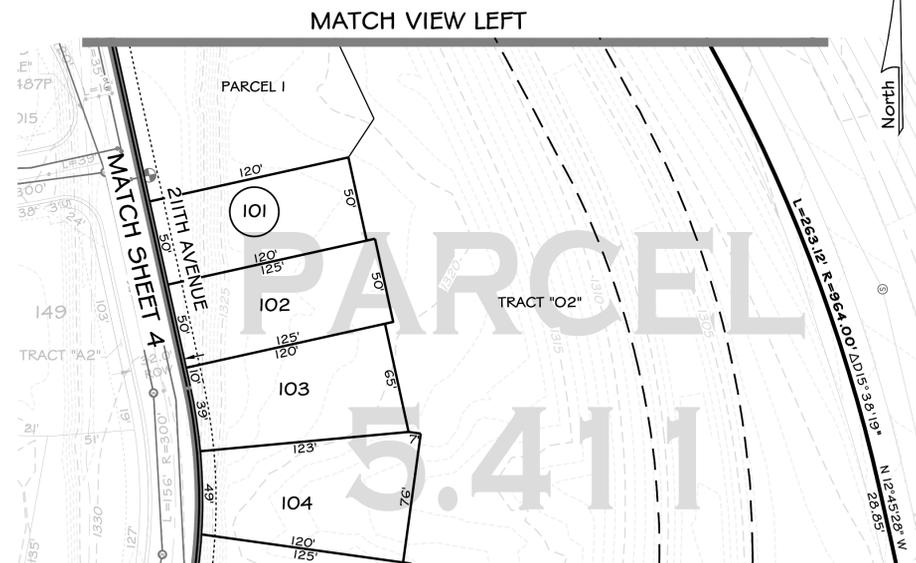
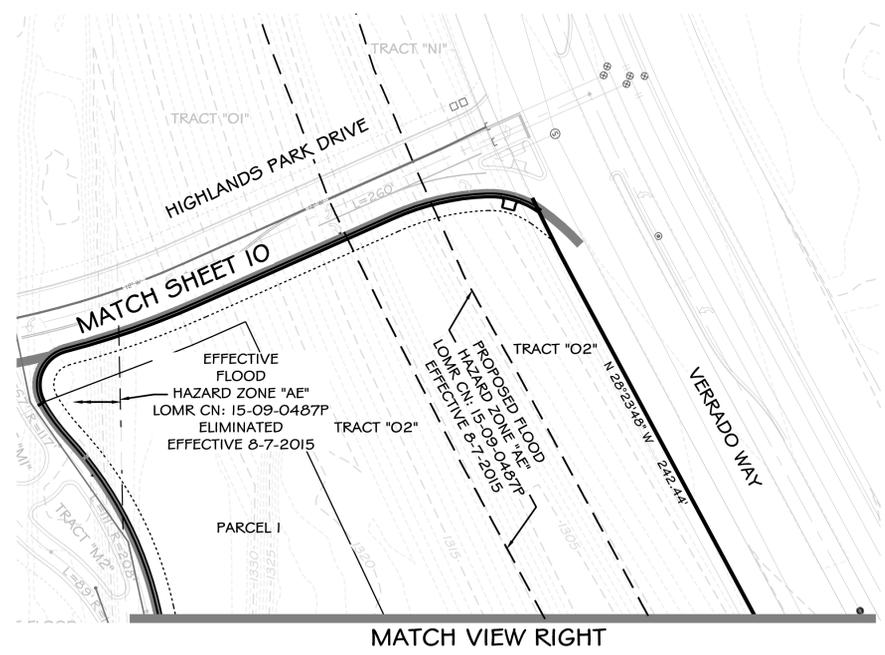
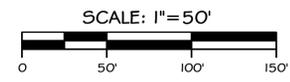
**VERRADO™**  
BUCKEYE, ARIZONA  
HIGHLANDS - PHASE 1  
PRELIMINARY PLAT

REVISIONS:

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<b>NOT APPROVED FOR CONSTRUCTION OR RECORDING</b>	
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PROJECT NUMBER	SHEET NUMBER <b>2 OF 15</b>

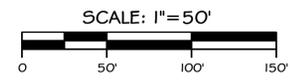
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COB PERMIT #



**VERRADO  
 VICTORY DISTRICT  
 PHASE 1  
 BOOK 1172 PAGE 11**

**VERRADO  
 PARCELS  
 5.601 5.602 AND 5.603  
 BOOK 700 PAGE 46**

<b>VERRADO™</b> BUCKEYE, ARIZONA HIGHLANDS - PHASE 1 PRELIMINARY PLAT				
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2				
3				
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<b>NOT APPROVED FOR CONSTRUCTION OR RECORDING</b>				
AS-BUILT SEAL	DESIGN SEAL			
ORIGINAL PLAN DATE <b>01/19/15</b>	LATEST REVISION DATE <b>04/28/15</b>			
PROJECT NUMBER <b>14DMB240</b>	SHEET NUMBER <b>3 OF 15</b>			
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COB PERMIT #				

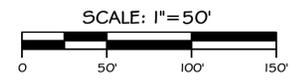


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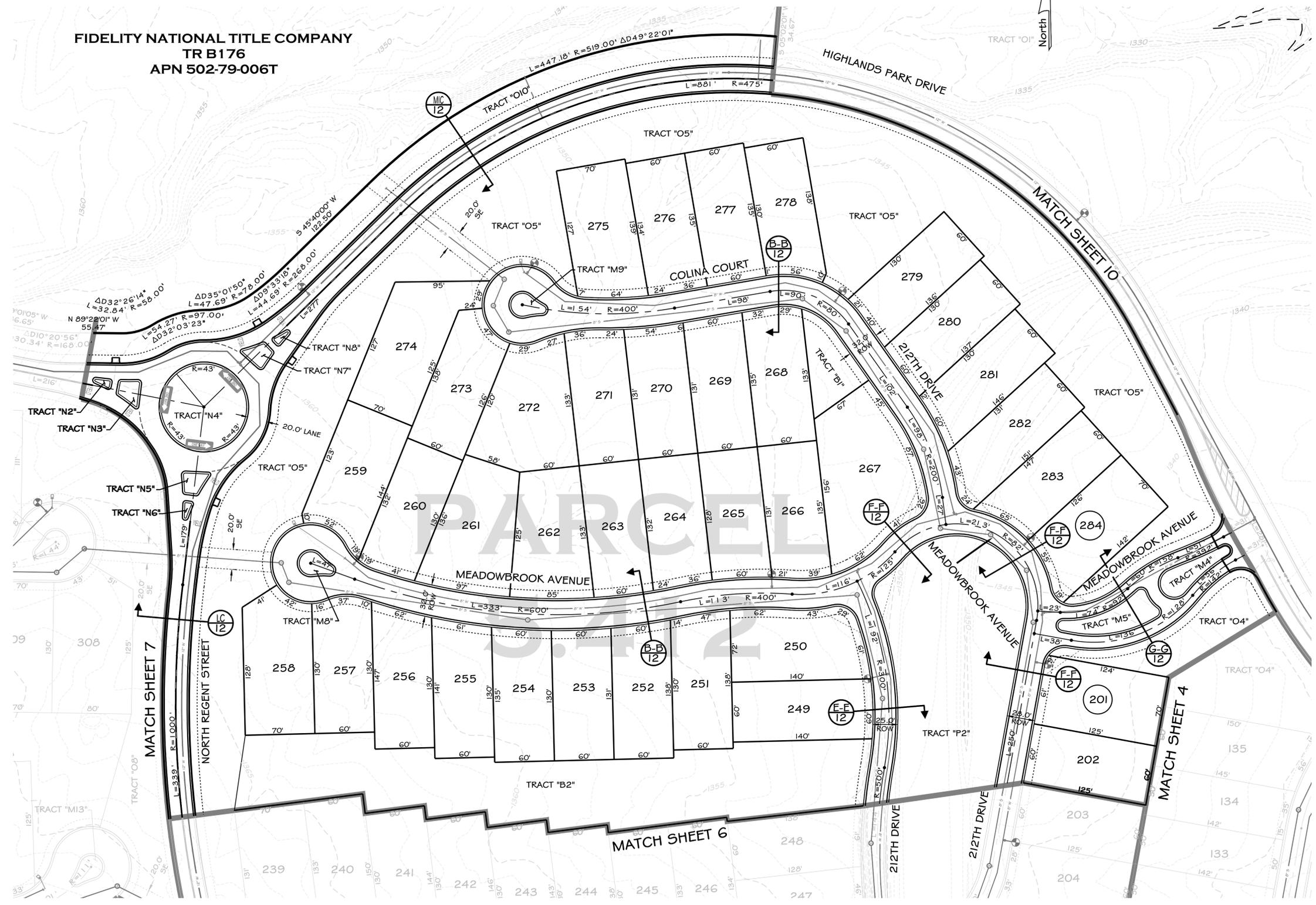
**VERRADO  
PHASE-3 NORTH  
UNIT 3  
PARCEL 5.504  
BOOK 1117 PAGE 17**

EFFECTIVE FLOOD  
HAZARD ZONE "AE"  
LOMR CN: 15-09-0487P  
ELIMINATED  
EFFECTIVE 8-7-2015

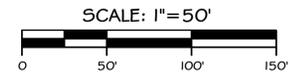
<b>VERRADO™</b>		<b>3RD SUB</b>
BUCKEYE, ARIZONA HIGHLANDS - PHASE 1 PRELIMINARY PLAT		
REVISIONS:		
1		
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<b>NOT APPROVED FOR CONSTRUCTION OR RECORDING</b>		
AS-BUILT SEAL	DESIGN SEAL	SUBMITTAL: <b>PLZ-15-00014</b>
ORIGINAL PLAN DATE <b>01/19/15</b>	LATEST REVISION DATE <b>04/28/15</b>	COB PLAN TRACKING # <b>PLZ-15-00014</b> COB PERMIT #
PROJECT NUMBER <b>14DMB240</b>	SHEET NUMBER <b>4 OF 15</b>	



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<b>VERRADO™</b> BUCKEYE, ARIZONA HIGHLANDS - PHASE 1 PRELIMINARY PLAT	
REVISIONS:	
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COB PERMITTING APPROVED SEAL	COB ENGINEERING APPROVED SEAL
<b>NOT APPROVED FOR CONSTRUCTION OR RECORDING</b>	
AS-BUILT SEAL	DESIGN SEAL
	 EXPIRES 12/31/2016
ORIGINAL PLAN DATE <b>01/19/15</b>	LATEST REVISION DATE <b>04/28/15</b>
PROJECT NUMBER <b>14DMB240</b>	SHEET NUMBER <b>5 OF 15</b>
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COB PERMIT #	



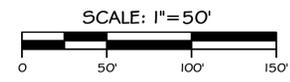
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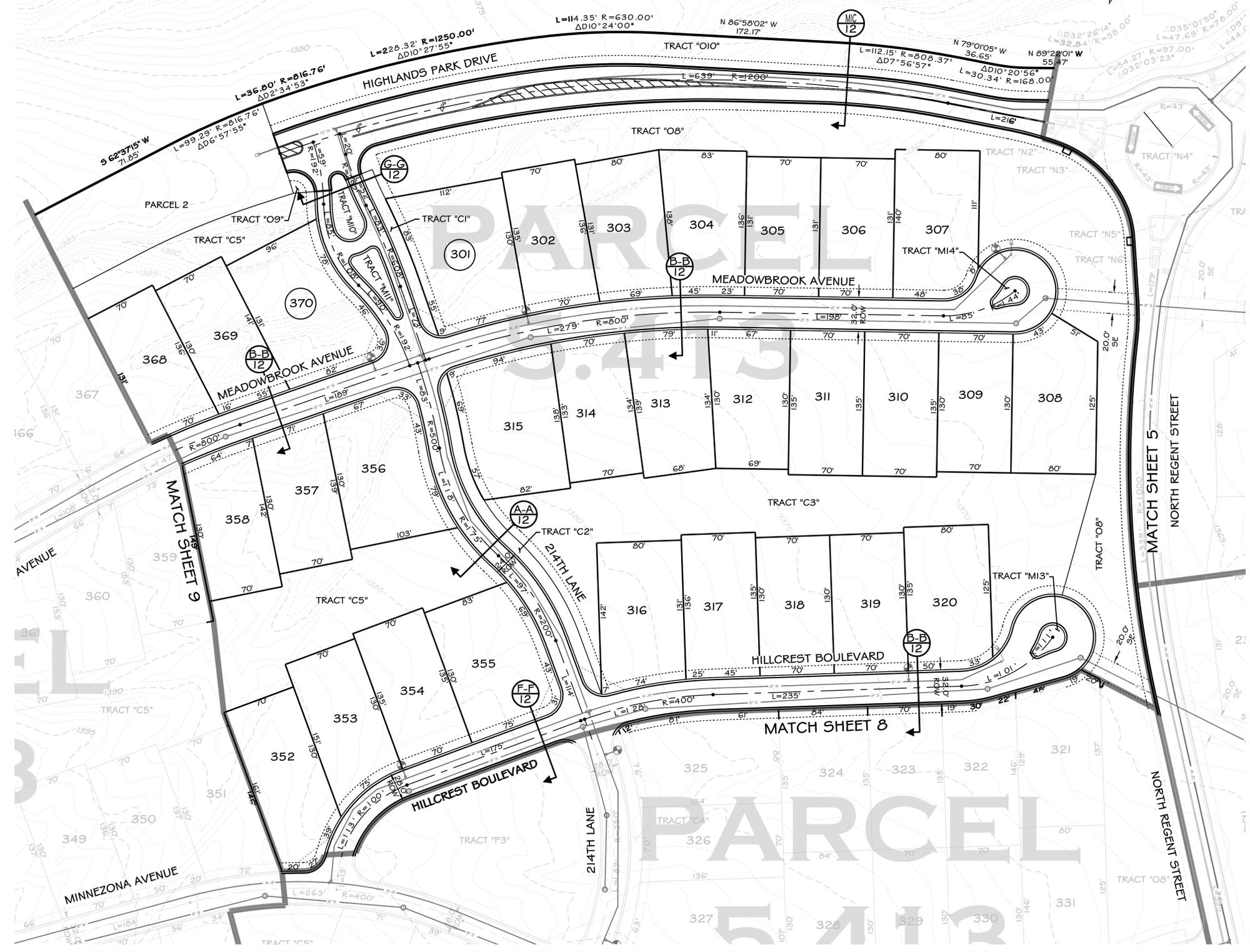


**VERRADO  
 PARCEL 5.505  
 BOOK 859 PAGE 39**

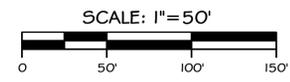
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REVISIONS:	
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<b>NOT APPROVED FOR CONSTRUCTION OR RECORDING</b>	
AS-BUILT SEAL	DESIGN SEAL
	 EXPIRES 12/31/2016
ORIGINAL PLAN DATE <b>01/19/15</b>	LATEST REVISION DATE <b>04/28/15</b>
PROJECT NUMBER <b>14DMB240</b>	SHEET NUMBER <b>6 OF 15</b>
SUBMITTAL: <b>3RD SUB</b>	
COB PLAN TRACKING # <b>PLZ-15-00014</b>	
COB PERMIT #	



