

Drainage Reports

Abbreviated Water & Sewer Need Reports

Water Study

Wastewater Study

Stormwater Waiver Application

**A NARRATIVE APPRAISAL REPORT OF
80.28 ACRES OF VACANT LAND
AND VARIOUS EASEMENTS AND RIGHTS OF WAY
LOCATED AT THE NORTHEAST QUADRANT
OF JOMAX ROAD AND 118TH STREET
SCOTTSDALE, MARICOPA COUNTY, ARIZONA 85262**

Prepared for and Authorized by

Rich Schoonmaker
Senior Project Manager
Toll Brothers, Inc.
14350 North 87th Street, Suite 310
Scottsdale, AZ 85260

Effective Date of Valuation

October 30, 2016

Date of Inspection

October 30, 2016

Date of Report

November 9, 2016

Prepared by

Roger L. Dunlap, MAI
Roger L. Dunlap & Associates, LTD.
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RLD File: Scottsdale- Land NEC 118th St. and Jomax

Roger L. Dunlap & Associates, LTD.

**2-AB-2017
2/10/2017**

RLD

Roger L. Dunlap & Associates, LTD.

Appraisals • Consulting • Litigation Support

November 9, 2016

Mr. Rick Schoonmaker
Senior Project Manager
Toll Brothers, Inc.
14350 North 87th Street, Suite 310
Scottsdale, AZ 85260

Subject: 80.28 Acres of Vacant Land Located at the Northeast
Quadrant of Jomax Road and 118th Street, Scottsdale,
Maricopa County, Arizona 85262

Dear Mr. Schoonmaker:

Please find attached a copy of my appraisal report, containing 77 pages, wherein I provide an opinion of the market value of the subject property, in the fee simple estate. The effective date of valuation is October 30, 2016, the date of inspection. Toll Brothers, Inc. is the client. The intended use of this report is for right-of-way and easement abandonment. The intended users of this report are Mr. Rick Schoonmaker and Toll Brothers, Inc.; and the City of Scottsdale.

The subject was vacant land on the date of inspection. The final value opinion is subject to the assumptions, limiting conditions, special limiting condition and value definition shown in the body of this appraisal report. There are no extraordinary assumptions or hypothetical conditions. During the course of this appraisal and analysis, the appraiser became familiar with the subject property and its location. The property inspection and all necessary investigation and analyses were made by the appraiser.

Sales and other market data for similar properties in the immediate and competing areas were analyzed, and well-informed individuals familiar with real estate values for this type of property were interviewed. The best available market data were analyzed. Public records were also utilized to assist in the valuation of this property.

Mr. Rick Schoonmaker
November 9, 2016
Page 2

This appraisal has been prepared to comply with the appraisal reporting guidelines of the Uniform Standards of Professional Appraisal Practice (USPAP) as established by the Appraisal Foundation, and the Standards of Professional Practice as defined by the Appraisal Institute. As of the date of this report, Roger L. Dunlap has completed the requirements of continuing education for the Appraisal Institute and the State of Arizona.

Based on the market data found in my research, appropriate analysis and professional judgment, it is my opinion that the "as is" market value of the subject property, in fee simple, as of the effective date of this appraisal, October 30, 2016, is:

**SIX MILLION EIGHT HUNDRED TWENTY THOUSAND DOLLARS
\$6,820,000**

Based on the market data found in my research, appropriate analysis and professional judgment, it is my opinion that the "as is" market value of the easements and rights of way to be abandoned by the City of Scottsdale, in fee simple, as of the effective date of this appraisal, October 30, 2016, is:

**SIXTY-EIGHT THOUSAND EIGHT HUNDRED NINETY-SEVEN DOLLARS
\$68,897**

This letter must remain attached to the report, which contains 77 pages plus related exhibits, for the value opinion set forth to be valid.

Assuming that the subject is marketed by a professional brokerage firm, it is my judgment that the subject could sell in its "as is" condition within a 6-9 month period if it were offered at a price within ten percent of the appraised value. Exposure time would be similar.

I appreciate the opportunity to be of service to you.

