BOARD OF SUPERVISORS' HEARING
PLANNING AND ZONING AGENDA
April 20, 2022

CONSENT AGENDA

Title:	Hidden Waters Ranch
Case #:	DMP2021004
Supervisor District:	4
Applicant & Owners:	Kyle Barichello, RVI Planning & Landscape Architecture / 339th and I 10 LLC
Request:	Development Master Plan Major Amendment of approx. 200 acres of the Hidden Waters Ranch DMP (ref: DMP2006007).
Site Location:	Generally located south of the I-10 between 339th Ave. and 351st Ave. and north of Buckeye Rd.
Commission Recommendation:	On 3/24/22, the Commission voted 7-0 to recommend **approval** of DMP2021004 subject to conditions 'a' – 'p':

a. Development shall be in substantial conformance with the Development Master Plan document entitled "Hidden Waters Ranch Development Master Plan Major Amendment #2", a bound document, dated revised February 10, 2022, and stamped received, including the exhibits, maps, and appendices, except as modified by the following stipulations.

b. Changes to the Hidden Waters Ranch Development Master Plan with regard to use and intensity, or changes to any of the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation by the Maricopa County Planning and Zoning Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, subdivision regulations, and zoning ordinance in effect at the time of application(s) submission. The Maricopa County Planning and Development Department may approve minor changes administratively as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Hidden Waters Ranch Development Master Plan narrative report, maps, and exhibits, or the stipulations of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.

c. All stipulations of approval shall remain in effect in the event of a change in name of the Hidden Waters Ranch Development Master Plan.

d. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this Development Master Plan due to noncompliance with any of the approved stipulations.

e. Prior to approval of any zone change, the master developer shall enter into a development agreement with Maricopa County. Further, prior to approval of any zone change this development agreement shall be signed by both the master

developer and the designated Maricopa County representative(s) and provided to the Maricopa County Planning and Development Department for public record.

f. The master developer shall be responsible for the construction of all public and private on-site roads within the Hidden Waters Ranch Development Master Plan. Further, the Hidden Waters Ranch homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and public facilities, washes, parks, roadway median landscaping, landscaping within public rights-of-way, and all pedestrian, bicycle, and multi-use paths.

g. Prior to approval of each final plat, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identifies and assesses the native vegetation within the development parcels, and which determines the preservation/disposition for each of the selected native vegetation.

h. Landscaping of all common areas and open spaces, except for identified recreational areas, within Hidden Waters Ranch shall consist of indigenous and near-native plant species of a xeriphytic nature.

i. Until annexation of the entire development master plan takes place, the master developer shall notify all future Hidden Waters Ranch Development Master Plan residents that they are not located within an incorporated city or town, and therefore will not be represented by, or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to municipally-managed services such as police, fire, parks, water, wastewater, libraries, and refuse collection. Such notice shall be included on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8 ½ inch by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC & Rs).

j. All park facilities shall be completed concurrently with residential development of the respective plat on which the park is shown.

k. One (1) elementary school site dedication at a minimum of 14.3 acres. shall be reserved for the Saddle Mountain Unified School District at the location identified on the Hidden Waters Ranch land use plan. If at a future date State Land areas adjacent to the amended areas of the DMP are rezoned from residential to industrial use, SMUSD leadership may agree to reduce or eliminate the school reservation.

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

1. Any areas not covered by the existing Outdoor Warning Siren System used to alert residents within the 10-mile Emergency Planning Zone of the Palo Verde Nuclear Generating Station in time of emergency shall be required to include additional sirens, at the developer's cost, in order to provide adequate warning for the residents of that development, using technical

information concerning the siren system obtained from the Emergency Planning Department at the Palo Verde Nuclear Generating Station. In addition, adequate signage available from the Palo Verde Nuclear Generating Station Emergency Planning Department shall be required to be posted on the site to inform the public of the presence of a nuclear generating station in the vicinity and outlining actions to take upon receiving warning notification.