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 TR B176  
 APN 502-79-006T

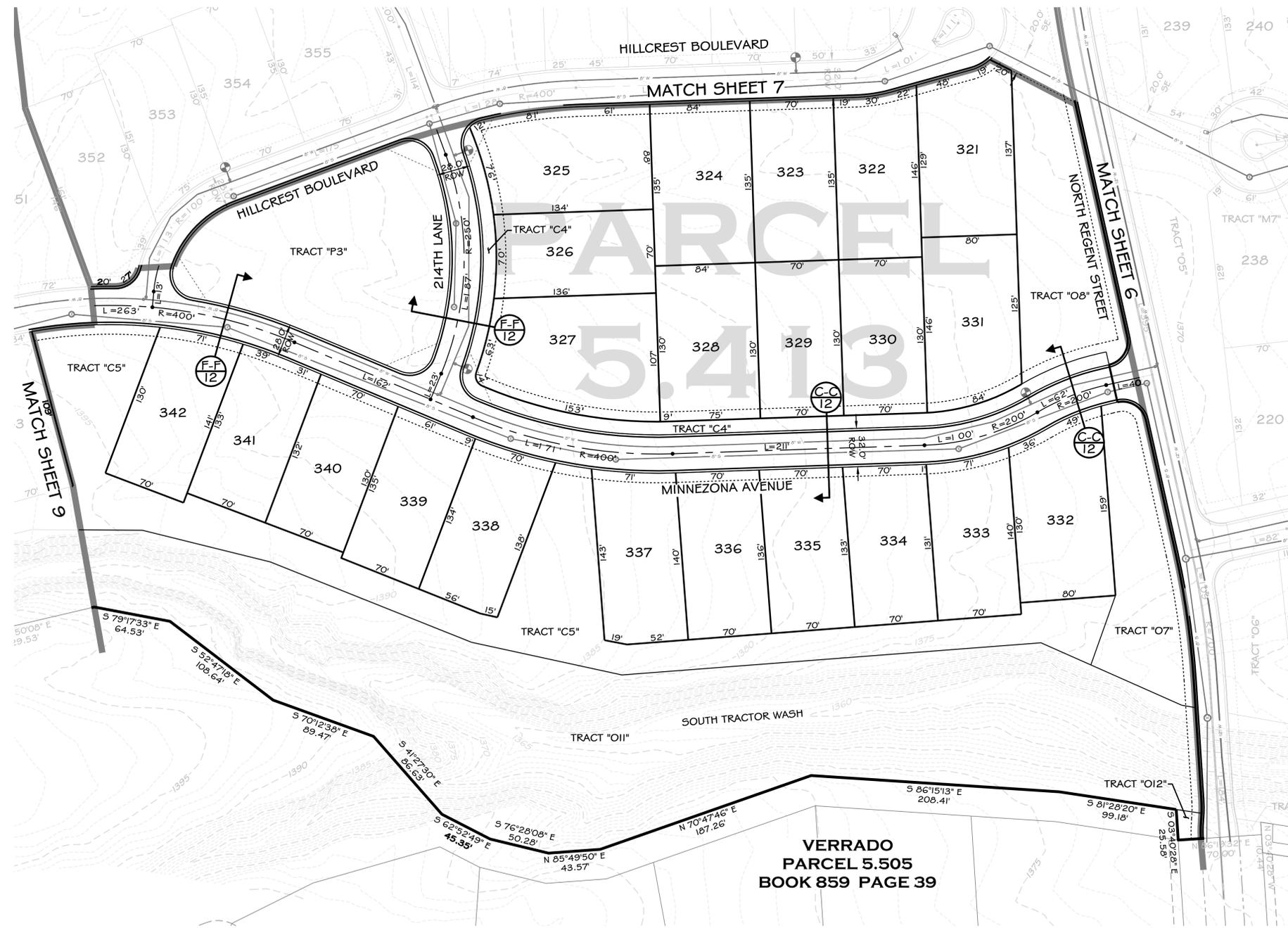


<b>VERRADO™</b> BUCKEYE, ARIZONA HIGHLANDS - PHASE 1 PRELIMINARY PLAT	
REVISIONS:	
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<b>NOT APPROVED FOR CONSTRUCTION OR RECORDING</b>	
AS-BUILT SEAL	DESIGN SEAL
ORIGINAL PLAN DATE <b>01/19/15</b>	LATEST REVISION DATE <b>04/28/15</b>
PROJECT NUMBER <b>14DMB240</b>	SHEET NUMBER <b>7 OF 15</b>
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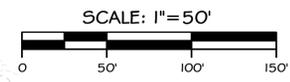
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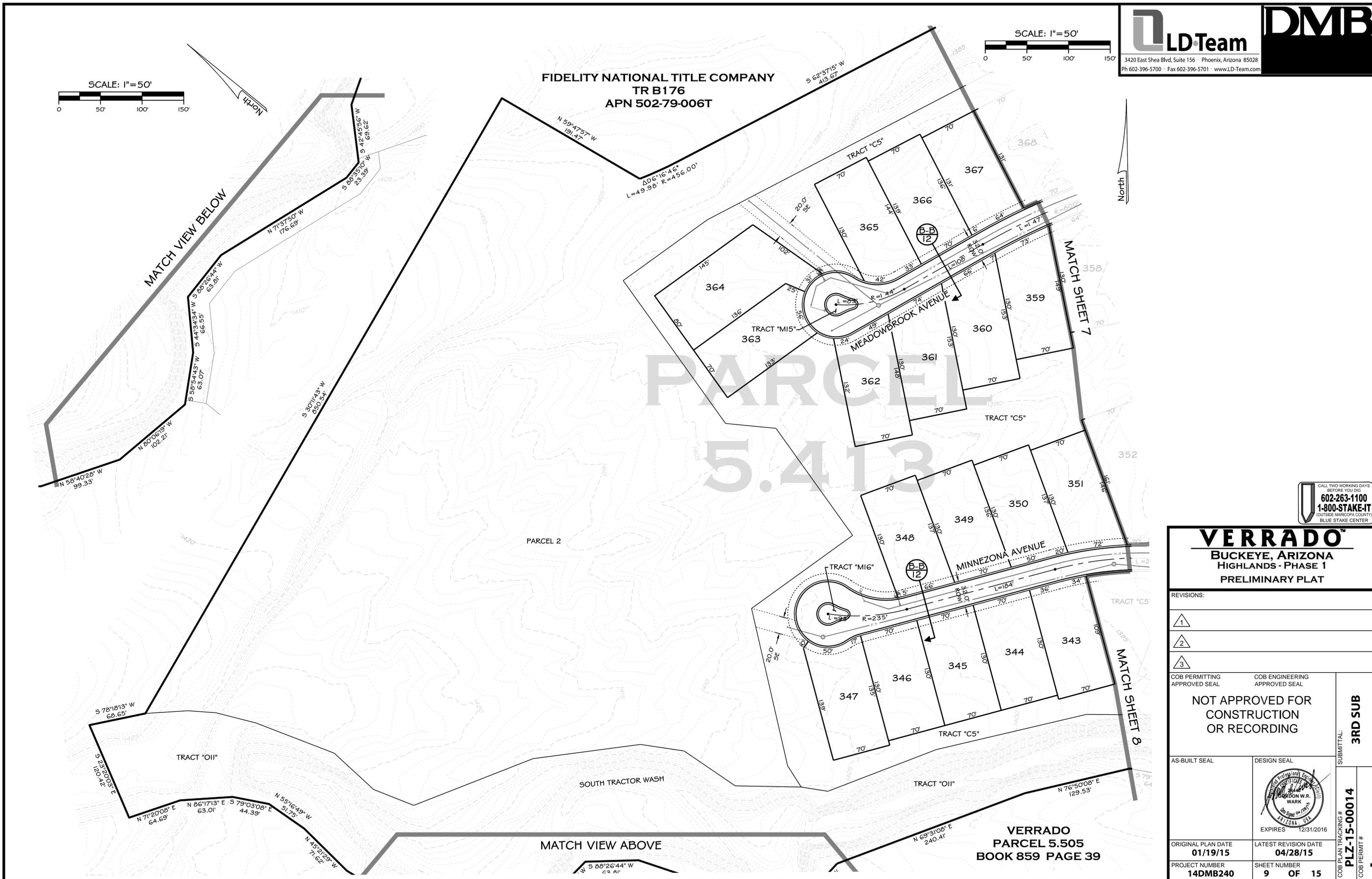


**VERRADO  
 PARCEL 5.505  
 BOOK 859 PAGE 39**

<b>VERRADO™</b>		<b>3RD SUB</b>
BUCKEYE, ARIZONA HIGHLANDS - PHASE 1 PRELIMINARY PLAT		
REVISIONS:		
1		
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COB PERMITTING APPROVED SEAL	COB ENGINEERING APPROVED SEAL	<b>NOT APPROVED FOR CONSTRUCTION OR RECORDING</b>
AS-BUILT SEAL		
DESIGN SEAL		 EXPIRES 12/31/2016
ORIGINAL PLAN DATE <b>01/19/15</b>	LATEST REVISION DATE <b>04/28/15</b>	
PROJECT NUMBER <b>14DMB240</b>	SHEET NUMBER <b>8 OF 15</b>	SUBMITTAL: <b>PLZ-15-00014</b> COB PLAN TRACKING # COB PERMIT #



FIDELITY NATIONAL TITLE COMPANY  
 TR B176  
 APN 502-79-006T



MATCH VIEW BELOW

MATCH SHEET 7

MATCH SHEET 8

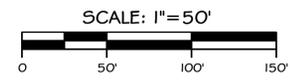
MATCH VIEW ABOVE

VERRADO  
 PARCEL 5.505  
 BOOK 859 PAGE 39

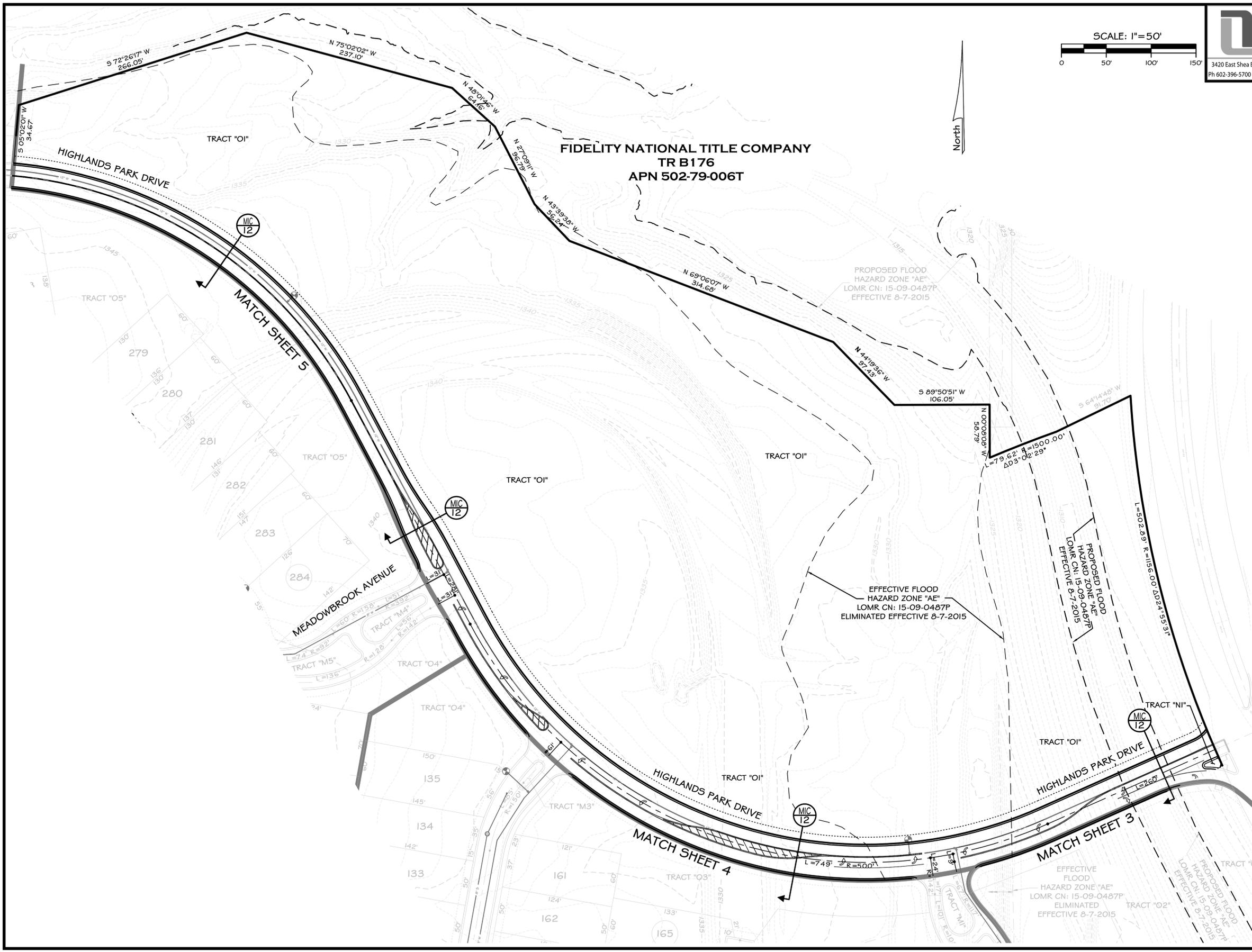
CALL TWO WORKING DAYS  
 BEFORE YOU DIG  
**602-263-1100**  
**1-800-STAKE-IT**  
 (OUTSIDE MARICOPA COUNTY)  
 BLUE STAKE CENTER

**VERRADO**  
 BUCKEYE, ARIZONA  
 HIGHLANDS - PHASE 1  
 PRELIMINARY PLAT

REVISIONS:	
1	
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COB PERMITTING APPROVED SEAL	COB ENGINEERING APPROVED SEAL
<b>NOT APPROVED FOR CONSTRUCTION OR RECORDING</b>	
AS-BUILT SEAL	DESIGN SEAL
ORIGINAL PLAN DATE <b>01/19/15</b>	LATEST REVISION DATE <b>04/28/15</b>
PROJECT NUMBER <b>14DMB240</b>	SHEET NUMBER <b>9 OF 15</b>
SUBMITTAL: <b>3RD SUB</b>	
COB PLAN TRACKING # <b>PLZ-15-00014</b>	
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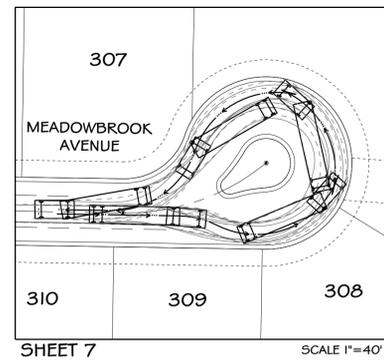
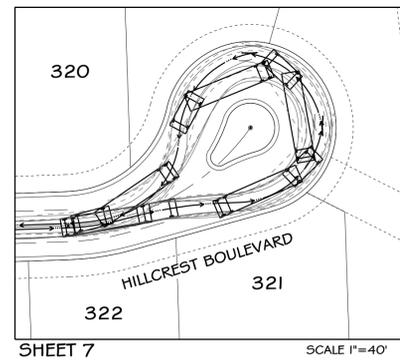
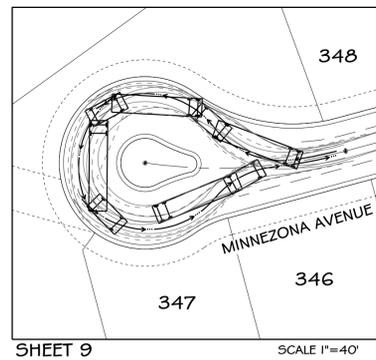
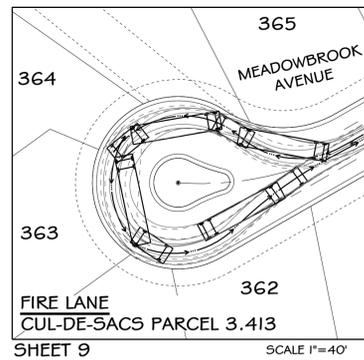
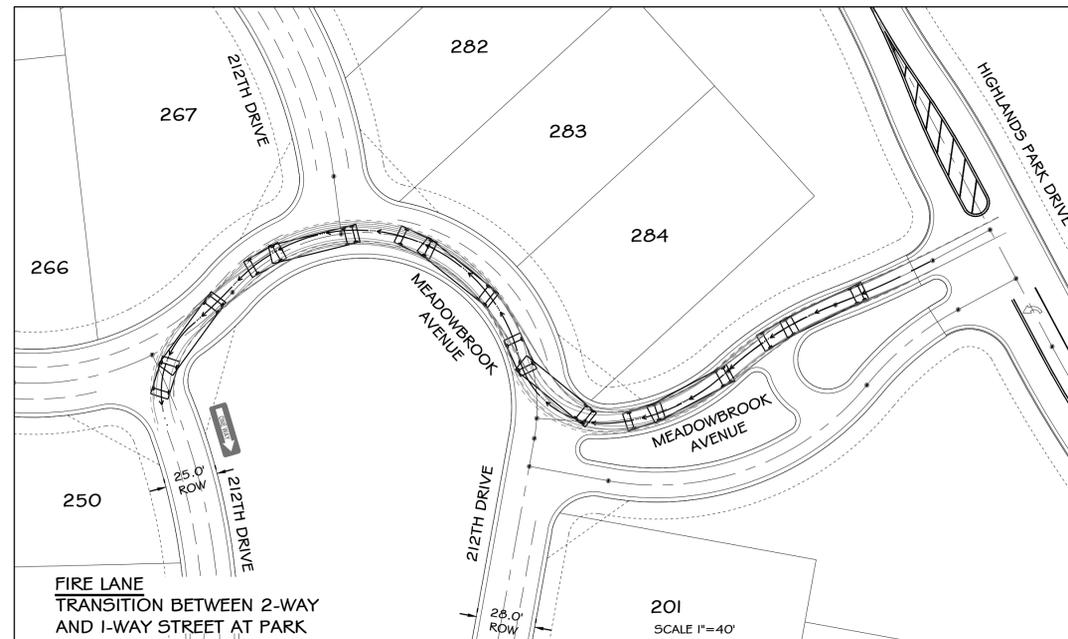
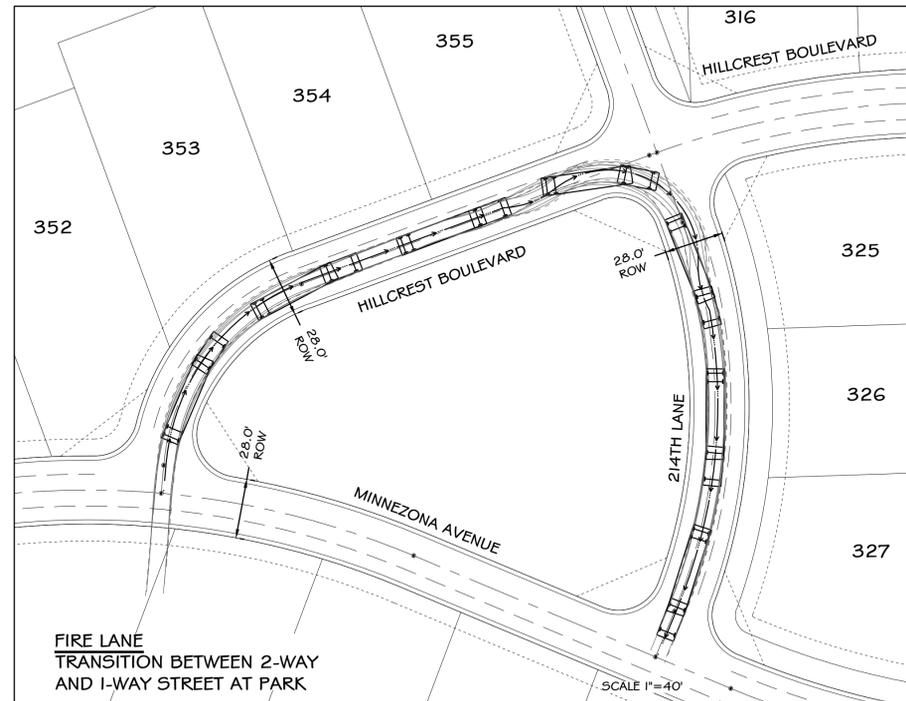
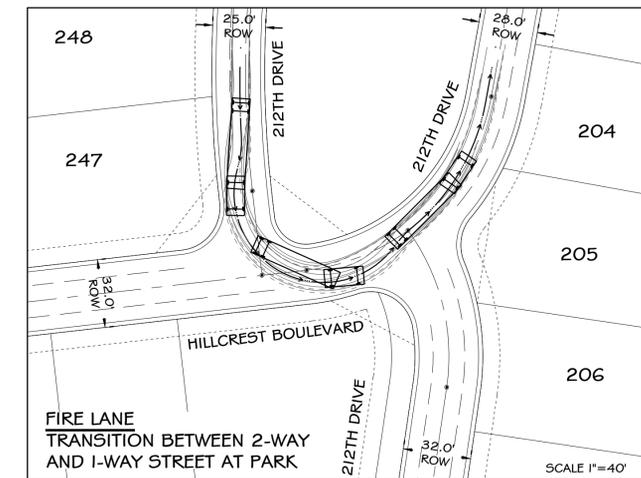
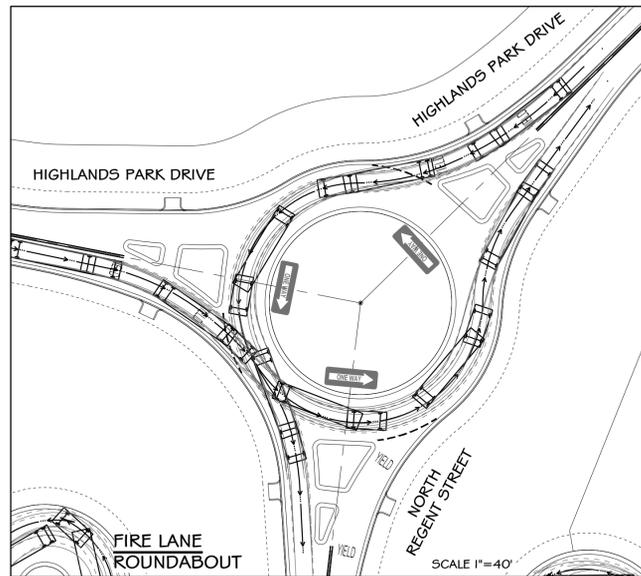


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CALL TWO WORKING DAYS BEFORE YOU DIG  
**602-263-1100**  
**1-800-STAKE-IT**  
 (OUTSIDE MARICOPA COUNTY)  
 BLUE STAKE CENTER

<b>VERRADO™</b>	
BUCKEYE, ARIZONA HIGHLANDS - PHASE 1 PRELIMINARY PLAT	
REVISIONS:	
1	
2	
3	
COB PERMITTING APPROVED SEAL	COB ENGINEERING APPROVED SEAL
<b>NOT APPROVED FOR CONSTRUCTION OR RECORDING</b>	
AS-BUILT SEAL	DESIGN SEAL
ORIGINAL PLAN DATE <b>01/19/15</b>	LATEST REVISION DATE <b>04/28/15</b>
PROJECT NUMBER <b>14DMB240</b>	SHEET NUMBER <b>10 OF 15</b>
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COB PERMIT #	

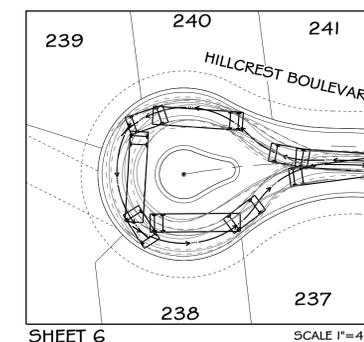
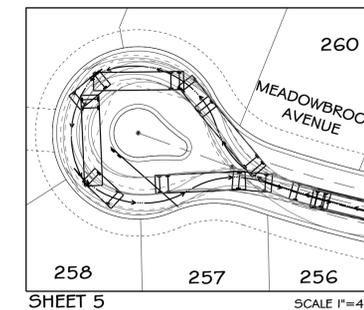
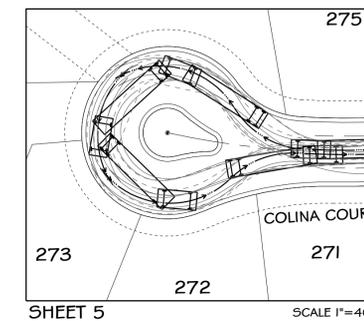


**FIRE LANE NOTES**

FIRE TRUCK DESIGN VEHICLE IS WB-50. MINIMUM TURNING RADIUS USED IS 42 FEET. GOAL IS TO KEEP STREET PARKING INTACT AS MUCH AS POSSIBLE. WHERE CLEARANCE IS NOT POSSIBLE WITH PARKING NO PARKING SIGNS WILL BE INSTALLED.