Respectfully Submitted,



Roger L. Dunlap, MAI
Certified General Real Estate Appraiser
Arizona Certificate #31062

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ADDENDA

Appraiser's Qualifications
Appraisal License
Subject Legal Description
Right of Way Abandonment Exhibits
Zoning Summary
Project Summary

EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

Type of Property:	80.28 acres of vacant residential land
Address/Location:	At the northeast quadrant of Jomax Road and 118th Street, Scottsdale, Maricopa County, Arizona 85262
Assessor Tax Parcel Numbers:	216-78-002 and 216-79-005
Total Full Cash Value:	\$3,680,400 (2017)
Real Estate Taxes:	\$14,174.54 (2016). There are no prior year delinquent taxes.
Interest Appraised:	Fee simple
Net Site Area:	±80.28 net acres or 3,496,996 SF (per subdivision plat and Maricopa County Assessor)
Zoning:	R1-190 ESL and R1-130 ESL, Single Family Residential Environmentally Sensitive Lands
Flood Zone Designation:	The subject is in Zone "X" - Map #04013C1330L. The effective date of the map is October 16, 2013. Flood insurance is not required in a Zone "X."
Highest and Best Use:	Custom or semi-custom single-family, large-lot, residential development
Date of Inspection:	October 30, 2016
Effective Date of Market Value:	October 30, 2016
Date of Report:	November 9, 2016
Land Value:	\$6,820,000
Value of easements and rights of way to be abandoned:	\$68,897
Marketing Period:	6-9 months
Exposure Time:	6-9 months

UNDERLYING ASSUMPTIONS AND LIMITING CONDITIONS

1. That the legal description for the subject property available to the appraiser is correct.
2. That no survey was provided to the appraiser, and all other plans and specifications noted in this report are correct.
3. That the title to the property is marketable, free and clear of all liens.
4. That the property is appraised as if owned in fee simple.
5. That the fee simple interest in the property signifies all ownership interests of the property rights subject only to the limitations of the four powers of government.
6. That responsible ownership and competent management exist for the property.
7. That the appraiser is not responsible for the accuracy of the opinions furnished by others and contained in this report, nor is he responsible for the reliability of government data utilized in the report.
8. That compensation for appraisal services rendered is dependent only upon the delivery of this report and that it is not contingent upon the value opinions herein.
9. That this report considers nothing of a legal character and that the appraiser assumes no responsibility for matters of a legal nature.
10. That testimony or attendance in court is not required by reason of this appraisal, unless arrangements are previously made.
11. That hidden defects within the materials of the structures, or defects which are inaccessible to normal inspection, are not the responsibility of the appraiser.
12. That construction, whether existing or to be completed, is assumed to be done according to the plans and specifications furnished to the appraiser, and that such construction is legal in character and meets all governmental requirements.
13. That information furnished by the client, property owner, agent or management is correct as received.
14. That neither this report, nor any of its contents, may be used for the sale of shares or similar units of ownership in the nature of securities, without specific prior approval of the appraiser. That no part of this appraisal may be reproduced without the permission of the appraiser.

15. That the appraiser cannot predict or evaluate the possible effects of future wage price control actions of the government upon rental income or financing of the subject property; hence, it is assumed that no control will apply which would nullify contractual agreements, thereby changing property values.
16. That the subject property is not, nor will be, in violation of the National Environmental Policy Act, the State Environmental or Clean Air Act, or any and all similar government regulations or laws pertaining to the environment.
17. That this report is the confidential and private property of the client and the appraiser. Any person other than the appraiser or the client who obtains and/or uses this report or its contents for any purpose not so authorized by the appraiser or the client is hereby forewarned that all legal means to obtain redress may be employed against him/her.
18. That adequate utility services are available for the subject property and that they will continue to be so in the foreseeable future. These include electricity, water and sewer.
19. An environmental site survey was not provided to the appraiser. Moreover, the appraiser is not qualified to detect or evaluate the subject site for environmental criteria. Thus, this appraisal does not take into consideration the possibility of the existence of asbestos, PCB transformers, urea formaldehyde foam insulation, or other toxic, hazardous or contaminated substances, and/or underground storage tanks (containing hazardous materials), or the cost of encapsulation or removal thereof.
20. Statement of Policy. The following statements represent official policy of the Appraisal Institute with respect to neighborhood analysis and the appraisal of residential real estate:
 - a. It is improper to base a conclusion or opinion of value upon the premise that the racial, ethnic, or religious homogeneity of the inhabitants of an area or of a property is necessary for maximum value.
 - b. Racial, religious, and ethnic factors are deemed unreliable predictors of value trends or price variance.
 - c. It is improper to base a conclusion or opinion of value, or a conclusion with respect to neighborhood trends, upon stereotyped or biased presumptions relating to race, color, religion, sex, or national origin, or upon unsupported presumptions relating to the effective age or remaining life of the property being appraised or the life expectancy of the neighborhood in which it is located.