2. The developer shall ensure that public safety information regarding nuclear emergencies is initially provided to any new residents or building occupants. The applicant shall obtain this information from the Palo Verde Nuclear Generating Station – Emergency Planning Department. All costs associated with the duplication and dissemination of the initial distribution shall be assumed by the applicant. Thereafter, the Palo Verde Nuclear Generating Station will provide this public safety information annually.

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

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

n. The following Engineering stipulations shall apply:

1. All development and engineering design shall be in conformance with the Drainage Regulation and current policies, standards and best practices at the time of application for construction. No variance from Drainage Regulations or drainage engineering design standards is granted or entitled under this DMP.

2. Drainage review of planning, zoning and/or Development Master Plans cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Drainage Regulation and design policies and standards. Modeling submitted with this DMP is for conceptual level analysis only. All plats shall be submitted with appropriate and detailed model to reflect existing and proposed development conditions.

3. Without the submittal of a precise plan of development, no development approval is inferred by this review, including, but not limited to drainage design, access and roadway alignments. These items will be addressed as development plans progress and are submitted to the County for further review and/or entitlement.

4. Any development must ensure that historic drainage patterns are maintained at the up and downstream limits of development.

5. A traffic impact study must be submitted with any future entitlement application(s) (i.e. preliminary plat or plan of development) for the purpose of determining any offsite roadway improvements.

6. Changes to previous right-of-way dedication requirements for Section Line and Mid-Section Alignments within the development site will be further evaluated at the time of future entitlement applications.

7. Any development must provide for at least two (2) paved points of access to existing and improved public roads.

8. Except as modified as part of this application or stipulated herein, the Drainage, Flood Control and Transportation (MCDOT) conditions of DMP2008006 shall remain in effect.

9. Applicant to notify ADOT of proposed development through the Red Letter Process, RedLetter@azdot.gov, due to proximity and proposed access to I10 and the future I11 corridor.

10. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.

o. The following Luke Air Force Base condition shall apply:

1. The master developer shall notify future occupants/tenants that they are located near a military airport with the following language:

   "You are locating in a residential dwelling outside the "territory in the vicinity of a military airport," however aircraft flying in this area are authorized to fly as low as 1,500 feet above the ground. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

   Luke Air Force Base executes an average of approximately 165 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight areas.

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

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

   For further information, please check the Luke Air Force Base website or contact the Maricopa County Planning and Development Department."

Such notification shall be permanently posted on not less than a 3 foot by 5 foot sign in front of all leasing and home sales offices and be permanently posted on the front door of all leasing offices on not less than 8½ inch by 11 inch sign.

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

Title:	Hidden Waters Ranch
Case #:	Z2021141
Supervisor District:	4
Applicant & Owners:	Kyle Barichello, RVI Planning & Landscape Architecture / 339th and I 10 LLC
Request:	Zone change from Rural-43 PAD, R1-7 RUPD PAD, R1-6 RUPD PAD, R-2 RUPD PAD to IND-2 PAD
Site Location:	Generally located south of the I-10 between 339th Ave. and 351st Ave. and north of Buckeye Rd.
Commission Recommendation:	On 3/24/22, the Commission voted 7-0 to recommend **approval** of Z2021141 subject to conditions 'a' – 's':

a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Hidden Waters Ranch", consisting of 6 full-size sheets, stamped received February 10, 2022, except as modified by the following conditions. Staff may determine slight refinements to remain in substantial conformance with the approved site plan. Minor and major amendments to the site plan will be determined in accordance with Chapter 3 of the Maricopa County Zoning Ordinance.

b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Major Zone Change Amendment application (PAD)", consisting of 17 pages, dated February 10, 2022, and stamped received February 10, 2022, except as modified by the following conditions.

c. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened with a continuous parapet for commercial projects.

d. The following Engineering conditions shall apply:

1. Without the submittal of a precise plan of development, no development approval is inferred by this review, including, but not limited to drainage design, access and roadway alignments. These items will be addressed as development plans progress and are submitted to the County for further review and/or entitlement.