**FIRE LANE LEGEND**

- FIRE TRUCK OUTSIDE EDGE OF WHEEL TRACKS
- - - FIRE TRUCK OUTSIDE EDGE OF OVERHANG
- ← FIRE TRUCK DIRECTION OF TRAVEL
- - - LIMITS OF STREET PARKING
- ALL CUL-DE-SACS TO UTILIZE ROLL CURB



**SHEET 6**  
**FIRE LANE CUL-DE-SACS PARCEL 3.412**

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**VERRADO™**  
BUCKEYE, ARIZONA  
HIGHLANDS - PHASE 1  
PRELIMINARY PLAT

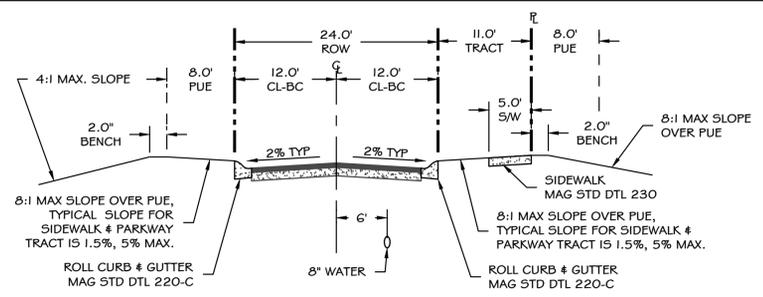
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- 1
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- 3

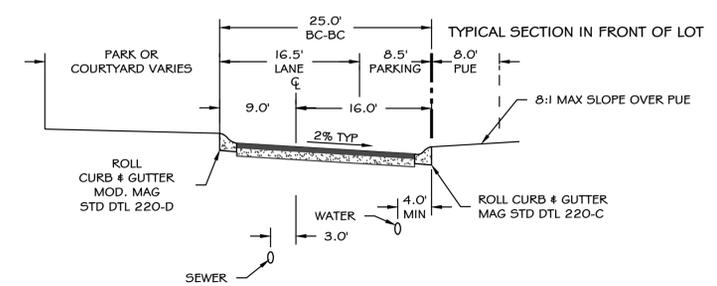
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AS-BUILT SEAL	DESIGN SEAL
ORIGINAL PLAN DATE <b>01/19/15</b>	LATEST REVISION DATE <b>04/28/15</b>
PROJECT NUMBER <b>14DMB240</b>	SHEET NUMBER <b>11 OF 15</b>

SUBMITTAL: **3RD SUB**

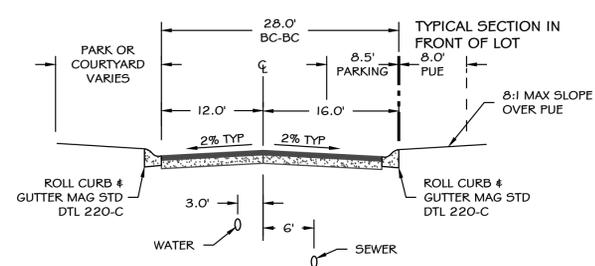
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COB PERMIT #



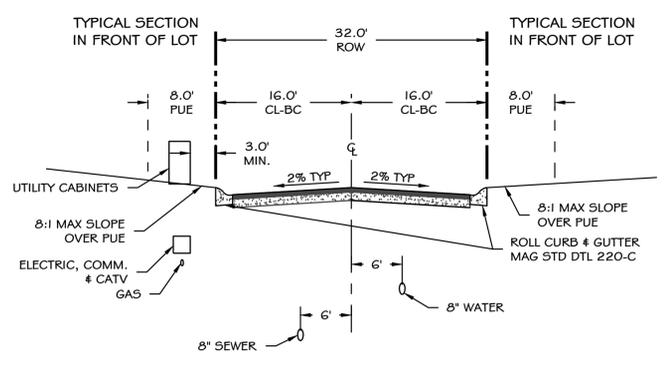
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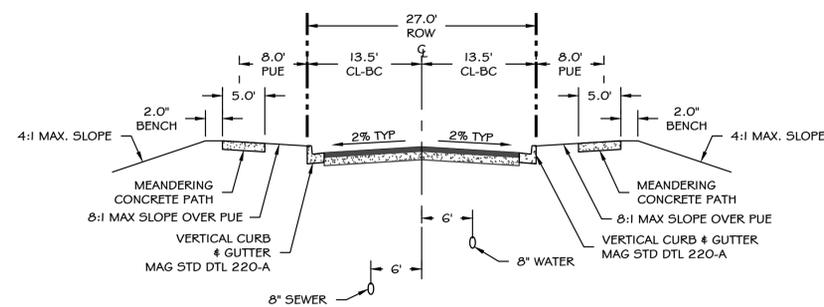
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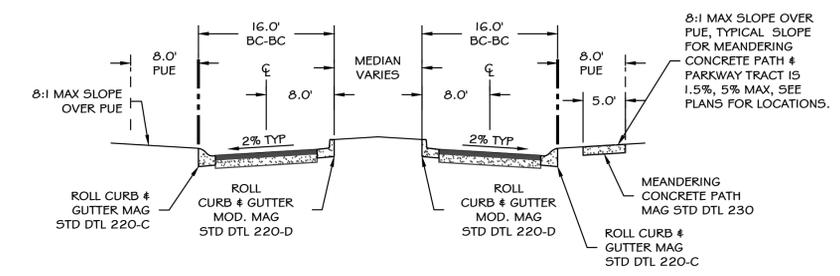
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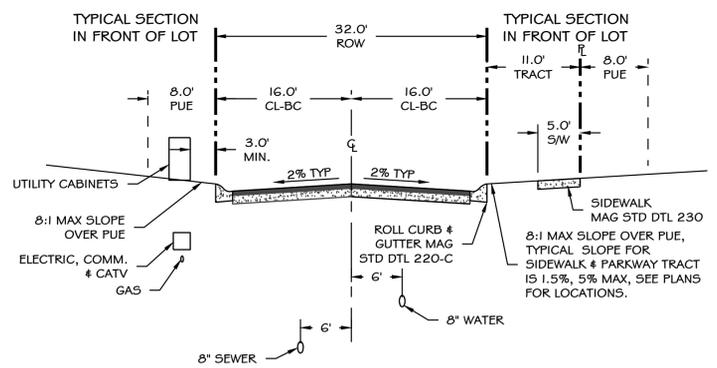
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 HORZ SCALE 1"=10'



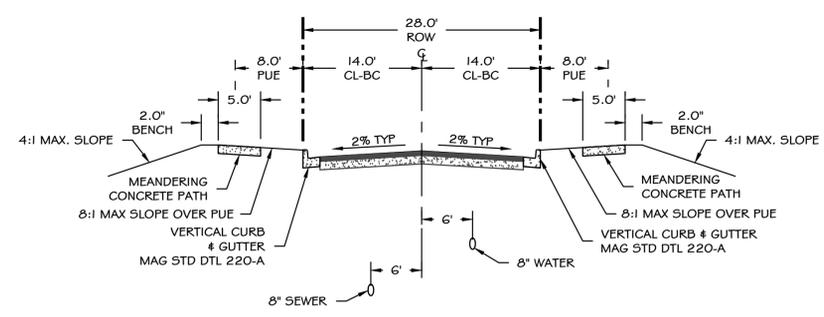
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 NO PARKING - REGENT STREET  
 HORZ SCALE 1"=10'



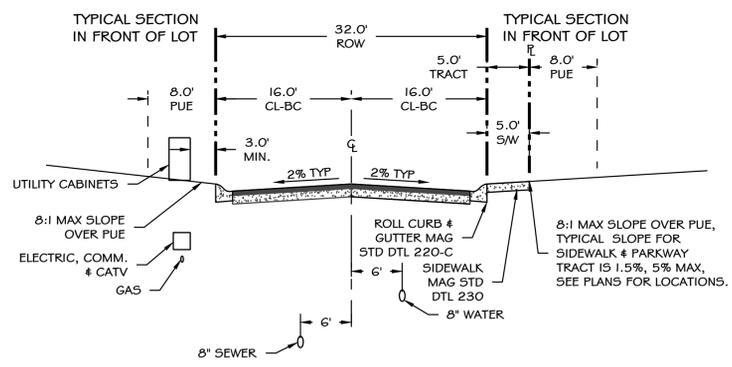
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 ENTRY ROADWAYS  
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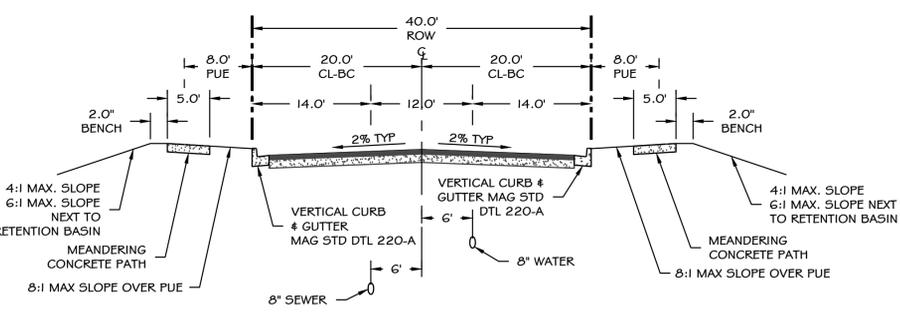
**SECTION LR C-C**  
 LOCAL RESIDENTIAL - PARKING ON BOTH SIDES  
 HORZ SCALE 1"=10'



**SECTION MIC MINOR COLLECTOR / UNDIVIDED**  
 NO PARKING - HIGHLANDS PARK DRIVE  
 HORZ SCALE 1"=10'



**SECTION LR D-D**  
 LOCAL RESIDENTIAL - PARKING ON BOTH SIDES  
 HORZ SCALE 1"=10'



**SECTION MIC MINOR COLLECTOR / UNDIVIDED**  
 NO PARKING - LEFT TURN STRIPING - HIGHLANDS PARK DRIVE  
 HORZ SCALE 1"=10'

**VERRADO™**  
 BUCKEYE, ARIZONA  
 HIGHLANDS - PHASE 1  
 PRELIMINARY PLAT

REVISIONS:  
 1  
 2  
 3

COB PERMITTING APPROVED SEAL      COB ENGINEERING APPROVED SEAL

**NOT APPROVED FOR CONSTRUCTION OR RECORDING**

AS-BUILT SEAL      DESIGN SEAL

EXPIRES 12/31/2016

ORIGINAL PLAN DATE: **01/19/15**      LATEST REVISION DATE: **04/28/15**

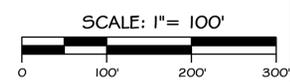
PROJECT NUMBER: **14DMB240**      SHEET NUMBER: **12 OF 15**

SUBMITTAL: **3RD SUB**

COB PLAN TRACKING #: **PLZ-15-00014**

COB PERMIT #: \_\_\_\_\_

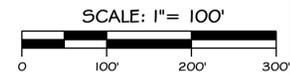




**LEGEND**  
 ← DRAINAGE FLOW

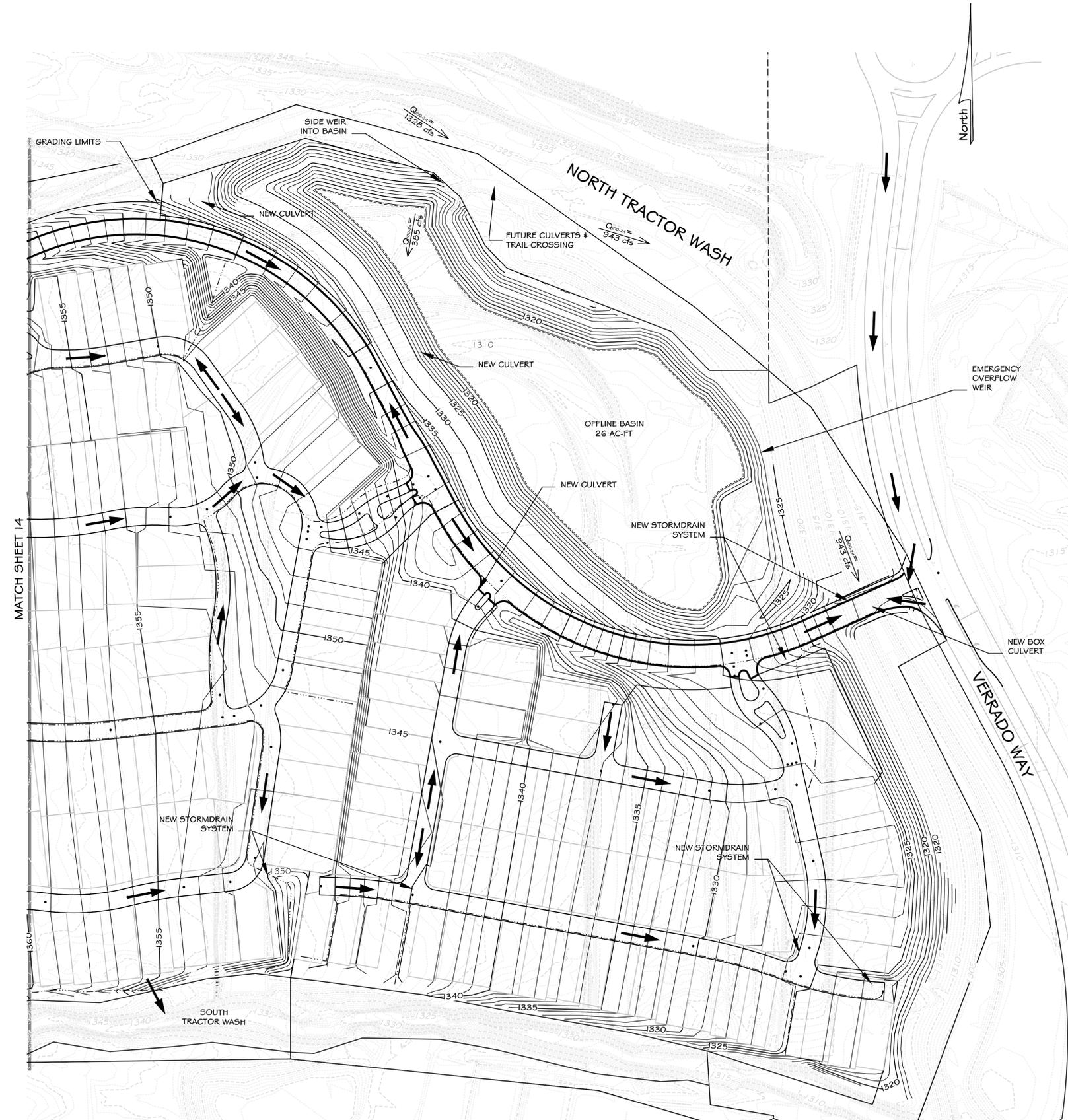


<b>VERRADO™</b> BUCKEYE, ARIZONA HIGHLANDS - PHASE 1 GRADING AND DRAINAGE PLAN	
REVISIONS:	
1	
2	
3	
COB PERMITTING APPROVED SEAL	COB ENGINEERING APPROVED SEAL
<b>NOT APPROVED FOR CONSTRUCTION OR RECORDING</b>	
AS-BUILT SEAL	DESIGN SEAL
ORIGINAL PLAN DATE <b>01/19/15</b>	LATEST REVISION DATE <b>04/28/15</b>
PROJECT NUMBER <b>14DMB240</b>	SHEET NUMBER <b>14 OF 15</b>
SUBMITTAL: <b>3RD SUB</b>	
COB PLAN TRACKING # <b>PLZ-15-00014</b>	
COB PERMIT #	



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**DMB**



MATCH SHEET 14

**VERRADO™**  
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 HIGHLANDS - PHASE 1  
 GRADING AND DRAINAGE  
 PLAN

REVISIONS:

1	
2	
3	

COB PERMITTING APPROVED SEAL	COB ENGINEERING APPROVED SEAL
<b>NOT APPROVED FOR CONSTRUCTION OR RECORDING</b>	
AS-BUILT SEAL	DESIGN SEAL
ORIGINAL PLAN DATE <b>01/19/15</b>	LATEST REVISION DATE <b>04/28/15</b>
PROJECT NUMBER <b>14DMB240</b>	SHEET NUMBER <b>15 OF 15</b>

CALL TWO WORKING DAYS BEFORE YOU DIG  
**602-263-1100**  
**1-800-STAKE-IT**  
(OUTSIDE MARICOPA COUNTY) BLUE STAKE CENTER

SUBMITTAL: **3RD SUB**

COB PLAN TRACKING # **PLZ-15-00014**

COB PERMIT #



# DEVELOPMENT CODE AMENDMENT

## Report to the Planning and Zoning Commission

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**CASE NUMBER:** DCA15-01 (PLZ-15-00060)  
**TITLE:** Subdivision Process Streamlining Amendment  
**MEETING DATE:** June 23, 2015  
**AGENDA ITEM:** 5B

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**Applicant:** City of Buckeye  
**Request:** An Amendment to the Development Code to revise subdivision review procedures and requirements.  
**Location:** Citywide  
**Public input:** None Known  
**Recommendation:** Discussion and no action

### **PROJECT DESCRIPTION & BACKGROUND**

1. The purpose of this amendment is to revise and improve the City of Buckeye's subdivision procedures and requirements. The City has received regular feedback indicating that the procedures are cumbersome and place Buckeye at a disadvantage when compared to other municipalities and Maricopa County. Improvement of this process will enable the City to be responsive to new development proposals while enforcing the standards, policies, and intents of the City of Buckeye General Plan and Development Code.
2. The topic was introduced at the April 28, 2015 Planning and Zoning Commission meeting. The Commission initiated the amendment and directed staff to proceed with research for further discussion.
3. The subdivision process is much more complicated and nuanced than the recently completed site plan review process improvements. State Statute enables subdivision review and has very detailed requirements for municipalities to follow.
4. Before changes can be suggested, it is important the Commission understands this enabling legislation and how the City currently handles subdivision review.

5. In July, staff will introduce a draft code for review which will be based upon feedback received from the commission, stakeholders, and staff research.

## **ANALYSIS:**

### *State Statute Authority*

6. State Statute is comprehensive and detailed. It is important that whatever changes are made to the process is in concert with statute. The statute explicitly describes the City's authority. In summary,
  - The City shall regulate subdivisions and shall prescribe requirements and standards for the preparation, submission review and approval of "plats".
  - The City shall assess fees for the review.
  - The subdivision standards shall contain provisions for public streets, hazard avoidance, water, utilities, and flood control.
  - Along with the final plat submission, the City shall require engineering plans for construction of the required improvements. These plans must be approved prior to the recordation of an approved final plat.
  - The City shall require performance bonds or other assurances to ensure installation of required infrastructure occurs.
7. The Statute specifies that a City *may* require reservations of public lands for parks, recreational facilities, schools, and fire stations with any subdivisions. The reservation has to be reasonable and allow the orderly and efficient development of the subdivision. The reservation requires the municipality to purchase the land at fair market value. It is important to note that the City or school district can enter into separate agreements to acquire the public land through different mechanisms.
8. The types of applications which are specifically subject to Statute are:
  - Final Plats
  - Preliminary Plats
  - Lot Splits or Land Splits: dividing parcels of up to 2.5 acres into 3 or fewer total parcels.
  - Reversions to Acreage: reverting previously subdivided land to acreage

- Plats vacating dedicated right-of-way or public easements;
  - Corrective Plats or Re-plats: Plats vacating or re-describing boundaries/parcels previously recorded.
9. The City of Buckeye has been operating in full compliance with these basic requirements of authority.

#### *Preliminary Plats*

10. The Statute provides the City an option to adopt expedited standards and process for plats which result in fewer than 10 parcels, lots, and tracts. The City of Buckeye currently does not follow this option. Staff would like to pursue this allowance to provide alternative platting requirements for commercial, office, and other projects which do not benefit from a full preliminary plat review.

#### *Other Aspects of the Statute*

11. The statute also defines policies for extraterritorial jurisdiction (regulating subdivisions within the planning area, but not yet annexed), impact or development fees, and assured water supply requirements. These items are not relevant to the purpose of this development code amendment which is to streamline and improve the processing of subdivision requests.