Special Limiting Condition

1. The following items relating to the subject were not available to the appraiser: Phase I environmental report, soil report.

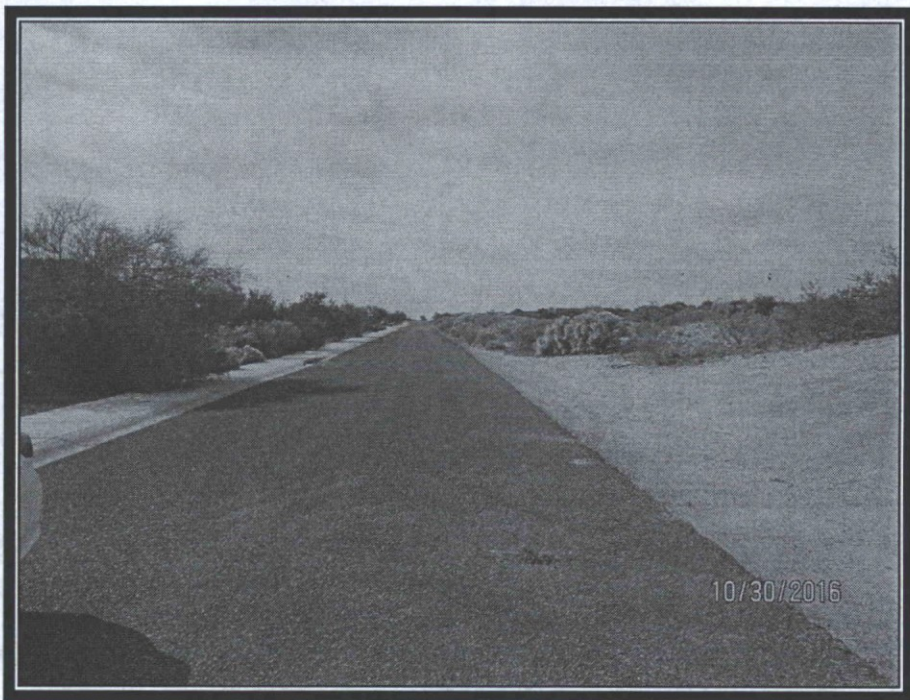
2. As of the date of value, the proposed developer has not secured entitlements for density over what is allowed by the vested zoning, of 22 units. If and when entitlements are secured for the proposed project, the opinion of value will no longer be valid. The opinion of value is relevant to the zoning status on the date of value.

SUBJECT PHOTOGRAPHS

All photographs were taken on October 30, 2016



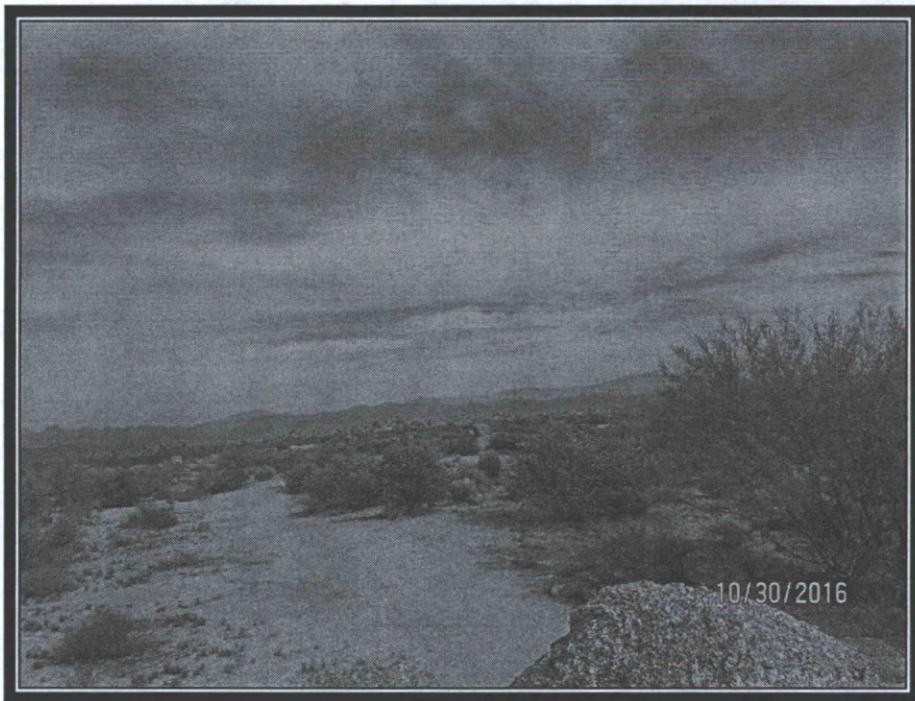
Looking east from the end of Jomax Road on the south side of the subject property