2. Any development must ensure that historic drainage patterns are maintained at the up and downstream limits of development.

3. A traffic impact study must be submitted with any future entitlement application(s) (i.e. preliminary plat or plan of development) for the purpose of determining any offsite roadway improvements.

4. Changes to previous right-of-way dedication requirements for Section Line and Mid-Section Alignments within the development site will be further evaluated at the time of future entitlement applications.

5. Any development must provide for at least two (2) paved points of access to existing and improved public roads.

6. Except as modified as part of this application or stipulated herein, the Drainage, Flood Control and Transportation (MCDOT) conditions of Z2007073 shall remain in effect.

7. Applicant to notify ADOT of proposed development through the Red Letter Process, RedLetter@azdot.gov, due to proximity and proposed access to I10 and the future I11 corridor.

8. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.

e. The following Maricopa County Department of Transportation conditions shall apply:

1. The Developer has previously provided a Traffic Impact Study (TIS) that was previously approved under the original case #Z2007073. Subsequent TIS submittals shall comply with then MCDOT requirements and indicate offsite improvements necessary to accommodate the anticipated traffic demands. The TIS shall be updated with each development phase to reflect current conditions and any changes to the development plan. Since the only existing traffic generator in the area of this development is the truck stop at the SW corner of I-10 and 339th Ave., which also abuts this development, there is still a concern of how Hidden Waters traffic (Phase 1 – 2) and the truck stop traffic will interact, especially at the 339th Ave./Roosevelt St. intersection. MCDOT will require that Hidden Waters coordinate with the truck stop concerning off-site improvements prior to any plan or plat approval. Intersection improvement plans shall also

include dual left turn lanes EB to NB and a right turn lane SB to EB and all underground conduit and pullboxes for the future signal. The project must comply with all recommendations in the MCDOT approved TIS.

2. The Developer shall provide the ultimate full or half-width of right-of-way for all public roadways. Right-of-way shall be provided as follows:

   A) Buckeye Road: 100 Feet (Half-width)
   B) Harrison Street: 40 Feet (Half-width); 80 Feet (Full-width)
   C) Van Buren Street: 65 Feet (Half-width); 130 Feet (Full-width)
   D) Roosevelt Street: Western Boundary to 341st Avenue
   55 Feet (Half-width); 110 Feet (Full-width)

   (THE TIS NEEDS TO DOCUMENT NON-STANDARD R/W.)

   E) 343rd Avenue, Buckeye Road to Van Buren Street:
   40 Feet (Half-width); 80 Feet (Full-width)
   343rd Avenue, Van Buren Street to Northern Project Boundary:
   55 Feet (Half-width); 110 Feet (Full-width)

   (THE TIS NEEDS TO DOCUMENT NON-STANDARD R/W.)

   F) 339th Avenue: 100 Feet (Half-width)
   G) 335th Avenue: 40 Feet (Half-width)

   The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments.) Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where "half" of the roadway is within the development (perimeter roadways). Additional right-of-way shall be dedicated at any intersections where future dual left turn lanes are possible. The widened right-of-way section shall accommodate the length of the left turn lane, including reverse curves.

   The Developer shall reserve sufficient right-of-way for transportation facilities in compliance with the MAG Hassayampa Study, including sufficient right-of-way for widening of I-10.

3. The Developer shall be responsible for design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways, unless approved otherwise by MCDOT. All roadways must meet all county standards in effect at the time they are improved. (This includes, but is not limited to the "MCDOT Roadway Design Manual," including TIS infrastructure requirements and the "Drainage Policies and Standards for Maricopa County.") Half-width roadways must be designed and constructed so as to safely carry two-way traffic until the ultimate roadway is constructed. Roadway improvement plans must be approved and permitted by MCDOT. The Developer shall relocate well site(s) and/or

provide additional right-of-way in the event of conflict with any transportation facilities.