#### *Current City Subdivision Process*

12. The relevant sections of Article 8 are attached for review. In the following paragraphs, they are summarized in brief and compared against the requirements of state statute.
13. The City outlines review process for:
- Preliminary Plats (defined according to State Statute)
  - Final Plats (defined according to State Statute)
  - Lot Splits (defined according to State Statute)
  - Minor Subdivisions (creation of 3 or fewer lots for parcels of any previously unsubdivided parcel of size)
  - Re-Plats (defined according to State Statute)

#### *Preliminary Plats*

14. State Statute requires the preparation of a Preliminary Plat prior to the preparation of a Final Plat. The Preliminary Plat shows that a proposed subdivision will be in accordance

with the provisions of state statute and local ordinances. The City can define how this is processed.

15. Typically, in the valley Preliminary Plats are approved by the Planning Commission or by staff. Buckeye requires a public hearing by City Council to approve all Preliminary Plats after review by staff and the Planning Commission. This has been identified by stakeholders as an item that requires streamlining.
16. If a Preliminary Plat is denied, the City is required to give the applicant written specific reasons for the denial. The applicant may resubmit the Preliminary Plat within 6 months addressing the reasons for denial for no fee. No public hearing is required by the Planning Commission under this provision.
17. Preliminary Plats are valid for 2 years and may be re-approved by City Council to grant a 1 year extension. Approval of a Preliminary Plat gives the applicant authorization to submit a Final Plat.

#### *Final Plats*

18. State Statute requires the final plat to be in substantial conformance with the Preliminary Plat, state statute, and local ordinances. Additionally, extensive infrastructure improvement plans are required to be submitted and approved prior to recordation of a Final Plat.
19. The Development Code grants Final Plat approval authority to the Director of Development Services. In numerous paragraphs, State Statute specifies that the legislative body shall approve and record final plats. Staff believes that current Buckeye process is not compliant with statute. Throughout the Phoenix metropolitan region the City Council approves final plats, with the exception of Buckeye.
20. If a Final Plat is submitted which does not substantial conform to the Preliminary Plat, the Final Plat shall be referred to planning commission for review and approval in the same manner as a Preliminary Plat.
21. Final plat shall be recorded within 10 days of City approval, signature and execution.
22. The Director may consider "Minor Amendments" to the Final Plat for a number of minor errors ranging from survey details, accidental encroachments, scrivener errors and other details. No public hearing is required for this action. This action can be accomplished through a recorded affidavit or a revised plat as determined by the Director.

### *Lot Split*

23. A Lot Split allows the creation of up to 3 parcels, tracts, lots on parcels not exceeding 2.5 acres. No right-of-way may be dedicated through this process. This is an administrative process which requires Director's approval.

### *Minor Subdivisions*

24. The Minor Subdivision extends the expedited process of a Lot Split to parcels larger than 2.5 acres. The standards are the same in that no more than three legal lots, tracts, or parcels may be created.

### *Re-Plats*

25. A Re-plat is either an administrative or City Council approval process. There are three situations in which a Re-plat can be administrative:
- No more than a 10% change in the density of the plat;
  - A shift of an internal lot line of no more than 5-feet as long as the lots comply with zoning district standards;
  - Any application that does not cause a fundamental change in the overall function of the plat, in the Director's opinion.
26. The City doesn't have much experience with Re-plats, however the process has been used for the adjustment of internal lot lines on a commercial Final Plat.

### *Next Steps*

27. Staff will take all comments and incorporate them as appropriate into a draft code. Staff will also be coordinating a stakeholder committee meeting with the development community and researching other community's and Maricopa County's subdivision codes. Staff anticipates returning to the commission with a draft code that reflects best practices, compliance with State Statute and the General Plan, a streamlined approach, and the Planning Commission's desires.

## **RECOMMENDATION:**

28. This item has been prepared for discussion only.

## **EXHIBITS**

- Exhibit A      State Statute  
Exhibit B      Article 8 Development Code

Prepared By:  
Ed Boik, AICP, Senior Planner

Reviewed By:  
Terri Hogan, AICP, Planning Manager

**MUNICIPAL SUBDIVISION REGULATIONS**9-463. Definitions

In this article, unless the context otherwise requires:

1. "Design" means street alignment, grades and widths, alignment and widths of easements and rights-of-way for drainage and sanitary sewers and the arrangement and orientation of lots.
2. "Improvement" means required installations, pursuant to this article and subdivision regulations, including grading, sewer and water utilities, streets, easements, traffic control devices as a condition to the approval and acceptance of the final plat thereof.
3. "Land splits" as used in this article means the division of improved or unimproved land whose area is two and one-half acres or less into two or three tracts or parcels of land for the purpose of sale or lease.
4. "Municipal" or "municipality" means an incorporated city or town.
5. "Planning agency" means the official body designated by local ordinance to carry out the purposes of this article and may be a planning department, a planning commission, the legislative body itself, or any combination thereof.
6. "Plat" means a map of a subdivision:
  - (a) "Preliminary plat" means a preliminary map, including supporting data, indicating a proposed subdivision design prepared in accordance with the provisions of this article and those of any local applicable ordinance.
  - (b) "Final plat" means a map of all or part of a subdivision essentially conforming to an approved preliminary plat, prepared in accordance with the provision of this article, those of any local applicable ordinance and other state statute.
  - (c) "Recorded plat" means a final plat bearing all of the certificates of approval required by this article, any local applicable ordinance and other state statute.
7. "Right-of-way" means any public or private right-of-way and includes any area required for public use pursuant to any general or specific plan as provided for in article 6 of this chapter.
8. "Street" means any existing or proposed street, avenue, boulevard, road, lane, parkway, place, bridge, viaduct or easement for public vehicular access or a street shown in a plat heretofore approved pursuant to law or a street in a plat duly filed and recorded in the county recorder's office. A street includes all land within the street right-of-way whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking space, bridges and viaducts.
9. "Subdivider" means a person, firm, corporation, partnership, association, syndicate, trust or other legal entity that files application and initiates proceedings for the subdivision of land in accordance with the provisions of this article, any local applicable ordinance and other state statute, except that an individual serving as agent for such legal entity is not a subdivider.
10. "Subdivision" means any land or portion thereof subject to the provisions of this article as provided in section 9-463.02.

11. "Subdivision regulations" means a municipal ordinance regulating the design and improvement of subdivisions enacted under the provisions of this article or any prior statute regulating the design and improvement of subdivisions.

9-463.01. Authority

- A. Pursuant to this article, the legislative body of every municipality shall regulate the subdivision of all lands within its corporate limits.
- B. The legislative body of a municipality shall exercise the authority granted in subsection A of this section by ordinance prescribing:
  1. Procedures to be followed in the preparation, submission, review and approval or rejection of all final plats.
  2. Standards governing the design of subdivision plats.
  3. Minimum requirements and standards for the installation of subdivision streets, sewer and water utilities and improvements as a condition of final plat approval.
- C. By ordinance, the legislative body of any municipality shall:
  1. Require the preparation, submission and approval of a preliminary plat as a condition precedent to submission of a final plat.
  2. Establish the procedures to be followed in the preparation, submission, review and approval of preliminary plats.
  3. Make requirements as to the form and content of preliminary plats.
  4. Either determine that certain lands may not be subdivided, by reason of adverse topography, periodic inundation, adverse soils, subsidence of the earth's surface, high water table, lack of water or other natural or man-made hazard to life or property, or control the lot size, establish special grading and drainage requirements and impose other regulations deemed reasonable and necessary for the public health, safety or general welfare on any lands to be subdivided affected by such characteristics.
  5. Require payment of a proper and reasonable fee by the subdivider based upon the number of lots or parcels on the surface of the land to defray municipal costs of plat review and site inspection.
  6. Require the dedication of public streets, sewer and water utility easements or rights-of-way, within the proposed subdivision.
  7. Require the preparation and submission of acceptable engineering plans and specifications for the installation of required street, sewer, electric and water utilities, drainage, flood control, adequacy of water and improvements as a condition precedent to recordation of an approved final plat.
  8. Require the posting of performance bonds, assurances or such other security as may be appropriate and necessary to assure the installation of required street, sewer, electric and water utilities, drainage, flood control and improvements meeting established minimum standards of design and construction.

- D. The legislative body of any municipality may require by ordinance that land areas within a subdivision be reserved for parks, recreational facilities, school sites and fire stations subject to the following conditions:
1. The requirement may only be made upon preliminary plats filed at least thirty days after the adoption of a general or specific plan affecting the land area to be reserved.
  2. The required reservations are in accordance with definite principles and standards adopted by the legislative body.
  3. The land area reserved shall be of such a size and shape as to permit the remainder of the land area of the subdivision within which the reservation is located to develop in an orderly and efficient manner.
  4. The land area reserved shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.
- E. The public agency for whose benefit an area has been reserved shall have a period of one year after recording the final subdivision plat to enter into an agreement to acquire such reserved land area. The purchase price shall be the fair market value of the reserved land area at the time of the filing of the preliminary subdivision plat plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including the interest cost incurred on any loan covering such reserved area.
- F. If the public agency for whose benefit an area has been reserved does not exercise the reservation agreement set forth in subsection E of this section within such one year period or such extended period as may be mutually agreed upon by such public agency and the subdivider, the reservation of such area shall terminate.
- G. The legislative body of every municipality shall comply with this article and applicable state statutes pertaining to the hearing, approval or rejection, and recordation of:
1. Final subdivision plats.
  2. Plats filed for the purpose of reverting to acreage of land previously subdivided.
  3. Plats filed for the purpose of vacating streets or easements previously dedicated to the public.
  4. Plats filed for the purpose of vacating or redescribing lot or parcel boundaries previously recorded.
- H. Approval of every preliminary and final plat by a legislative body is conditioned upon compliance by the subdivider with:
1. Rules as may be established by the department of transportation relating to provisions for the safety of entrance upon and departure from abutting state primary highways.

2. Rules as may be established by a county flood control district relating to the construction or prevention of construction of streets in land established as being subject to periodic inundation.
  3. Rules as may be established by the department of health services or a county health department relating to the provision of domestic water supply and sanitary sewage disposal.
- I. If the subdivision is comprised of subdivided lands, as defined in section 32-2101, and is within an active management area, as defined in section 45-402, the final plat shall not be approved unless it is accompanied by a certificate of assured water supply issued by the director of water resources, or unless the subdivider has obtained a written commitment of water service for the subdivision from a city, town or private water company designated as having an assured water supply by the director of water resources pursuant to section 45-576 or is exempt from the requirement pursuant to section 45-576. The legislative body of the municipality shall note on the face of the final plat that a certificate of assured water supply has been submitted with the plat or that the subdivider has obtained a written commitment of water service for the proposed subdivision from a city, town or private water company designated as having an assured water supply, pursuant to section 45-576, or is exempt from the requirement pursuant to section 45-576.
- J. Except as provided in subsections K and P of this section, if the subdivision is composed of subdivided lands as defined in section 32-2101 outside of an active management area and the director of water resources has given written notice to the municipality pursuant to section 45-108, subsection H, the final plat shall not be approved unless one of the following applies:
1. The director of water resources has determined that there is an adequate water supply for the subdivision pursuant to section 45-108 and the subdivider has included the report with the plat.
  2. The subdivider has obtained a written commitment of water service for the subdivision from a city, town or private water company designated as having an adequate water supply by the director of water resources pursuant to section 45-108.
- K. The legislative body of a municipality that has received written notice from the director of water resources pursuant to section 45-108, subsection H or that has adopted an ordinance pursuant to subsection O of this section may provide by ordinance an exemption from the requirement in subsection J or O of this section for a subdivision that the director of water resources has determined will have an inadequate water supply because the water supply will be transported to the subdivision by motor vehicle or train if all of the following apply:
1. The legislative body determines that there is no feasible alternative water supply for the subdivision and that the transportation of water to the subdivision will not

constitute a significant risk to the health and safety of the residents of the subdivision.

2. If the water to be transported to the subdivision will be withdrawn or diverted in the service area of a municipal provider as defined in section 45-561, the municipal provider has consented to the withdrawal or diversion.
  3. If the water to be transported is groundwater, the transportation complies with the provisions governing the transportation of groundwater in title 45, chapter 2, article 8.
  4. The transportation of water to the subdivision meets any additional conditions imposed by the legislative body.
- L. A municipality that adopts the exemption authorized by subsection K of this section shall give written notice of the adoption of the exemption, including a certified copy of the ordinance containing the exemption, to the director of water resources, the director of environmental quality and the state real estate commissioner. If the municipality later rescinds the exemption, the municipality shall give written notice of the rescission to the director of water resources, the director of environmental quality and the state real estate commissioner. A municipality that rescinds an exemption adopted pursuant to subsection K of this section shall not readopt the exemption for at least five years after the rescission becomes effective.
- M. If the legislative body of a municipality approves a subdivision plat pursuant to subsection J, paragraph 1 or 2 or subsection O of this section, the legislative body shall note on the face of the plat that the director of water resources has reported that the subdivision has an adequate water supply or that the subdivider has obtained a commitment of water service for the proposed subdivision from a city, town or private water company designated as having an adequate water supply pursuant to section 45-108.
- N. If the legislative body of a municipality approves a subdivision plat pursuant to an exemption authorized by subsection K of this section or granted by the director of water resources pursuant to section 45-108.02 or 45-108.03:
1. The legislative body shall give written notice of the approval to the director of water resources and the director of environmental quality.
  2. The legislative body shall include on the face of the plat a statement that the director of water resources has determined that the water supply for the subdivision is inadequate and a statement describing the exemption under which the plat was approved, including a statement that the legislative body or the director of water resources, whichever applies, has determined that the specific conditions of the exemption were met. If the director subsequently informs the legislative body that the subdivision is being served by a water provider that has been designated by the director as having an adequate water supply pursuant to section 45-108, the

legislative body shall record in the county recorder's office a statement disclosing that fact.

- O. If a municipality has not been given written notice by the director of water resources pursuant to section 45-108, subsection H, the legislative body of the municipality, to protect the public health and safety, may provide by ordinance that, except as provided in subsections K and P of this section, the final plat of a subdivision located in the municipality and outside of an active management area will not be approved by the legislative body unless the director of water resources has determined that there is an adequate water supply for the subdivision pursuant to section 45-108 or the subdivider has obtained a written commitment of water service for the subdivision from a city, town or private water company designated as having an adequate water supply by the director of water resources pursuant to section 45-108. Before holding a public hearing to consider whether to enact an ordinance pursuant to this subsection, a municipality shall provide written notice of the hearing to the board of supervisors of the county in which the municipality is located. A municipality that enacts an ordinance pursuant to this subsection shall give written notice of the enactment of the ordinance, including a certified copy of the ordinance, to the director of water resources, the director of environmental quality, the state real estate commissioner and the board of supervisors of the county in which the municipality is located. If a municipality enacts an ordinance pursuant to this subsection, water providers may be eligible to receive monies in a water supply development fund, as otherwise provided by law.
- P. Subsections J and O of this section do not apply to:
1. A proposed subdivision that the director of water resources has determined will have an inadequate water supply pursuant to section 45-108 if the director grants an exemption for the subdivision pursuant to section 45-108.02 and the exemption has not expired or if the director grants an exemption pursuant to section 45-108.03.
  2. A proposed subdivision that received final plat approval from the municipality before the requirement for an adequate water supply became effective in the municipality if the plat has not been materially changed since it received the final plat approval. If changes were made to the plat after the plat received the final plat approval, the director of water resources shall determine whether the changes are material pursuant to the rules adopted by the director to implement section 45-108. If the municipality approves a plat pursuant to this paragraph and the director of water resources has determined that there is an inadequate water supply for the subdivision pursuant to section 45-108, the municipality shall note this on the face of the plat.
- Q. If the subdivision is composed of subdivided lands as defined in section 32-2101 outside of an active management area and the municipality has not received written notice pursuant to section 45-108, subsection H and has not adopted an ordinance pursuant to subsection O of this section:

1. If the director of water resources has determined that there is an adequate water supply for the subdivision pursuant to section 45-108 or if the subdivider has obtained a written commitment of water service for the subdivision from a city, town or private water company designated as having an adequate water supply by the director of water resources pursuant to section 45-108, the municipality shall note this on the face of the plat if the plat is approved.
  2. If the director of water resources has determined that there is an inadequate water supply for the subdivision pursuant to section 45-108, the municipality shall note this on the face of the plat if the plat is approved.
- R. Every municipality is responsible for the recordation of all final plats approved by the legislative body and shall receive from the subdivider and transmit to the county recorder the recordation fee established by the county recorder.
- S. Pursuant to provisions of applicable state statutes, the legislative body of any municipality may itself prepare or have prepared a plat for the subdivision of land under municipal ownership.
- T. The legislative bodies of cities and towns may regulate by ordinance land splits within their corporate limits. Authority granted under this section refers to the determination of division lines, area and shape of the tracts or parcels and does not include authority to regulate the terms or condition of the sale or lease nor does it include the authority to regulate the sale or lease of tracts or parcels that are not the result of land splits as defined in section 9-463.
- U. For any subdivision that consists of ten or fewer lots, tracts or parcels, each of which is of a size as prescribed by the legislative body, the legislative body of each municipality may expedite the processing of or waive the requirement to prepare, submit and receive approval of a preliminary plat as a condition precedent to submitting a final plat and may waive or reduce infrastructure standards or requirements proportional to the impact of the subdivision. Requirements for dust-controlled access and drainage improvements shall not be waived.

**9-463.02. Subdivision defined; applicability**

- A. "Subdivision" means improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into two or more lots, tracts or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

- B. The legislative body of a municipality shall not refuse approval of a final plat of a project included in subsection A under provisions of an adopted subdivision regulation because of location of buildings on the property shown on the plat not in violation of such subdivision regulations or on account of the manner in which airspace is to be divided in conveying the condominium. Fees and lot design requirements shall be computed and imposed with respect to such plats on the basis of parcels or lots on the surface of the land shown thereon as included in the project. This subsection does not limit the power of such legislative body to regulate the location of buildings in such a project by or pursuant to a zoning ordinance.
- C. "Subdivision" does not include the following:
  - 1. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
  - 2. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
  - 3. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil or gas leases.

**9-463.03. Violations**

It is unlawful for any person to offer to sell or lease, to contract to sell or lease or to sell or lease any subdivision or part thereof until a final plat thereof, in full compliance with provisions of this article and of any subdivision regulations which have been duly recorded in the office of recorder of the county in which the subdivision or any portion thereof is located, is recorded in the office of the recorder, except that this shall not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with any law or subdivision regulation regulating the subdivision plat design and improvement of subdivisions in effect at the time the subdivision was established. The county recorder shall not record a plat located in a municipality having subdivision regulations enacted under this article unless the plat has been approved by the legislative body of the municipality.

**9-463.04. Extraterritorial jurisdiction**

- A. In any county not having county subdivision regulations applicable to the unincorporated territory, the legislative body of any municipality may exercise the subdivision regulation powers granted in this article both to territory within its corporate limits and to that which extends a distance of three contiguous miles in all directions of its corporate limits and not located in a municipality. Any ordinance intended to have application beyond the corporate limits of the municipality shall expressly state the intention of such application. Such ordinance shall be adopted in accordance with the provisions set forth therein.

- B. The extraterritorial jurisdiction of two or more municipalities whose territorial boundaries are less than six miles apart terminates at a boundary line equidistant from the respective corporate limits of such municipalities, or at such line as is agreed to by the legislative bodies of the respective municipalities.
- C. As a prerequisite to the exercise of extraterritorial jurisdiction, the membership of the planning agency charged with the preparation or administration of proposed subdivision regulations for the area of extraterritorial jurisdiction shall be increased to include two additional members to represent the unincorporated area. Any additional member shall be a resident of the three mile area outside the corporate limits and be appointed by the legislative body of the county in which the unincorporated area is situated. Any such member shall have equal rights, privileges and duties with the other members of the planning agency in all matters pertaining to the plans and regulations of the unincorporated area in which they reside, both in preparation of the original plans and regulations and in consideration of any proposed amendments to such plans and regulations.
- D. Any municipal legislative body exercising the powers granted by this section may provide for the enforcement of its regulations for the area of extraterritorial jurisdiction in the same manner as the regulations for the area within the municipality are enforced.

9-463.05. Development fees; imposition by cities and towns; infrastructure improvements plan; annual report; advisory committee; limitation on actions; definitions

- A. A municipality may assess development fees to offset costs to the municipality associated with providing necessary public services to a development, including the costs of infrastructure, improvements, real property, engineering and architectural services, financing and professional services required for the preparation or revision of a development fee pursuant to this section, including the relevant portion of the infrastructure improvements plan.
- B. Development fees assessed by a municipality under this section are subject to the following requirements:
  - 1. Development fees shall result in a beneficial use to the development.
  - 2. The municipality shall calculate the development fee based on the infrastructure improvements plan adopted pursuant to this section.
  - 3. The development fee shall not exceed a proportionate share of the cost of necessary public services, based on service units, needed to provide necessary public services to the development.

4. Costs for necessary public services made necessary by new development shall be based on the same level of service provided to existing development in the service area.
5. Development fees may not be used for any of the following:
  - (a) Construction, acquisition or expansion of public facilities or assets other than necessary public services or facility expansions identified in the infrastructure improvements plan.
  - (b) Repair, operation or maintenance of existing or new necessary public services or facility expansions.
  - (c) Upgrading, updating, expanding, correcting or replacing existing necessary public services to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards.
  - (d) Upgrading, updating, expanding, correcting or replacing existing necessary public services to provide a higher level of service to existing development.
  - (e) Administrative, maintenance or operating costs of the municipality.
6. Any development for which a development fee has been paid is entitled to the use and benefit of the services for which the fee was imposed and is entitled to receive immediate service from any existing facility with available capacity to serve the new service units if the available capacity has not been reserved or pledged in connection with the construction or financing of the facility.
7. Development fees may be collected if any of the following occurs:
  - (a) The collection is made to pay for a necessary public service or facility expansion that is identified in the infrastructure improvements plan and the municipality plans to complete construction and to have the service available within the time period established in the infrastructure improvement plan, but in no event longer than the time period provided in subsection H, paragraph 3 of this section.
  - (b) The municipality reserves in the infrastructure improvements plan adopted pursuant to this section or otherwise agrees to reserve capacity to serve future development.
  - (c) The municipality requires or agrees to allow the owner of a development to construct or finance the necessary public service or facility expansion and any of the following apply:
    - (i) The costs incurred or money advanced are credited against or reimbursed from the development fees otherwise due from a development.
    - (ii) The municipality reimburses the owner for those costs from the development fees paid from all developments that will use those necessary public services or facility expansions.
    - (iii) For those costs incurred the municipality allows the owner to assign the credits or reimbursement rights from the development fees otherwise due from a development to other developments for the same category of necessary public services in the same service area.

8. Projected interest charges and other finance costs may be included in determining the amount of development fees only if the monies are used for the payment of principal and interest on the portion of the bonds, notes or other obligations issued to finance construction of necessary public services or facility expansions identified in the infrastructure improvements plan.
9. Monies received from development fees assessed pursuant to this section shall be placed in a separate fund and accounted for separately and may only be used for the purposes authorized by this section. Monies received from a development fee identified in an infrastructure improvements plan adopted or updated pursuant to subsection D of this section shall be used to provide the same category of necessary public services or facility expansions for which the development fee was assessed and for the benefit of the same service area, as defined in the infrastructure improvements plan, in which the development fee was assessed. Interest earned on monies in the separate fund shall be credited to the fund.
10. The schedule for payment of fees shall be provided by the municipality. Based on the cost identified in the infrastructure improvements plan, the municipality shall provide a credit toward the payment of a development fee for the required or agreed to dedication of public sites, improvements and other necessary public services or facility expansions included in the infrastructure improvements plan and for which a development fee is assessed, to the extent the public sites, improvements and necessary public services or facility expansions are provided by the developer. The developer of residential dwelling units shall be required to pay development fees when construction permits for the dwelling units are issued, or at a later time if specified in a development agreement pursuant to section 9-500.05. If a development agreement provides for fees to be paid at a time later than the issuance of construction permits, the deferred fees shall be paid no later than fifteen days after the issuance of a certificate of occupancy. The development agreement shall provide for the value of any deferred fees to be supported by appropriate security, including a surety bond, letter of credit or cash bond.
11. If a municipality requires as a condition of development approval the construction or improvement of, contributions to or dedication of any facilities that were not included in a previously adopted infrastructure improvements plan, the municipality shall cause the infrastructure improvements plan to be amended to include the facilities and shall provide a credit toward the payment of a development fee for the construction, improvement, contribution or dedication of the facilities to the extent that the facilities will substitute for or otherwise reduce the need for other similar facilities in the infrastructure improvements plan for which development fees were assessed.
12. The municipality shall forecast the contribution to be made in the future in cash or by taxes, fees, assessments or other sources of revenue derived from the property owner towards the capital costs of the necessary public service covered by the

development fee and shall include these contributions in determining the extent of the burden imposed by the development. Beginning August 1, 2014, for purposes of calculating the required offset to development fees pursuant to this subsection, if a municipality imposes a construction contracting or similar excise tax rate in excess of the percentage amount of the transaction privilege tax rate imposed on the majority of other transaction privilege tax classifications, the entire excess portion of the construction contracting or similar excise tax shall be treated as a contribution to the capital costs of necessary public services provided to development for which development fees are assessed, unless the excess portion was already taken into account for such purpose pursuant to this subsection.

13. If development fees are assessed by a municipality, the fees shall be assessed against commercial, residential and industrial development, except that the municipality may distinguish between different categories of residential, commercial and industrial development in assessing the costs to the municipality of providing necessary public services to new development and in determining the amount of the development fee applicable to the category of development. If a municipality agrees to waive any of the development fees assessed on a development, the municipality shall reimburse the appropriate development fee accounts for the amount that was waived. The municipality shall provide notice of any such waiver to the advisory committee established pursuant to subsection G of this section within thirty days.
  14. In determining and assessing a development fee applying to land in a community facilities district established under title 48, chapter 4, article 6, the municipality shall take into account all public infrastructure provided by the district and capital costs paid by the district for necessary public services and shall not assess a portion of the development fee based on the infrastructure or costs.
- C. A municipality shall give at least thirty days' advance notice of intention to assess a development fee and shall release to the public and post on its website or the website of an association of cities and towns if a municipality does not have a website a written report of the land use assumptions and infrastructure improvements plan adopted pursuant to subsection D of this section. The municipality shall conduct a public hearing on the proposed development fee at any time after the expiration of the thirty day notice of intention to assess a development fee and at least thirty days before the scheduled date of adoption of the fee by the governing body. Within sixty days after the date of the public hearing on the proposed development fee, a municipality shall approve or disapprove the imposition of the development fee. A municipality shall not adopt an ordinance, order or resolution approving a development fee as an emergency measure. A development fee assessed pursuant to this section shall not be effective until seventy-five days after its formal adoption by the governing body of the municipality. Nothing in this subsection shall affect any development fee adopted before July 24, 1982.

- D. Before the adoption or amendment of a development fee, the governing body of the municipality shall adopt or update the land use assumptions and infrastructure improvements plan for the designated service area. The municipality shall conduct a public hearing on the land use assumptions and infrastructure improvements plan at least thirty days before the adoption or update of the plan. The municipality shall release the plan to the public, post the plan on its website or the website of an association of cities and towns if the municipality does not have a website, including in the posting its land use assumptions, the time period of the projections, a description of the necessary public services included in the infrastructure improvements plan and a map of the service area to which the land use assumptions apply, make available to the public the documents used to prepare the assumptions and plan and provide public notice at least sixty days before the public hearing, subject to the following:
1. The land use assumptions and infrastructure improvements plan shall be approved or disapproved within sixty days after the public hearing on the land use assumptions and infrastructure improvements plan and at least thirty days before the public hearing on the report required by subsection C of this section. A municipality shall not adopt an ordinance, order or resolution approving the land use assumptions or infrastructure improvements plan as an emergency measure.
  2. An infrastructure improvements plan shall be developed by qualified professionals using generally accepted engineering and planning practices pursuant to subsection E of this section.
  3. A municipality shall update the land use assumptions and infrastructure improvements plan at least every five years. The initial five year period begins on the day the infrastructure improvements plan is adopted. The municipality shall review and evaluate its current land use assumptions and shall cause an update of the infrastructure improvements plan to be prepared pursuant to this section.
  4. Within sixty days after completion of the updated land use assumptions and infrastructure improvements plan, the municipality shall schedule and provide notice of a public hearing to discuss and review the update and shall determine whether to amend the assumptions and plan.
  5. A municipality shall hold a public hearing to discuss the proposed amendments to the land use assumptions, the infrastructure improvements plan or the development fee. The land use assumptions and the infrastructure improvements plan, including the amount of any proposed changes to the development fee per service unit, shall be made available to the public on or before the date of the first publication of the notice of the hearing on the amendments.
  6. The notice and hearing procedures prescribed in paragraph 1 of this subsection apply to a hearing on the amendment of land use assumptions, an infrastructure improvements plan or a development fee. Within sixty days after the date of the public hearing on the amendments, a municipality shall approve or disapprove the amendments to the land use assumptions, infrastructure improvements plan or

development fee. A municipality shall not adopt an ordinance, order or resolution approving the amended land use assumptions, infrastructure improvements plan or development fee as an emergency measure.

7. The advisory committee established under subsection G of this section shall file its written comments on any proposed or updated land use assumptions, infrastructure improvements plan and development fees before the fifth business day before the date of the public hearing on the proposed or updated assumptions, plan and fees.
8. If, at the time an update as prescribed in paragraph 3 of this subsection is required, the municipality determines that no changes to the land use assumptions, infrastructure improvements plan or development fees are needed, the municipality may as an alternative to the updating requirements of this subsection publish notice of its determination on its website and include the following:
  - (a) A statement that the municipality has determined that no change to the land use assumptions, infrastructure improvements plan or development fee is necessary.
  - (b) A description and map of the service area in which an update has been determined to be unnecessary.
  - (c) A statement that by a specified date, which shall be at least sixty days after the date of publication of the first notice, a person may make a written request to the municipality requesting that the land use assumptions, infrastructure improvements plan or development fee be updated.
  - (d) A statement identifying the person or entity to whom the written request for an update should be sent.
9. If, by the date specified pursuant to paragraph 8 of this subsection, a person requests in writing that the land use assumptions, infrastructure improvements plan or development fee be updated, the municipality shall cause, accept or reject an update of the assumptions and plan to be prepared pursuant to this subsection.
10. Notwithstanding the notice and hearing requirements for adoption of an infrastructure improvements plan, a municipality may amend an infrastructure improvements plan adopted pursuant to this section without a public hearing if the amendment addresses only elements of necessary public services in the existing infrastructure improvements plan and the changes to the plan will not, individually or cumulatively with other amendments adopted pursuant to this subsection, increase the level of service in the service area or cause a development fee increase of greater than five per cent when a new or modified development fee is assessed pursuant to this section. The municipality shall provide notice of any such amendment at least thirty days before adoption, shall post the amendment on its website or on the website of an association of cities and towns if the municipality does not have a website and shall provide notice to the advisory committee established pursuant to subsection G of this section that the amendment complies with this subsection.

- E. For each necessary public service that is the subject of a development fee, the infrastructure improvements plan shall include:
1. A description of the existing necessary public services in the service area and the costs to upgrade, update, improve, expand, correct or replace those necessary public services to meet existing needs and usage and stricter safety, efficiency, environmental or regulatory standards, which shall be prepared by qualified professionals licensed in this state, as applicable.
  2. An analysis of the total capacity, the level of current usage and commitments for usage of capacity of the existing necessary public services, which shall be prepared by qualified professionals licensed in this state, as applicable.
  3. A description of all or the parts of the necessary public services or facility expansions and their costs necessitated by and attributable to development in the service area based on the approved land use assumptions, including a forecast of the costs of infrastructure, improvements, real property, financing, engineering and architectural services, which shall be prepared by qualified professionals licensed in this state, as applicable.
  4. A table establishing the specific level or quantity of use, consumption, generation or discharge of a service unit for each category of necessary public services or facility expansions and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial and industrial.
  5. The total number of projected service units necessitated by and attributable to new development in the service area based on the approved land use assumptions and calculated pursuant to generally accepted engineering and planning criteria.
  6. The projected demand for necessary public services or facility expansions required by new service units for a period not to exceed ten years.
  7. A forecast of revenues generated by new service units other than development fees, which shall include estimated state-shared revenue, highway users revenue, federal revenue, ad valorem property taxes, construction contracting or similar excise taxes and the capital recovery portion of utility fees attributable to development based on the approved land use assumptions, and a plan to include these contributions in determining the extent of the burden imposed by the development as required in subsection B, paragraph 12 of this section.
- F. A municipality's development fee ordinance shall provide that a new development fee or an increased portion of a modified development fee shall not be assessed against a development for twenty-four months after the date that the municipality issues the final approval for a commercial, industrial or multifamily development or the date that the first building permit is issued for a residential development pursuant to an approved site plan or subdivision plat, provided that no subsequent changes are made to the approved site plan or subdivision plat that would increase the number of service units. If the number of service units increases, the new or increased portion of a modified development fee shall be limited to the amount attributable to the

additional service units. The twenty-four month period shall not be extended by a renewal or amendment of the site plan or the final subdivision plat that was the subject of the final approval. The municipality shall issue, on request, a written statement of the development fee schedule applicable to the development. If, after the date of the municipality's final approval of a development, the municipality reduces the development fee assessed on development, the reduced fee shall apply to the development.

G. A municipality shall do one of the following:

1. Before the adoption of proposed or updated land use assumptions, infrastructure improvements plan and development fees as prescribed in subsection D of this section, the municipality shall appoint an infrastructure improvements advisory committee, subject to the following requirements:
  - (a) The advisory committee shall be composed of at least five members who are appointed by the governing body of the municipality. At least fifty per cent of the members of the advisory committee must be representatives of the real estate, development or building industries, of which at least one member of the committee must be from the home building industry. Members shall not be employees or officials of the municipality.
  - (b) The advisory committee shall serve in an advisory capacity and shall:
    - (i) Advise the municipality in adopting land use assumptions and in determining whether the assumptions are in conformance with the general plan of the municipality.
    - (ii) Review the infrastructure improvements plan and file written comments.
    - (iii) Monitor and evaluate implementation of the infrastructure improvements plan.
    - (iv) Every year file reports with respect to the progress of the infrastructure improvements plan and the collection and expenditures of development fees and report to the municipality any perceived inequities in implementing the plan or imposing the development fee.
    - (v) Advise the municipality of the need to update or revise the land use assumptions, infrastructure improvements plan and development fee.
  - (c) The municipality shall make available to the advisory committee any professional reports with respect to developing and implementing the infrastructure improvements plan.
  - (d) The municipality shall adopt procedural rules for the advisory committee to follow in carrying out the committee's duties.
2. In lieu of creating an advisory committee pursuant to paragraph 1 of this subsection, provide for a biennial certified audit of the municipality's land use assumptions, infrastructure improvements plan and development fees. An audit pursuant to this paragraph shall be conducted by one or more qualified professionals who are not employees or officials of the municipality and who did not prepare the infrastructure

improvements plan. The audit shall review the progress of the infrastructure improvements plan, including the collection and expenditures of development fees for each project in the plan, and evaluate any inequities in implementing the plan or imposing the development fee. The municipality shall post the findings of the audit on the municipality's website or the website of an association of cities and towns if the municipality does not have a website and shall conduct a public hearing on the audit within sixty days of the release of the audit to the public.

- H. On written request, an owner of real property for which a development fee has been paid after July 31, 2014 is entitled to a refund of a development fee or any part of a development fee if:
  - 1. Pursuant to subsection B, paragraph 6 of this section, existing facilities are available and service is not provided.
  - 2. The municipality has, after collecting the fee to construct a facility when service is not available, failed to complete construction within the time period identified in the infrastructure improvements plan, but in no event later than the time period specified in paragraph 3 of this subsection.
  - 3. For a development fee other than a development fee for water or wastewater facilities, any part of the development fee is not spent as authorized by this section within ten years after the fee has been paid or, for a development fee for water or wastewater facilities, any part of the development fee is not spent as authorized by this section within fifteen years after the fee has been paid.
- I. If the development fee was collected for the construction of all or a portion of a specific item of infrastructure, and on completion of the infrastructure the municipality determines that the actual cost of construction was less than the forecasted cost of construction on which the development fee was based and the difference between the actual and estimated cost is greater than ten per cent, the current owner may receive a refund of the portion of the development fee equal to the difference between the development fee paid and the development fee that would have been due if the development fee had been calculated at the actual construction cost.
- J. A refund shall include any interest earned by the municipality from the date of collection to the date of refund on the amount of the refunded fee. All refunds shall be made to the record owner of the property at the time the refund is paid. If the development fee is paid by a governmental entity, the refund shall be paid to the governmental entity.
- K. A development fee that was adopted before January 1, 2012 may continue to be assessed only to the extent that it will be used to provide a necessary public service for which development fees can be assessed pursuant to this section and shall be replaced by a development fee imposed under this section on or before August 1, 2014. Any municipality having a development fee that has not been replaced under this section on or before August 1, 2014 shall not collect development fees until the development

fee has been replaced with a fee that complies with this section. Any development fee monies collected before January 1, 2012 remaining in a development fee account:

1. Shall be used towards the same category of necessary public services as authorized by this section.
  2. If development fees were collected for a purpose not authorized by this section, shall be used for the purpose for which they were collected on or before January 1, 2020, and after which, if not spent, shall be distributed equally among the categories of necessary public services authorized by this section.
- L. A moratorium shall not be placed on development for the sole purpose of awaiting completion of all or any part of the process necessary to develop, adopt or update development fees.
- M. In any judicial action interpreting this section, all powers conferred on municipal governments in this section shall be narrowly construed to ensure that development fees are not used to impose on new residents a burden all taxpayers of a municipality should bear equally.
- N. Each municipality that assesses development fees shall submit an annual report accounting for the collection and use of the fees for each service area. The annual report shall include the following:
1. The amount assessed by the municipality for each type of development fee.
  2. The balance of each fund maintained for each type of development fee assessed as of the beginning and end of the fiscal year.
  3. The amount of interest or other earnings on the monies in each fund as of the end of the fiscal year.
  4. The amount of development fee monies used to repay:
    - (a) Bonds issued by the municipality to pay the cost of a capital improvement project that is the subject of a development fee assessment, including the amount needed to repay the debt service obligations on each facility for which development fees have been identified as the source of funding and the time frames in which the debt service will be repaid.
    - (b) Monies advanced by the municipality from funds other than the funds established for development fees in order to pay the cost of a capital improvement project that is the subject of a development fee assessment, the total amount advanced by the municipality for each facility, the source of the monies advanced and the terms under which the monies will be repaid to the municipality.
  5. The amount of development fee monies spent on each capital improvement project that is the subject of a development fee assessment and the physical location of each capital improvement project.
  6. The amount of development fee monies spent for each purpose other than a capital improvement project that is the subject of a development fee assessment.

- O. Within ninety days following the end of each fiscal year, each municipality shall submit a copy of the annual report to the city clerk and post the report on the municipality's website or the website of an association of cities and towns if the municipality does not have a website. Copies shall be made available to the public on request. The annual report may contain financial information that has not been audited.
- P. A municipality that fails to file the report and post the report on the municipality's website or the website of an association of cities and towns if the municipality does not have a website as required by this section shall not collect development fees until the report is filed and posted.
- Q. Any action to collect a development fee shall be commenced within two years after the obligation to pay the fee accrues.
- R. A municipality may continue to assess a development fee adopted before January 1, 2012 for any facility that was financed before June 1, 2011 if:
  - 1. Development fees were pledged to repay debt service obligations related to the construction of the facility.
  - 2. After August 1, 2014, any development fees collected under this subsection are used solely for the payment of principal and interest on the portion of the bonds, notes or other debt service obligations issued before June 1, 2011 to finance construction of the facility.
- S. Through August 1, 2014, a development fee adopted before January 1, 2012 may be used to finance construction of a facility and may be pledged to repay debt service obligations if:
  - 1. The facility that is being financed is a facility that is described under subsection T, paragraph 7, subdivisions (a) through (g) of this section.
  - 2. The facility was included in an infrastructure improvements plan adopted before June 1, 2011.
  - 3. The development fees are used for the payment of principal and interest on the portion of the bonds, notes or other debt service obligations issued to finance construction of the necessary public services or facility expansions identified in the infrastructure improvement plan.
- T. For the purposes of this section:
  - 1. "Dedication" means the actual conveyance date or the date an improvement, facility or real or personal property is placed into service, whichever occurs first.
  - 2. "Development" means:
    - (a) The subdivision of land.
    - (b) The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure that adds or increases the number of service units.