4. The Developer shall be responsible for design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways, unless approved otherwise by MCDOT. All roadways must meet all county standards in effect at the time they are improved. (This includes, but is not limited to the "MCDOT Roadway Design Manual," including TIS infrastructure requirements and the "Drainage Policies and Standards for Maricopa County.") Half-width roadways must be designed and constructed so as to safely carry two-way traffic until the ultimate roadway is constructed. Roadway improvement plans must be approved and permitted by MCDOT. The Developer shall relocate well site(s) and/or provide additional right-of-way in the event of conflict with any transportation facilities.

5. The Developer shall provide all-weather access to all parcels and lots, and on all arterial roadways.

6. The Developer shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.

7. The Developer shall design the development to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site, by means in addition to the roadway system. Crossings of arterials at other than signalized intersections may be required to be grade separated. The Development shall prepare a comprehensive multimodal transportation and circulation plan (the "Multimodal Plan") which addresses public transit, bicycle, pedestrian, golf cart, equestrian, and other alternative uses. The Multimodal Plan must be approved before subsequent approval of any roadway improvement plans.

8. If streetlights are provided, installation shall be provided by the Developer. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Developer should contact the Office of Superintendent of Streets (602-506-8797) to initiate the SLID process.

9. The Developer shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual. The Developer (or as assigned to the Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.

10. The Applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.

11. The Applicant shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)

12. The Developer shall provide written documentation of ADOT's review and response with each phase. ADOT documentation shall be received before any development phasing and/or final plat approval, or at the discretion of MCDOT.

f. All interior streets within the proposed development are to be constructed to minimum County standards.

g. The following Drainage Review stipulations shall apply:

1. All development and engineering design shall be in conformance with the Drainage Regulation, Drainage Policies and Standards and current engineering policies, standards and best practices at the time of application for construction.

2. Drainage review of this zone change cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.

3. All proposed construction within a delineated floodplain must obtain a floodplain use permit from the Flood Control District of Maricopa County.

h. The following Flood Control District stipulations shall apply:

1. The effective floodplain and floodway limits need to be shown on both the final plat and the grading plan.

2. The electronic HEC-RAS files for the final hydraulic calculations need to be provided.

3. Calculations for the lowest floor elevation for the lots within the floodplain are needed.

4. The lowest floor elevation for all lots within the floodplain must be shown on the grading plan.

5. The lowest floor elevations for all lots within the floodplain must be at least two (2) feet above the 100-year water surface elevation. If this area is to be removed by a Letter of Map Revision (LOMR), then a Conditional Letter of Map Revision (CLOMR) will be needed. A LOMR will be required prior to the final plat approval of the built infrastructure if a CLOMR was issued by FEMA.

6. A note needs to be added to the final plat listing the lots located within the floodplain. In addition, the note needs to state that until a LOMR is approved by the Federal Emergency Management Agency (FEMA), the finished floor will need to be elevated to the regulatory food elevation, and flood insurance will be required.

7. No buildings will be allowed in the floodway.

i. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.

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

k. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.

l. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a grading permit. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.

m. Development and use of the site shall comply with requirements for fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance or Final Plat/Plan of Development approval, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

n. Prior to zoning clearance or Final Plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

o. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.

p. Amendments to the site plan and narrative report shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.

q. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

r. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds

for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.

s. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

REGULAR AGENDA

Title:	Vertical Bridge/T-Mobile AZ-5068 (Cont. from 8/4/21)
Case #:	Z2021044
Supervisor District:	3
Applicant & Owner:	Gary Cassel, Clear Blue Services / Superior L & L LLC
Request:	Special Use Permit for a new wireless communication facility (WCF) in the Rural-43 RUPD zoning district
Site Location:	Approx. 750 ft. southeast of the SEC of 7th Ave. and Desert Hills Dr. in the New River area
Commission Recommendation:	On 7/8/21, the Commission voted 7-0 to recommend **denial** of Z2021044.