- (c) Any use or extension of the use of land that increases the number of service units.
- 3. "Facility expansion" means the expansion of the capacity of an existing facility that serves the same function as an otherwise new necessary public service in order that the existing facility may serve new development. Facility expansion does not include the repair, maintenance, modernization or expansion of an existing facility to better serve existing development.
- 4. "Final approval" means:
  - (a) For a nonresidential or multifamily development, the approval of a site plan or, if no site plan is submitted for the development, the approval of a final subdivision plat.
  - (b) For a single family residential development, the approval of a final subdivision plat.
- 5. "Infrastructure improvements plan" means a written plan that identifies each necessary public service or facility expansion that is proposed to be the subject of a development fee and otherwise complies with the requirements of this section, and may be the municipality's capital improvements plan.
- 6. "Land use assumptions" means projections of changes in land uses, densities, intensities and population for a specified service area over a period of at least ten years and pursuant to the general plan of the municipality.
- 7. "Necessary public service" means any of the following facilities that have a life expectancy of three or more years and that are owned and operated by or on behalf of the municipality:
  - (a) Water facilities, including the supply, transportation, treatment, purification and distribution of water, and any appurtenances for those facilities.
  - (b) Wastewater facilities, including collection, interception, transportation, treatment and disposal of wastewater, and any appurtenances for those facilities.
  - (c) Storm water, drainage and flood control facilities, including any appurtenances for those facilities.
  - (d) Library facilities of up to ten thousand square feet that provide a direct benefit to development, not including equipment, vehicles or appurtenances.
  - (e) Street facilities located in the service area, including arterial or collector streets or roads that have been designated on an officially adopted plan of the municipality, traffic signals and rights-of-way and improvements thereon.
  - (f) Fire and police facilities, including all appurtenances, equipment and vehicles. Fire and police facilities do not include a facility or portion of a facility that is used to replace services that were once provided elsewhere in the municipality, vehicles and equipment used to provide administrative services, helicopters or airplanes or a facility that is used for training firefighters or officers from more than one station or substation.

- (g) Neighborhood parks and recreational facilities on real property up to thirty acres in area, or parks and recreational facilities larger than thirty acres if the facilities provide a direct benefit to the development. Park and recreational facilities do not include vehicles, equipment or that portion of any facility that is used for amusement parks, aquariums, aquatic centers, auditoriums, arenas, arts and cultural facilities, bandstand and orchestra facilities, bathhouses, boathouses, clubhouses, community centers greater than three thousand square feet in floor area, environmental education centers, equestrian facilities, golf course facilities, greenhouses, lakes, museums, theme parks, water reclamation or riparian areas, wetlands, zoo facilities or similar recreational facilities, but may include swimming pools.
- (h) Any facility that was financed and that meets all of the requirements prescribed in subsection R of this section.
- 8. "Qualified professional" means a professional engineer, surveyor, financial analyst or planner providing services within the scope of the person's license, education or experience.
- 9. "Service area" means any specified area within the boundaries of a municipality in which development will be served by necessary public services or facility expansions and within which a substantial nexus exists between the necessary public services or facility expansions and the development being served as prescribed in the infrastructure improvements plan.
- 10. "Service unit" means a standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated pursuant to generally accepted engineering or planning standards for a particular category of necessary public services or facility expansions. END\_STATUTE

9-463.06. Standards for enactment of moratorium; land development; limitations; definitions

- A. A city or town shall not adopt a moratorium on construction or land development unless it first:
  - 1. Provides notice to the public published once in a newspaper of general circulation in the community at least thirty days before a final public hearing to be held to consider the adoption of the moratorium.
  - 2. Makes written findings justifying the need for the moratorium in the manner provided for in this section.
  - 3. Holds a public hearing on the adoption of the moratorium and the findings that support the moratorium.
- B. For urban or urbanizable land, a moratorium may be justified by demonstration of a need to prevent a shortage of essential public facilities that would otherwise occur during the effective period of the moratorium. This demonstration shall be based on reasonably available information and shall include at least the following findings:

1. A showing of the extent of need beyond the estimated capacity of existing essential public facilities expected to result from new land development, including identification of any essential public facilities currently operating beyond capacity and the portion of this capacity already committed to development, or in the case of water resources, a showing that, in an active management area, an assured water supply cannot be provided or, outside an active management area, a sufficient water supply cannot be provided, to the new land development, including identification of current water resources and the portion already committed to development.
  2. That the moratorium is reasonably limited to those areas of the city or town where a shortage of essential public facilities would otherwise occur and on property that has not received development approvals based upon the sufficiency of existing essential public facilities.
  3. That the housing and economic development needs of the area affected have been accommodated as much as possible in any program for allocating any remaining essential public facility capacity.
- C. A moratorium not based on a shortage of essential public facilities under subsection B of this section may be justified only by a demonstration of compelling need for other public facilities, including police and fire facilities. This demonstration shall be based on reasonably available information and shall include at least the following findings:
1. For urban or urbanizable land:
    - (a) That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas.
    - (b) That the moratorium is sufficiently limited to ensure that a needed supply of affected housing types and the supply of commercial and industrial facilities within or in proximity to the city or town are not unreasonably restricted by the adoption of the moratorium.
    - (c) Stating the reasons that alternative methods of achieving the objectives of the moratorium are unsatisfactory.
    - (d) That the city or town has determined that the public harm that would be caused by failure to impose a moratorium outweighs the adverse effects on other affected local governments, including shifts in demand for housing or economic development, public facilities and services and buildable lands and the overall impact of the moratorium on population distribution.
    - (e) That the city or town proposing the moratorium has developed a work plan and time schedule for achieving the objectives of the moratorium.
  2. For rural land:
    - (a) That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas.

- (b) Stating the reasons that alternative methods of achieving the objectives of the moratorium are unsatisfactory.
  - (c) That the moratorium is sufficiently limited to ensure that lots or parcels outside the affected geographical areas are not unreasonably restricted by the adoption of the moratorium.
  - (d) That the city or town proposing the moratorium has developed a work plan and time schedule for achieving the objectives of the moratorium.
- D. Any moratorium adopted pursuant to this section does not affect any express provision in a development agreement entered into pursuant to section 9-500.05 or as defined in section 11-1101 governing the rate, timing and sequencing of development, nor does it affect rights acquired pursuant to a protected development right granted according to chapter 11 of this title or title 11, chapter 9. Any moratorium adopted pursuant to this section shall provide a procedure pursuant to which an individual landowner may apply for a waiver of the moratorium's applicability to its property by claiming rights obtained pursuant to a development agreement, a protected development right or any vested right or by providing the public facilities that are the subject of the moratorium at the landowner's cost.
- E. A moratorium adopted under subsection C, paragraph 1 of this section shall not remain in effect for more than one hundred twenty days, but such a moratorium may be extended for additional periods of time of up to one hundred twenty days if the city or town adopting the moratorium holds a public hearing on the proposed extension and adopts written findings that:
  - 1. Verify the problem requiring the need for the moratorium to be extended.
  - 2. Demonstrate that reasonable progress is being made to alleviate the problem resulting in the moratorium.
  - 3. Set a specific duration for the renewal of the moratorium.
- F. A city or town considering an extension of a moratorium shall provide notice to the general public published once in a newspaper of general circulation in the community at least thirty days before a final hearing is held to consider an extension of a moratorium.
- G. Nothing in this section shall prevent a city or town from complying with any state or federal law, regulation or order issued in writing by a legally authorized governmental entity.
- H. A landowner aggrieved by a municipality's adoption of a moratorium pursuant to this section may file, at any time within thirty days after the moratorium has been adopted, a complaint for a trial de novo in the superior court on the facts and the law regarding the moratorium. All matters presented to the superior court pursuant to this section have preference on the court calendar on the same basis as condemnation matters and the court shall further have the authority to award reasonable attorney fees incurred in the appeal and trial pursuant to this section to the prevailing party.

1. In this section:
1. "Compelling need" means a clear and imminent danger to the health and safety of the public.
2. "Essential public facilities" means water, sewer and street improvements to the extent that these improvements and water resources are provided by the city, town or private utility.
3. "Moratorium on construction or land development" means engaging in a pattern or practice of delaying or stopping issuance of permits, authorizations or approvals necessary for the subdivision and partitioning of, or construction on, any land. It does not include denial or delay of permits or authorizations because they are inconsistent with applicable statutes, rules, zoning or other ordinances.
4. "Rural land" means all property in the unincorporated area of a county or in the incorporated area of the city or town with a population of two thousand nine hundred or less persons according to the most recent United States decennial census.
5. "Urban or urbanizable land" means all property in the incorporated area of a city or town with a population of more than two thousand nine hundred persons according to the most recent United States decennial census.
6. "Vested right" means a right to develop property established by the expenditure of substantial sums of money pursuant to a permit or approval granted by the city, town or county.

## ARTICLE 8: REVIEW AND APPROVAL PROCEDURES

### 8.1. PURPOSE AND ORGANIZATION OF THIS ARTICLE<sup>24</sup>

#### 8.1.1. Purpose

This Article describes the procedures for review and approval of all applications for development in the City of Buckeye. This article is intended to ensure consistency and efficiency in the administration of the City's land use regulations.

#### 8.1.2. Organization of Article

Common procedures, which are applicable to most types of development applications, are in Section 8.2, *Common Development Review Procedures*. Subsequent sections include additional provisions that are unique to each type of application, including staff and review board assignments and approval criteria.

#### 8.1.3. Summary Table

Table 8.1-1 summarizes the review and decision-making responsibilities for the procedures described in this Article. The table is a summary tool and does not describe all possible types of decisions made under this Development Code. Other duties and responsibilities are described in Article 7, *Review and Decision-Making Bodies*

TABLE 8.1-1: REVIEW AND DECISION-MAKING RESPONSIBILITIES						
R = Review (Responsible for Review and/or Recommendation) H = Hearing (Public Hearing Required) D = Decision (Responsible for Final Decision) A = Appeal (Authority to Hear/Decide Appeals)						
Procedure	Section	Pre-App Conf?	Director	P&Z	City Council	Board of Adjustment
Amendment to General Plan/Specific Area Plan	8.3.	Yes	R	H-R	H-D	
Amendment to Text of Development Code	8.4.		R	H-R	H-D	
Amendment to Zoning Map (Rezoning)	8.5.	Yes	R	H-R	H-D	
Community Master Plan (CMP) and Planned Area Development (PAD)	8.6.	Yes	R	H-R	H-D	
Conditional Use Permit	8.7.	Yes	R	H-D	H-A	

<sup>24</sup> RES. 17-15, ORD. 03-15; 03/17/2015

**ARTICLE 8: REVIEW AND APPROVAL PROCEDURES**  
**SECTION 8.2 COMMON DEVELOPMENT REVIEW PROCEDURES 24F**  
 SUBSECTION 8.1.4 OTHER REVIEWS

<b>TABLE 8.1-1: REVIEW AND DECISION-MAKING RESPONSIBILITIES</b>						
R = Review (Responsible for Review and/or Recommendation) H = Hearing (Public Hearing Required) D = Decision (Responsible for Final Decision) A = Appeal (Authority to Hear/Decide Appeals)						
Procedure	Section	Pre-App Conf?	Director	P&Z	City Council	Board of Adjustment
Subdivision: Preliminary Plat	8.8.6.	Yes	R	H-R	H-D	
Subdivision: Final Plat	8.8.7.		D		H-A	
Minor Subdivision	8.8.8.		D	H-A		
Lot Split	8.8.9.		D	H-A		
Subdivision: Re-Plat: Administrative	8.8.10		D			
Subdivision: Re-Plat: City Council Review	8.8.10		R		H-D	
Site Plan: Administrative Review	8.9.3.		D	H-A		
Site Plan: Planning Commission Review	8.9.4.	Yes	R	D	H-A	
Temporary Use Permit	8.10.		D		H-A	
Variance	8.11.		H-D (Hearing Officer)		H-A	
Building Permit	8.14.		D			
Annexation	8.16.		R	H-R	D	

**8.1.4. Other Reviews**

In addition to the reviews summarized in Table 8.1-1, the Director may also refer applications to other boards, commissions, government agencies, and non-governmental agencies not referenced in this Article and/or in Article 6, *Review and Decision-Making Bodies*.

**ARTICLE 8: REVIEW AND APPROVAL PROCEDURES**  
**SECTION 8.2 COMMON DEVELOPMENT REVIEW PROCEDURES 24F**  
SUBSECTION 8.2.1 STEP 1: PRE-APPLICATION CONFERENCE

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**8.2. COMMON DEVELOPMENT REVIEW PROCEDURES <sup>25</sup>**

The common development review procedures in this Section 8.2 shall apply to all types of development applications under this Article 8, unless an exception to the common procedures is expressly identified in subsequent sections of this Article.

**8.2.1. Step 1: Pre-Application Conference**

**A. Purpose**

The purpose of a pre-application conference is to provide an opportunity for an informal evaluation of the applicant's proposal and to familiarize the applicant and the City staff with the applicable provisions of this Development Code, the City's General Plan, infrastructure requirements, and any other issues that may affect the applicant's proposal.

**B. Applicability**

**1. Required for Certain Applications**

A pre-application conference is required prior to the following types of applications:

- a. Amendment to the General Plan;
- b. Amendment to the Zoning Map (Rezoning);
- c. Community Master Plan;
- d. Conditional Use Permit;
- e. Subdivision: Preliminary Plat; and
- f. Site Plan approved by the Planning Commission;

Such applications shall not be accepted until after the pre-application conference is completed. The conference should take place prior to any substantial investment, such as detailed site and engineering design.

**2. Optional for All Other Applications**

A pre-application conference is optional prior to submission of any other application under this Development Code not listed above.

**C. Initiation of Pre-Application Conference**

The potential applicant shall request in writing a pre-application conference with the Director and pay the required fees. With the request for a pre-application conference, the applicant shall provide to the Director a description of the character, location, and magnitude of the proposed development and any other available supporting materials, such as maps, drawings, or models. It is the applicant's responsibility to provide sufficiently detailed plans and descriptions of the proposal for staff to make the informal

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<sup>25</sup> RES. 17-15, ORD. 03-15; 03/17/2015

**ARTICLE 8: REVIEW AND APPROVAL PROCEDURES**  
**SECTION 8.2 COMMON DEVELOPMENT REVIEW PROCEDURES 24F**  
SUBSECTION 8.2.2 STEP 2: NEIGHBORHOOD MEETING

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recommendations discussed below. The materials should be submitted at least ten business days before the conference.

**D. Pre-Application Conference Content**

The Director shall schedule a pre-application conference after receipt of a proper request. At the conference, the applicant, the Director or designee, and any other persons the Director deems appropriate to attend shall discuss the proposed development. Based upon the information provided by the applicant and the provisions of this Development Code, the parties should discuss in general the proposed development, the applicable requirements and standards of this Development Code, and conditions that may be appropriate to meet the purposes and requirements of this Development Code.

**E. Comments From Pre-Application Conference**

City officials present at the pre-application conference shall submit their comments to the Community Development Department staff, who shall forward all comments received to the applicant within 10 business days of the conference.

**F. Informal Evaluation Not Binding**

The informal evaluation by the Director and staff provided at the conference is not binding upon the applicant or the City but is intended to serve only as a guide to the applicant in making the application and to advise the applicant in advance of the formal application of issues that may be presented to the appropriate decision-making body.

**G. Waiver**

The Director may waive the pre-application conference requirement for applications if he or she finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver.

**H. Application Required Within Six Months**

After a pre-application conference has been completed, the associated application must be completed within six months, or sooner if required by the Director due to changing conditions. If an application is not filed within such time frame, a new pre-application conference shall be required prior to filing an application.

**8.2.2. Step 2: Neighborhood Meeting**

**A. Purpose**

The purpose of a neighborhood meeting is to provide an opportunity to inform the residents and landowners of the surrounding neighborhood(s) of the details of a proposed development and application, how the applicant intends to meet the standards contained in this Development Code, and to receive public

**ARTICLE 8: REVIEW AND APPROVAL PROCEDURES**  
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**SUBSECTION 8.2.3 STEP 3: DEVELOPMENT APPLICATION SUBMITTAL**

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comment and encourage dialogue at an early time in the review process. No decision regarding the application will be made at the neighborhood meeting.

**B. Applicability**

A neighborhood meeting is recommended for any development proposal that will be subject to Planning Commission review. The neighborhood meeting is optional unless expressly stated otherwise in this Article 7 or required by the Director in his or her discretion.

**C. Notice of Neighborhood Meeting**

An applicant holding a neighborhood meeting is encouraged to provide mailed, published, and posted notice of the meeting in the same manner that would be required for public hearings on the application pursuant to Step 6 of the common development review procedures. Such notice is required if the neighborhood meeting is required by the Director or this Development Code. The applicant shall notify the Community Development Department in writing of the meeting date, time, and location no less than 14 days prior to the scheduled date of the meeting, if the meeting was required to be held by the Director or this Development Code. An affidavit certifying that the applicant completed the notice procedures under Step 6 shall be included with the development application submittal.

**D. Attendance at Neighborhood Meeting**

The applicant shall be responsible for scheduling the meeting, coordinating the meeting, and for retaining an independent facilitator if needed. The meeting shall be held prior to submittal of the subject development application. Attendance at the meeting by Community Development Department staff is not required and will be determined by the Director on a case-by-case basis.

**E. Summary of Neighborhood Meeting**

The applicant shall prepare and deliver a written summary of the neighborhood meeting to the Community Development Department within 30 days of the date of the meeting. The written summary shall be included in the staff report provided to the decision-making body at the time of the first public meeting to consider the application. The following information shall be included in the meeting summary, at a minimum: date, time, and location of the meeting; a copy of the meeting sign-in sheet, and a summary description of how the applicant has addressed or proposes to address the issues, concerns, and objections identified during the meeting.

**8.2.3. Step 3: Development Application Submittal**

**A. Application Packet**

The Director shall compile the requirements for application contents, forms, and fees and make such materials available to the public. The Director may amend and update the application materials from time to time.

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**B. Form of Application**

Applications required under this Article shall be submitted in a form and in such number as required by the Director.

**C. Consolidated Development Applications and Review**

Multiple development applications for the same development proposal may be consolidated for submittal and review, if authorized by the Director and the application packets.

**D. Authority to File Applications**

1. Unless otherwise specified in this Development Code, applications for review and approval may be initiated by:
  - a. The owner of the property that is the subject of the application;
  - b. The owner's authorized agent; or
  - c. Any review or decision-making body.
2. When an authorized agent files an application under this Development Code on behalf of a property owner, the agent shall provide the Community Development Department with written documentation that the owner of the property has authorized the filing of the application.
3. When a review or decision-making body initiates action under this Development Code, it does so without prejudice toward the outcome.

**E. Development Review Fees**

**1. Recovery of Costs**

Development review fees are established to recover the costs incurred by the City in processing, reviewing, and recording development applications. The applicable development review fees are and shall be paid at the time of submittal of any development application.

**2. Development Review Fee Schedule**

The amount of the City's development review fees shall be established by the City Council and shall be based on the actual expenses incurred by or on behalf of the City.

**F. Waivers**

The Director may waive certain submittal requirements in order to reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. The Director may waive such requirements where he or she finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver.

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**SUBSECTION 8.2.3 STEP 3: DEVELOPMENT APPLICATION SUBMITTAL**

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**G. Additional Information**

Additional application-specific information, beyond that specified in the application packet, may be required by any decision-making body as necessary and appropriate to evaluate fully whether an application complies with the requirements of this Development Code.

**H. Citizen Participation Plan**

1. Every application that requires a neighborhood meeting shall include a citizen participation plan that must be implemented prior to the first public hearing. The purpose of the citizen participation plan is to:

- a. Ensure that applicants pursue early and effective citizen participation in conjunction with the application, giving them the opportunity to understand and try to mitigate any real or perceived impacts their applications may have on the community;
- b. Ensure that the citizens and property owners of the City of Buckeye have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early state of the process, and
- c. Facilitate ongoing communication between the applicant and interested citizens and property owners, City staff, and elected officials throughout the application review process.

2. The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.

3. The citizen participation plan shall be submitted with the project application and shall include the following information at a minimum:

- a. Which residents of the City, adjacent property owners, interested parties who have submitted a request to the City to be notified of any rezoning pursuant to ARS §9-462.02, adjacent political jurisdictions, and public agencies with jurisdiction over the subject property may be affected by the application;
- b. How those interested in and potentially affected by an applicant will be notified that an application has been made;
- c. How those interested and potentially affected parties will be informed of the substance of the change, amendment, or development proposed by the application;
- d. How those affected or otherwise interested will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing;

## **ARTICLE 8: REVIEW AND APPROVAL PROCEDURES**

### **SECTION 8.2 COMMON DEVELOPMENT REVIEW PROCEDURES 24F**

#### **SUBSECTION 8.2.3 STEP 3: DEVELOPMENT APPLICATION SUBMITTAL**

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- e. The applicant's schedule for the completion of the citizen participation plan, and
        - f. How the applicant will keep the Planning Department informed on the status of their citizen participation efforts.
  4. The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The target area for early notification will be determined for the applicant after consultation with the Planning Department. At a minimum, the target area shall include the following:
    - a. Property owners within the public notice area required by Section 8.2.6 of the Development Code;
    - b. The head of any homeowners association or registered neighborhood within the public notice area;
    - c. Other interested parties who have requested that they be placed on the interested parties' notification list maintained by the Planning Department.
  5. These requirements apply in addition to any notice provision required elsewhere in this Development Code.
  6. Failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the municipality for which the notice was given.
  7. The applicant may submit a citizen participation plan and begin implementation prior to formal application at their discretion. Submittal of a citizen participation plan shall not occur until after the required pre-application meeting and consultation with the Planning Department staff. The foregoing notwithstanding, applicants are encouraged to engage in early communication with the public.
- I. Citizen Participation Report**
- This section applies only when a citizen participation plan is required by this Development Code.
1. The applicant shall provide a written report on the result of their citizen participation effort prior to the notice of public hearing. This report will be attached to the Planning Department's staff report.
  2. At a minimum, the citizen participation report shall include the following information:
    - a. Details of techniques the applicant used to involve the public, including:

## **ARTICLE 8: REVIEW AND APPROVAL PROCEDURES**

### **SECTION 8.2 COMMON DEVELOPMENT REVIEW PROCEDURES 24F**

#### **SUBSECTION 8.2.4 STEP 4: DETERMINATION OF APPLICATION COMPLETENESS**

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- (i) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
  - (ii) Content, dated mailed, and numbers of mailings including letters, meeting notices, newsletters and other publications;
  - (iii) Where residents property owners, and interested parties receiving notices, newsletters or other written material are located; and
  - (iv) The number of people that participated in the process.
- b.** A summary of concerns, issues and problems expressed during the process, including:
- (i) The substance of the concerns, issues, and problems
  - (ii) How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and
  - (iii) Concerns, issues and problems the applicant is unwilling or unable to address and why.

#### **8.2.4. Step 4: Determination of Application Completeness**

- A.** After receipt of the development application, the Director shall determine whether the application is complete and ready for review.
- B.** If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Development Code. An application will be considered complete if it is submitted in the required form, includes all mandatory information and supporting materials specified in the application packet, and is accompanied by the applicable fee. A pre-application conference shall have been held, if required by this Development Code. The determination of completeness shall not be based upon the perceived merits of the application.
- C.** If an application is determined to be incomplete, the Director shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a resubmittal.
- D.** If any false or misleading information is submitted or supplied by an applicant on an application, that application will be deemed void and a new application must be submitted together with payment of applicable development review fees.

#### **8.2.5. Step 5: Application Review and Report**

After determining that a development application is complete, the Director shall refer the development application to the appropriate review agencies and planning staff,

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 SUBSECTION 8.2.6 STEP 6: NOTICE

review the development application, and prepare a staff report. The staff report shall be made available for inspection and copying by the applicant and the public prior to the scheduled public hearing on the development application. The staff report shall indicate whether, in the opinion of the staff, the development application complies with all applicable standards of this Development Code. Conditions for approval may be recommended to eliminate any areas of noncompliance or mitigate any adverse effects of the development proposal.

**8.2.6. Step 6: Notice**

**A. Content of Notices**

Notice of all public hearings required under this Article shall, unless otherwise specified in this Development Code: (1) identify the date, time, and place of the public hearing, (2) if applicable, describe the property involved in the application by street address, or legal description, or a general description and nearest cross streets; (3) describe the nature, scope, and purpose of the proposed action; (4) indicate that interested parties may appear at the hearing and speak on the matter; and (5) indicate where additional information on the matter may be obtained. If the matter to be considered applies to territory in a high noise or accident potential zone as defined under state law, the notice shall include a general statement that the matter applies to property located in such an area.

**B. Summary of Notice Requirements**

The following Table 8.2-1 summarizes the notice requirements of the procedures in this Article.

<b>TABLE 8.2-1: NOTICE REQUIREMENTS</b>					
✓ = Notice Required					
<b>Type of Application or Procedure</b>	<b>Section</b>	<b>Mailed</b>	<b>Published</b>	<b>Posted</b>	<b>Neighborhood Meeting</b>
<b>Amendment to General Plan/Specific Area Plan</b>	8.3.	✓	✓	✓	✓
<b>Amendment to Text of Development Code</b>	8.4.	Mailed notice only required if covered by 8.2.6.D.2	✓		
<b>Amendment to Zoning Map (Rezoning)</b>	8.5.	✓	✓	✓	✓
<b>Community Master Plan (CMP) and Planned Area Development (PAD)</b>	8.6.	✓	✓	✓	✓
<b>Conditional Use Permit</b>	8.7.	✓	✓	✓	✓
<b>Subdivision: Preliminary Plat</b>	8.8.6.	✓	✓	✓	
<b>Subdivision: Final Plat</b>	8.8.7.				
<b>Minor Subdivision</b>	8.8.8.			✓	

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 SUBSECTION 8.2.6 STEP 6: NOTICE

<b>TABLE 8.2-1: NOTICE REQUIREMENTS</b>					
✓ = Notice Required					
<b>Type of Application or Procedure</b>	<b>Section</b>	<b>Mailed</b>	<b>Published</b>	<b>Posted</b>	<b>Neighborhood Meeting</b>
Lot Split	8.8.9.				
Re-Plat	8.8.10				
Site Plan: Administrative Review	8.9.3.				
Site Plan: Planning Commission Review	8.9.4.				
Temporary Use Permit	8.10.				
Variance	8.11.	✓ <sup>1</sup>	✓	✓	
Appeal of Administrative Decisions	8.13.		✓	✓	
Annexation	8.16		✓	✓	
<b>NOTE:</b> <sup>1</sup> Variances require a mailed notice to surrounding property owners within 150 feet of the subject property.					

**C. Mailed Notice**

When Table 7.2-1 requires that mailed notice be provided, the applicant shall provide the Director with a current list of applicable property owners and organizations as listed below, prepared and certified by a title insurance company or abstract company licensed by the State of Arizona. The applicant shall deposit notices into first-class mail at least 15 days prior to the scheduled date of the hearing. In computing such period, the day of posting shall not be counted, but the day of the hearing shall be counted. Written notice shall be provided by the applicant to all persons listed on the records of the County Assessor as owners of land subject to the application or as owners of the parcels within 300 feet of the outer boundary of the land subject to the application. For any rezoning of an area greater than 20 acres, General Plan amendments, and CMPs, the 300-foot requirement shall be 500 feet. The applicant shall provide a written "Affidavit of Mailing" to the Development Services Department certifying that all required notices were timely mailed.

**D. Published Notice<sup>26</sup>**

1. If published notice is required by Table 8.2-1, the applicant shall publish notice in a newspaper of general circulation in the area. The notice shall be published at least 15, but no more than 30, days before the scheduled hearing date. In computing such period, the day of posting shall not be counted, but the day of the hearing shall be

<sup>26</sup> ORD. 14-14; 12/02/2014

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SUBSECTION 8.2.6 STEP 6: NOTICE

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counted. Any affidavit of publication provided by the newspaper shall be obtained by the applicant and given to the Development Services Department for their records.

2. If any application, proposed amendment, or proposed Minor Modification involves one or more of the following proposed changes or related series of changes,
  - a. A ten percent or more increase or decrease in the number of square feet or units that may be developed;
  - b. A ten percent or more increase or reduction in the allowable height of buildings;
  - c. An increase or reduction in the allowable number of stories of buildings;
  - d. A ten percent or more increase or decrease in setback or open space requirements; and/or
  - e. An increase or reduction in permitted uses.

the City shall provide notice in accordance with A.R.S. §9-462.04 via one of the following methods, as per the Director's or their designee's discretion:

- f. Notice shall be sent by first class mail to each real property, as shown on the last assessment, whose real property is directly governed by the changes, or;
- g. Notices shall be included as inserts within utility bills or other mass mailings that periodically include notices or other informational or advertising materials, or;
- h. The City shall publish such changes prior to the first hearing on such changes in a newspaper of general circulation in the City. The changes shall be published in a "display ad" covering not less than one-eighth of a full page.

**E. Posted Notice**

Posted notice, if required by Table 8.2-1, shall be provided in the following manner: There shall be posting of at least three signs on the lot, parcel, or tract of land that is the subject of the application or proposed action by the City, and such signs shall remain on the property for a period of at least 15 days prior to the public hearing and for at least 10 days after the final disposition of the case. All signs shall be removed no later than 10 days after the expiration of the above period. The applicant shall maintain the sign in good condition throughout the required posting period. The sign shall be posted in a prominent place, clearly visible from a major arterial street if the property abuts such an arterial street, or clearly visible from a collector street if the property abuts a collector street, or clearly visible to the most heavily traveled

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SUBSECTION 8.2.7 STEP 7: PUBLIC HEARING

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street or public way if the property does not abut an arterial or collector street. In particular, a tract of land abutting an arterial street and that also abuts a residential subdivision having stubbed streets that cannot be served by the same arterial street serving the lot, parcel, or tract, shall post at least one additional sign clearly visible from at least one street in the residential subdivision which is stubbed to the property for which the application is being requested.

**F. Constructive Notice**

1. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing and the decision-making body shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Development Code.
2. When the records of the City document the publication, mailing, and posting of notices as required by this section, it shall be presumed that notice was given as required by this section.

**8.2.7. Step 7: Public Hearing**

A public hearing, if required under this Development Code, shall be conducted in accordance with the procedures adopted by the City of Buckeye.

**8.2.8. Step 8: Decision and Findings**

**A. Decision**

After consideration of the application, the staff report, comments received from other reviewers (if applicable), and the evidence from the public hearing (if applicable), the decision-maker shall approve, approve with conditions, or deny the application based on its compliance with the applicable approval criteria, as described in Step 9 of the common development review procedures. Written notification of the decision shall be provided by the Director to the applicant. All decisions shall include:

1. A statement of approval, approval with conditions, or denial, whichever is appropriate; and
2. A statement of the basis upon which the decision was made.

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SUBSECTION 8.2.9 STEP 9: APPROVAL CRITERIA

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**8.2.9. Step 9: Approval Criteria**

To approve a development application, the decision maker shall find that the development application has satisfied and followed the applicable requirements of this Article and meets all of the approval criteria required for the applicable development application, as set forth in subsequent sections of this Article.

**8.2.10. Step 10: Conditions of Approval**

The decision-maker may impose such conditions on the approval of the application as may be necessary to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the purpose and intent of the General Plan and this Development Code. In such cases, any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both nature and extent to the anticipated impacts of the proposed use or development. No conditions of approval, except for those attached to Variances or Minor Modification approvals, shall be less restrictive than the requirements of this Development Code.

**8.2.11. Step 11: Amendments to Permits or Other Forms of Approval**

**A. Minor Amendments**

Unless otherwise specified in this Article, minor amendments to any permit or other form of approval issued by the Director or the Planning Commission under this Article may be approved, approved with conditions, or denied administratively by the Director and may be authorized without additional public hearings. Such minor amendments may be authorized by the Director as long as the development approval, as so amended, continues to comply with the standards of this Development Code, at least to the extent of its original compliance (so as to preclude any greater deviation from the standards of this Development Code by reason of such amendments). Minor amendments shall consist of any of the following:

1. Any change to any permit or other form of approval that was originally subject only to administrative review and was approved by the Director, provided such change would not have disqualified the original application from administrative review had it been requested at that time; and provided that the minor amendment does not result in an increase of more than ten percent in the amount of square footage of a land use or structure and does not result in a change in the types of uses in the project.
2. Any change to any permit or other form of approval that was originally subject to final review by the Planning Commission and was approved by the Planning Commission, provided that:
  - a. The minor amendment does not result in an increase in the approved number of dwelling units;

**ARTICLE 8: REVIEW AND APPROVAL PROCEDURES**  
**SECTION 8.3 AMENDMENT TO GENERAL PLAN OR SPECIFIC AREA PLAN**  
SUBSECTION 8.2.12 STEP 12: LAPSE

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- b. The minor amendment does not result in an increase in the amount of square footage of a non-residential land use or structure;
  - c. The minor amendment does not result in a change in the housing mix or use mix ratio; and
  - d. The minor amendment does not result in a change in the character of the development.
3. In either 1. or 2., the Director may refer the amendment to the Planning Commission and, if so referred, the decision of the Planning Commission shall constitute a final decision, subject only to appeal as provided under applicable law.

**B. Major Amendments**

Unless otherwise specified in this Article, amendments to any permit or other form of approval that are not determined by the Director to be minor amendments under the criteria in subsection A. shall be deemed major amendments. Major amendments shall be reviewed and processed in the same manner as required for the original application for which amendment is sought.

**8.2.12. Step 12: Lapse**

If applicable, the lapse of approval time frames established by the procedures of this Development Code may be extended only when all of the following conditions exist:

- A. The provisions of this Development Code must expressly allow the extension;
- B. An extension request must be filed prior to the applicable lapse-of-approval deadline;
- C. The extension request must be in writing and include justification; and
- D. Unless otherwise noted, authority to grant extensions of time shall rest with the decision-making body that granted the original approval (the one being extended).

**8.3. AMENDMENT TO GENERAL PLAN OR SPECIFIC AREA PLAN**

**8.3.1. Purpose and Scope**

Several types of plan amendments are addressed in this Section.

**A. Types of General Plan Amendments**

The General Plan shall be reviewed and reassessed regularly in order to evaluate its effectiveness and adequacy in guiding the growth of the City and to determine whether the plan continues to meet the City's long-term planning needs. The Director shall initiate a full review of the General Plan at least once every ten years, preferably following the decennial census. In addition, any review or decision-making body, or the director of any City department,

## ARTICLE 8: REVIEW AND APPROVAL PROCEDURES

### SECTION 8.8 SUBDIVISION SUBSECTION 8.8.1 PURPOSE

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#### J. Step 10 (Conditions of Approval)

Applicable, with the following additions:

1. Any of the conditions imposed by the permit shall be considered as conditions precedent to the granting of a building permit for the conditional use allowed.
2. If a site plan is not processed concurrently with the Conditional Use Permit application pursuant to Section 8.7.2 *Relationship to Site Plan Review*, then a site plan meeting the conditions specified in the Conditional Use Permit shall be required and shall be submitted and processed pursuant to Section 8.9 *Site Plan Review* prior to issuance of any building permits for the subject property.

#### K. Step 11 (Amendments)

Applicable.

#### L. Step 12 (Lapse)

Applicable, as follows:

1. In the event of noncompliance by the applicant with the Conditional Use Permit or any conditions of approval, or if the Conditional Use is not in operation within two years after the date of its approval, the Planning Commission may initiate proceedings to review the Conditional Use Permit. Such review shall occur in the same manner as for original approval, and upon completion of such review the Planning Commission may revoke the Conditional Use Permit or amend the original approval.
2. Should the Conditional Use cease operation for a period longer than one year, then the permit shall be considered void and shall require a new application.

## 8.8. SUBDIVISION

### 8.8.1. Purpose

The purpose of the subdivision review process is to ensure compliance with the subdivision standards and requirements in Article 6, *Land Subdivision*, while encouraging quality development consistent with the goals, policies, and objectives in the City's General Plan.

### 8.8.2. Applicability

The procedures of this Section 8.8, and the standards and requirements in Article 6, *Land Subdivision*, shall apply to all "subdivisions," "minor subdivisions," "re-subdivisions," and "land splits" as defined in Article 10, *Definitions*, of this Development Code, including any subdivisions or re-subdivisions created by an exercise of the

## **ARTICLE 8: REVIEW AND APPROVAL PROCEDURES**

### **SECTION 8.8 SUBDIVISION**

#### **SUBSECTION 8.8.3 SUBDIVISION APPROVAL IS PREREQUISITE TO OTHER APPROVALS**

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power of eminent domain by an agency of the state or City, unless specifically excluded by state law.

#### **8.8.3. Subdivision Approval is Prerequisite to Other Approvals**

No building permit or certificate of occupancy may be issued for any building, structure, or improvement located within a subdivision, and no plat for a subdivision may be recorded, until:

- A.** A plan for the subdivision has been approved and all required dedications of land have been made and all required improvements have been installed in accordance with the procedures and requirements of this Development Code; or
- B.** A plan for the subdivision of land has been approved and, if applicable, a development agreement has been executed that provides for future improvements pursuant to Section 6.4, *Improvements*, of this Development Code.

The City shall not accept or maintain any street and shall not extend or connect any street lighting, water service, or sanitary sewer service to any subdivision of land, until and unless a final plat for the subdivision has been approved and recorded in accordance with the requirements in this Section 8.8.

#### **8.8.4. Restriction on Sale or Transfer of Subdivided Land Without Approved Plat**

Any person who transfers or sells any land located within the City by reference to a plat that has not been approved by the City and recorded by the appropriate County shall be guilty of a violation of this Development Code. Any person who transfers or sells land located within the City without meeting the applicable requirements of this Development Code and A.R.S. Sections 9-463, 9-463.01, 9-463.02 and 9-463.03 shall be guilty of a violation of this Development Code.

#### **8.8.5. Existing Lots of Record**

No provision of this Section 8.8 or Article 6, *Land Subdivision*, applies to any lot in a subdivision legally created and filed of record before the effective date of this Development Code, unless any lot, parcel, or tract is further subdivided.

#### **8.8.6. Procedure for Review of Preliminary Plats**

The common development review procedures of Section 8.2 shall apply, with modifications as noted below. (See Figure 8.8-A.)