Title:	Luxury Storage RV & Boat (Cont. from 4/6/22)
Case #:	Z2021034
Supervisor District:	3
Applicant & Owner:	Thomas Hart, RA/ Thomas A. Hart Architecture & Planning, LLC / Shawn Schwanbeck, Luxury Storage RV & Boat, LLC
Request:	Special Use Permit (SUP) for commercial storage of RVs, boats and vehicles in the Rural-43 zoning district
Site Location:	600' east of the SEC of Carefree Hwy. and 12th St. in the Desert Hills area
Commission Recommendation:	On 3/10/22, the Commission voted 7-0, to recommend **approval** Z2021034 subject to the following conditions 'a' – 'q':

a. Development of the site shall be in substantial conformance with the Site Plan entitled "Luxury Storage RV & Boat, LLC", consisting of three full-size sheets, dated December 14, 2021, and stamped received December 28, 2021, except as modified by the following conditions. Staff may determine slight refinements to remain in substantial conformance with the approved site plan. Minor and major amendments to the site plan will be determined in accordance with Chapter 3 of the Maricopa County Zoning Ordinance.

b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Luxury Storage RV & Boat, LLC", consisting of eleven pages, dated December 14, 2021, and stamped received December 28, 2021, except as modified by the following conditions.

c. The following Planning Engineering conditions shall apply:

1. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards.

2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.

3. The entire site and adjacent half-streets' runoff shall be retained onsite. If portions of adjacent right-of-way are controlled by other jurisdictions, the adjacent half-streets' runoff shall be retained unless separately addressed by the other jurisdictions.

4. Retention basins with stormwater depths exceeding one foot shall provide one foot of freeboard and all retention basins shall drain within 36 hours per County requirements.

d. The Following MCDOT conditions shall apply:

1. There shall be a Right-In/Right-Out access only to the site and there shall be no left turn from the site or left turn from westbound Carefree Hwy. thru traffic to the site.

2. There shall be a right-turn deceleration lane at the main entry driveway to limit site traffic impact to eastbound thru traffic on Carefree Hwy.

e. This special use permit is valid for a period of ten years and shall expire on April 6, 2032, or upon termination of the use for a period of 90 or more days, whichever occurs first. All site improvements associated with the special use permit shall be removed within 90 days of such expiration or termination of use.

f. There shall be no repair of RVs or boats on the site.

g. There shall be a maximum lot coverage of 50% on the site.

h. There shall be minimum interior side and rear yards of 15-feet on the site.

i. There shall be a minimum front yard adjacent to the Highway right-of-way of 50-feet with no average front setback.

j. All landscaping shall consist of indigenous trees, plants, shrubs, and groundcover typical of the Upper Sonoran Desert, preserving existing vegetation where possible and any landscaping used shall be drought tolerant with low water consumptive landscaping materials.

k. Any rooftop mechanicals, ground mechanicals, parking areas, trash enclosures, and transformers shall be screened.

l. All materials and colors used in screening walls, buildings, covered RV wash bay, and parking shade canopies must be muted and compatible with the desert environment and the architecture of the main office.

m. There shall be no reflective glass used in any building.

n. All outdoor lighting shall be dark sky compliant, low intensity, fully shielded, and directed downward at least 20% below the horizontal plane at bottom of light fixture so that no illumination occurs off site. All light poles or standards shall have a maximum height of 16-feet from surface grade of the parking lot, treated to minimize glare, placed at intervals, and setback a minimum of 20-feet from adjacent properties.

o. The developer must complete habitat and special status species evaluation and submit to the Arizona Game and Fish Department for review prior to the submission of building permits.

p. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

q. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.