- A. Step 1 (Pre-Application Conference) (Sketch Plan)**

**ARTICLE 8: REVIEW AND APPROVAL PROCEDURES**

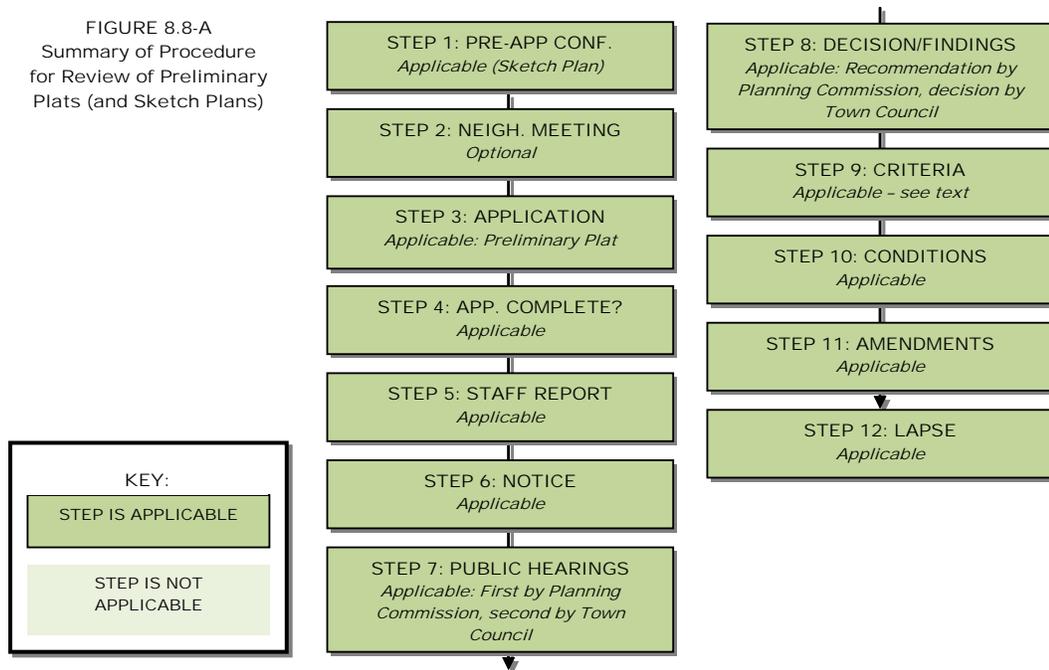
**SECTION 8.8 SUBDIVISION**

**SUBSECTION 8.8.6 PROCEDURE FOR REVIEW OF PRELIMINARY PLATS**

Applicable, as follows: A sketch plan shall be submitted to the Director staff on a form contained in the application packet. A sketch plan represents a generalized land use plan and layout for the area proposed to be included within a subdivision. It is a mandatory step that allows early, informal evaluation of a proposed subdivision before detailed planning and engineering work is undertaken and substantial expenses are incurred. At a minimum, the sketch plan shall contain the following information:

1. Uses proposed;
2. Intensity or density of uses proposed;
3. Location of public and private open space;
4. Drainage facilities;
5. All public and private road, street, and pedestrian networks proposed; and
6. Existing or proposed utilities and public services for the development.

FIGURE 8.8-A  
Summary of Procedure  
for Review of Preliminary  
Plats (and Sketch Plans)



- B. Step 2 (Neighborhood Meeting)**  
Optional at the applicant’s discretion.

## **ARTICLE 8: REVIEW AND APPROVAL PROCEDURES**

### **SECTION 8.8 SUBDIVISION**

#### **SUBSECTION 8.8.6 PROCEDURE FOR REVIEW OF PRELIMINARY PLATS**

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- C. Step 3 (Development Application Submittal)**  
Applicable, with the following additional provision: If only a portion of the land is intended for immediate development, the remaining portion shall be given a tract number and shall be considered a part of the preliminary and final plat. Requirements for surveying this remaining tract may be waived at the discretion of the Director.
- D. Step 4 (Determination of Application Completeness)**  
Applicable.
- E. Step 5 (Staff Report)**  
Applicable.
- F. Step 6 (Notice)**  
Applicable. Mailed, posted, and published notice required.
- G. Step 7 (Public Hearings)**  
Applicable. Two public hearings are required. The first hearing shall be held by the Planning Commission and the second hearing shall be held by the City Council.
- H. Step 8 (Decision and Findings)**  
Applicable. The following additional procedures shall apply:
- 1. Public Hearing and Recommendation by Planning Commission**
    - a.** A copy of the preliminary plat filed with the City shall be available for public viewing during regular business hours. Anyone may submit written comments recommending approval or denial of the preliminary plat, stating the reasons therefore, to the Planning Commission on or before the date for the public hearing.
    - b.** The Planning Commission shall hold a public hearing on the preliminary plat and shall consider staff recommendations and any comments received from the referral entities. Within 30 days of the close of the hearing, based on the applicable approval criteria in Step 9, the Commission shall recommend that the City Council approve, conditionally approve, or deny the application; table the application for further review; or continue the hearing to a new date.
  - 2. Review and Decision by City Council**  
The Council shall review the preliminary plat application at a regularly scheduled and noticed public hearing. The City Council shall consider the Planning Commission's recommendations and approve, conditionally approve, or deny the application, or table the application for further review, based on the applicable approval criteria in Step 9.

## **ARTICLE 8: REVIEW AND APPROVAL PROCEDURES**

### **SECTION 8.8 SUBDIVISION**

#### **SUBSECTION 8.8.6 PROCEDURE FOR REVIEW OF PRELIMINARY PLATS**

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**3. Denial of a Preliminary Plat**

If a preliminary plat is denied by the City Council, the applicant shall be given in writing the specific reasons for the denial. The applicant may, within six months, resubmit the preliminary plat along with an affidavit stating that the deficiencies in the previous application have been corrected without paying an application fee.

**4. Conditions of Approval**

If the City Council specifies condition(s) for approval, the applicant may, within 60 days of such City Council action, resubmit the preliminary plat along with an affidavit to the City Council stating that the conditions specified by the City Council in the previous application have been met without paying an application fee. No public hearing by the Planning Commission is required in such cases. Such reapplication shall also be reviewed by the City Council according to the review procedures listed above for preliminary plats. Any re-application of this type after 60 days shall be considered a new preliminary plat and shall require a new application fee and a public hearing before the Planning Commission.

**5. Effect of Approval**

Approval of a preliminary plat shall be deemed an expression of approval to the layouts submitted on the preliminary plat as a guide for the future installation of streets, water, sewer, and other required improvements and utilities and to the preparation of the final or record plat. Except as provided for in this section, approval of the preliminary plat shall constitute permission to submit a final plat when all conditions of approval noted as provided in this section have been met.

**6. Construction Work**

No construction work shall begin on the proposed improvements in the proposed subdivision prior to approval of the final plat. The subdivider may undertake certain ground excavations for grading and drainage purposes if the proper permits are issued by the Director, at the subdivider's risk.

**I. Step 9 (Approval Criteria)**

Applicable, as follows: A preliminary plat may be approved only if the City Council finds that all of the following criteria have been met:

1. The subdivision is consistent with the General Plan.
2. The subdivision is consistent with and implements the intent of the specific zoning district(s) in which it is located.

## **ARTICLE 8: REVIEW AND APPROVAL PROCEDURES**

### **SECTION 8.8 SUBDIVISION**

#### **SUBSECTION 8.8.6 PROCEDURE FOR REVIEW OF PRELIMINARY PLATS**

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3. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed to meet the City's standards related to health and safety and in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of this Development Code.
4. The subdivision complies with all applicable use, development, and design standards set forth in this Development Code that have not otherwise been modified or waived pursuant to this Article 8. Applicants shall refer to the dimensional standards in Article 4 and the development standards in Article 5 of this Development Code and shall implement them in the layout of the subdivision in order to avoid creating lots or patterns of lots in the subdivision that will make compliance with such development and design standards difficult or infeasible.
5. The plat complies with all requirements set forth in Article 6, *Land Subdivision*, of this Development Code.
6. The subdivision complies with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant jurisdictions, including but not limited to wetlands, water quality, erosion control, and wastewater regulations.
7. The subdivision will not result in adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated.
8. The subdivision shall be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features.
9. The subdivision will not result in adverse impacts on adjacent properties, or such impacts will be substantially mitigated.
10. Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, schools, and fire stations are or may be available to serve the subject property, while maintaining sufficient levels of service to existing development.
11. As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capability.

**J. Step 10 (Conditions of Approval)**  
Applicable.

## ARTICLE 8: REVIEW AND APPROVAL PROCEDURES

### SECTION 8.8 SUBDIVISION

#### SUBSECTION 8.8.7 PROCEDURE FOR REVIEW OF FINAL PLATS

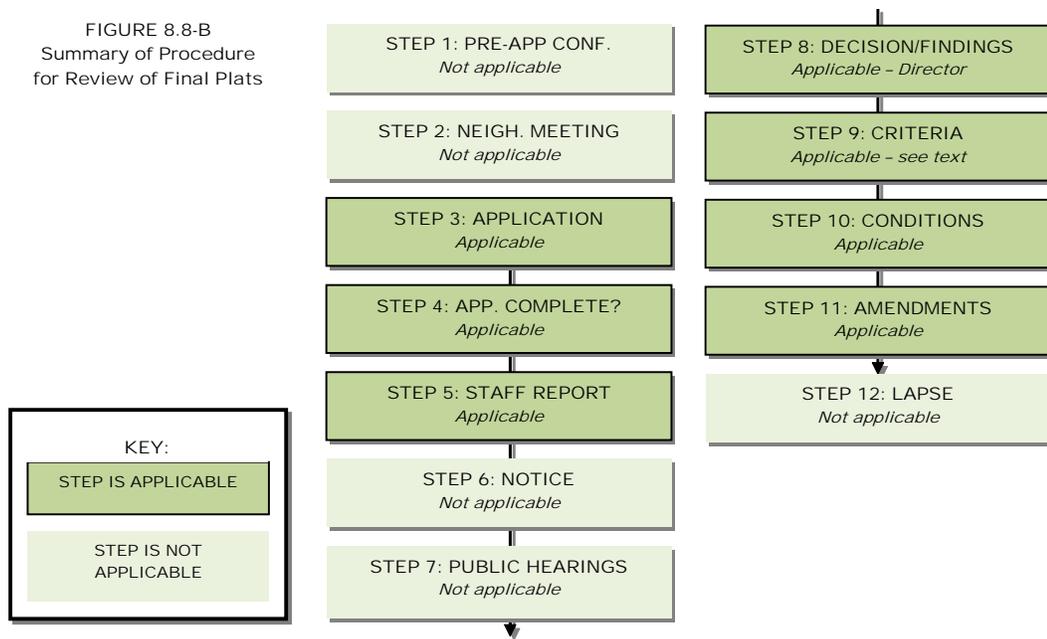
**K. Step 11 (Amendments)**  
Applicable.

**L. Step 12 (Lapse)**  
Applicable, as follows: Approval of a preliminary plat shall be effective for two years. If no development or change in requirements has occurred that would affect the proposed plat at the end of such two-year period, the City Council may, at the request of the applicant, extend its approval another year without the submission of a new preliminary plat by re-approving the original preliminary plat. No extensions of approval shall be granted more than once.

#### 8.8.7. Procedure for Review of Final Plats

The common development review procedures of Section 8.2, *Common Development Review Procedures*, shall apply, with modifications as noted below. (See Figure 8.8-B.)

FIGURE 8.8-B  
Summary of Procedure  
for Review of Final Plats



**A. Step 1 (Pre-Application Conference)**  
Not applicable.

**B. Step 2 (Neighborhood Meeting)**  
Not applicable.

**C. Step 3 (Development Application Submittal)**  
Applicable.

**D. Step 4 (Determination of Application Completeness)**  
Applicable.

## **ARTICLE 8: REVIEW AND APPROVAL PROCEDURES**

### **SECTION 8.8 SUBDIVISION**

#### **SUBSECTION 8.8.7 PROCEDURE FOR REVIEW OF FINAL PLATS**

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**E. Step 5 (Staff Report)**

Applicable.

**F. Step 6 (Notice)**

Not applicable.

**G. Step 7 (Public Hearings)**

Not applicable.

**H. Step 8 (Decision and Findings)**

Applicable. The following additional procedures shall apply:

**1. Director's Review and Decision**

The Director and staff shall review each proposed final plat application in light of the applicable approval criteria in Step 9. All construction plans for subdivision-related public improvements shall be referred to the City Engineer for review and approval. Based on the results of those reviews, the Director shall approve, approve with conditions, or deny the proposed final plat. If the Director finds that the final plat submittal documents do not comply with the applicable requirements of this Development Code, the Director may refer it back to the applicant for modification or further study.

**2. Final Plats that Differ from Approved Preliminary Plats**

If the final plat does not substantially conform to the approved preliminary plat, based upon the determination of the Director, the Director shall refer the application to the Planning Commission, and the final plat submittal shall require review and approval in the same manner as the preliminary plat (i.e., hearings before the Planning Commission and the City Council).

**3. Effect of Approval**

Following the approval of a final plat, which shall have all permitted modifications, waivers, or variances expressly noted thereon, the final plat shall be signed by the Director, the City Engineer, and the City Attorney. The final plat shall then be recorded no later than 10 days after the final plat is executed by the City.

**4. Acceptance of Dedications**

Execution of the approved final plat shall constitute the City's preliminary acceptance of any public dedication, subject to an improvements guarantee.

**5. Improvements Guarantee**

The subdivider shall provide any required guarantees and warranties required by Article 6, *Land Subdivision*, to the City Clerk prior to the recording of the plat. For a period of two years after receipt of an

## **ARTICLE 8: REVIEW AND APPROVAL PROCEDURES**

### **SECTION 8.8 SUBDIVISION**

#### **SUBSECTION 8.8.7 PROCEDURE FOR REVIEW OF FINAL PLATS**

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acceptance letter from the City, the applicant shall guarantee the conditions of all public facilities and be responsible for the structural maintenance and the repair of any defects that may emerge during that period. Ownership and maintenance of those areas not formally accepted shall be the responsibility of the applicant or a private association. At the end of two years, the applicant shall petition the City for formal final release from the responsibility for the improvements. The City shall then inspect the improvements and determine whether the applicant has met the conditions specified in the preliminary acceptance. If conditions have been met, the City shall release the applicant from responsibility for the improvements. Upon final acceptance, it shall be the City's responsibility to maintain and repair all such improvements, unless stated otherwise on the final plat or within any development agreement recorded in connection with the development.

#### **I. Step 9 (Approval Criteria)**

Applicable, as follows: The Director shall approve a final plat if it meets the following criteria:

1. In the Director's discretion, the final plat substantially conforms to the approved preliminary plat and incorporates all recommended changes, modifications, and conditions attached to approval of the preliminary plat.
2. Plans and specifications for improvements connected with development of the subdivision comply with the standards in Article 6, *Land Subdivision*, of this Development Code, and any other relevant City, county, state, or federal regulations, except to the extent modifications, variances, or exceptions have been expressly allowed by the terms of the preliminary plat approval. All construction plans for improvements shall be approved by the City Engineer prior to the Director's action on the final plat.
3. The applicant has either installed all required improvements or has executed a development improvement agreement required under Section 6.4, *Improvements*, of this Development Code.
4. The applicant has paid or satisfied all applicable fees and charges, including recording fees.

#### **J. Step 10 (Conditions of Approval)**

Applicable.

#### **K. Step 11 (Amendments)**

Applicable, with the following additional provisions:

## **ARTICLE 8: REVIEW AND APPROVAL PROCEDURES**

### **SECTION 8.8 SUBDIVISION**

#### **SUBSECTION 8.8.7 PROCEDURE FOR REVIEW OF FINAL PLATS**

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##### **1. Minor Amendments**

The Director may approve minor amendments to approved plats, which shall be recorded and shall control over the preceding or final plat without vacation of that plat, if the amending plat is signed by the applicants only and the sole purpose of the amending plat is to:

- a. Correct an error in a course or distance shown on the preceding plat;
- b. Add a course or distance that was omitted on the preceding plat;
- c. Correct an error in a real property description shown on the preceding plat;
- d. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- e. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- f. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- g. Correct an error in courses and distances of lot lines between two adjacent lots if:
  - (i) Both lot owners join in the application for amending the plat;
  - (ii) Neither lot is abolished;
  - (iii) The amendment does not attempt to remove recorded covenants or restrictions; and
  - (iv) The amendment does not have a material adverse effect on the property rights of the owners in the plat;
  - (v) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; or
  - (vi) Relocate one or more lot lines between one or more adjacent lots if all of the following have been met:
    - (1) The owners of all those lots join in the application for amending the plat;
    - (2) The amendment does not attempt to remove recorded covenants or restrictions; and
    - (3) The amendment does not increase the number of lots.

Notice, a public hearing, and the approval of other lot owners shall not be required for the approval and issuance of a minor amending plat.

## **ARTICLE 8: REVIEW AND APPROVAL PROCEDURES**

### **SECTION 8.8 SUBDIVISION**

#### **SUBSECTION 8.8.8 PROCEDURE FOR REVIEW OF MINOR SUBDIVISIONS**

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Minor amendments shall be prepared in the form of an affidavit or, where deemed necessary for clarity, a revised plat certified by a land surveyor licensed with the State of Arizona, and shall be filed with the appropriate County Clerk and Recorder.

- L. Step 12 (Lapse)**  
Not applicable.

#### **8.8.8. Procedure for Review of Minor Subdivisions**

The procedure in this section shall apply to subdivisions that create three or fewer lots or tracts, provided that parcels are eligible for minor subdivision only once, and further subdivisions or newly created parcels shall be processed as regular subdivisions. The common development review procedures of Section 8.2 shall apply, with modifications as noted below.

- A. Step 1 (Pre-Application Conference)**  
Applicable.
- B. Step 2 (Neighborhood Meeting)**  
Not applicable.
- C. Step 3 (Development Application Submittal)**  
Applicable.
- D. Step 4 (Determination of Application Completeness)**  
Applicable.
- E. Step 5 (Staff Report)**  
Applicable.
- F. Step 6 (Notice)**  
Applicable. Posted notice only.
- G. Step 7 (Public Hearings)**  
Not applicable.
- H. Step 8 (Decision and Findings)**  
Applicable. The following additional procedures shall apply:
  - 1. Director's Review and Decision**  
The Director shall review each proposed minor subdivision in light of the applicable approval criteria in Step 9 and shall act to approve, approve with conditions, or deny the proposed minor subdivision. The Director shall make a final decision on the final plat application within 30 days of receipt of a complete application.

## **ARTICLE 8: REVIEW AND APPROVAL PROCEDURES**

### **SECTION 8.8 SUBDIVISION**

#### **SUBSECTION 8.8.9 PROCEDURE FOR LOT SPLIT**

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**I. Step 9 (Approval Criteria)**

Applicable, as follows: The Director shall approve a minor subdivision application if it meets the following criteria:

1. The minor subdivision is consistent with and implements the intent of the specific zoning district in which it is located and complies with all applicable use, development, and design standards set forth in this Development Code;
2. As applicable, the minor subdivision is consistent with the terms and conditions of any previously approved CMP; and
3. Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development.

**J. Step 10 (Conditions of Approval)**

Applicable.

**K. Step 11 (Amendments)**

Applicable.

**L. Step 12 (Lapse)**

Not applicable.

**8.8.9. Procedure for Lot Split**

All the procedures for a minor subdivision under Section 8.8.8, *Procedures for Review of Minor Subdivisions*, shall be applicable, with the following modifications:

- A. A lot split is permitted only for the division of improved or unimproved land whose area is two and one-half acres or less into two or three tracts or parcels of land, as defined in A.R.S. § 9-463.
- B. The lots, tracts, and parcels resulting after the land split shall meet the requirements of the underlying zoning district.

**8.8.10. Procedure for Subdivision Re-Plat**

All the procedures for a final plat shall be applicable, with the following modifications:

- A. There are two types of re-plat review: administrative and City Council review. The following applications shall qualify for administrative review:
  1. Up to 10 percent change in the overall density of the plat;

## **ARTICLE 8: REVIEW AND APPROVAL PROCEDURES**

### **SECTION 8.9 SITE PLAN REVIEW**

#### **SUBSECTION 8.9.1 PURPOSE**

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2. Shift in internal lot line of no more than five feet provided the new lot sizes conform to the minimum zoning district standards; and
3. Any application that, in the Directors opinion, does not cause a fundamental change in the overall function of the plat.

All other re-plat applications shall require review and decision by the City Council.

## **8.9. SITE PLAN REVIEW**

### **8.9.1. Purpose**

The site plan review process is intended to ensure compliance with the development and design standards of this Development Code and to encourage quality development reflective of the goals, policies, and objectives of the General Plan. For land uses requiring a site plan review, such uses may be established in the City, and building or land use permits may be issued, only after a site plan showing the proposed development has been approved in accordance with the procedures and requirements of this Section 8.9.

### **8.9.2. Applicability**

#### **A. Exemptions**

The following types of projects are exempt from site plan review:

1. Single-family detached or duplex dwelling;
2. Tenant improvements in which the existing building is not expanded.

#### **B. Administrative Site Plan Review**

The following types of projects may be approved by the Director through the administrative site plan review process:

1. A single or combination of uses proposed in one or more structures that are less than 75,000 square feet in aggregate building area.
2. A single or combination of uses proposed not within structures which occupy less than 150,000 square feet of aggregate outdoor use area.
3. Antenna co-location on existing tower; non-concealed freestanding towers; and concealed antennae and towers
4. Any proposed development which contains any combination of the above classified types of projects.