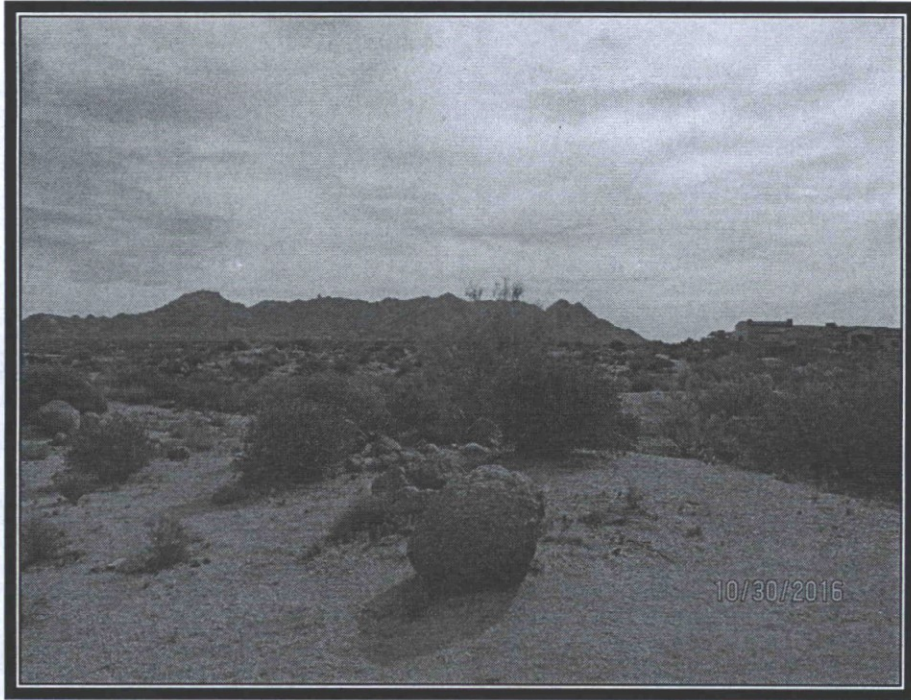
Looking west along Jomax Road from the end of the paved portion



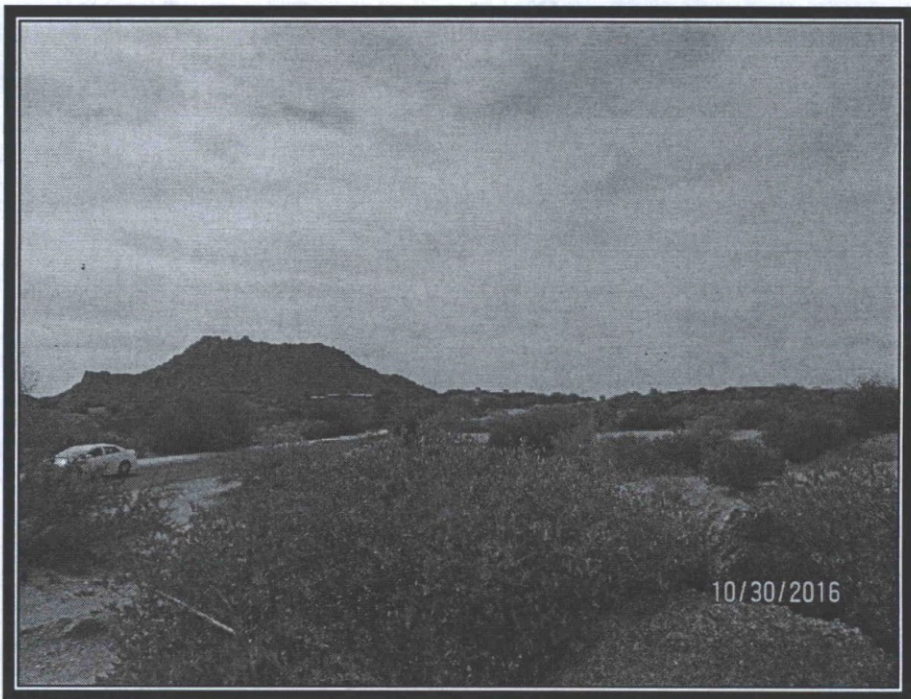
Looking northwest from an elevated area near Jomax Road approximately 1,000 feet from 118th Street



Looking northeast from same location



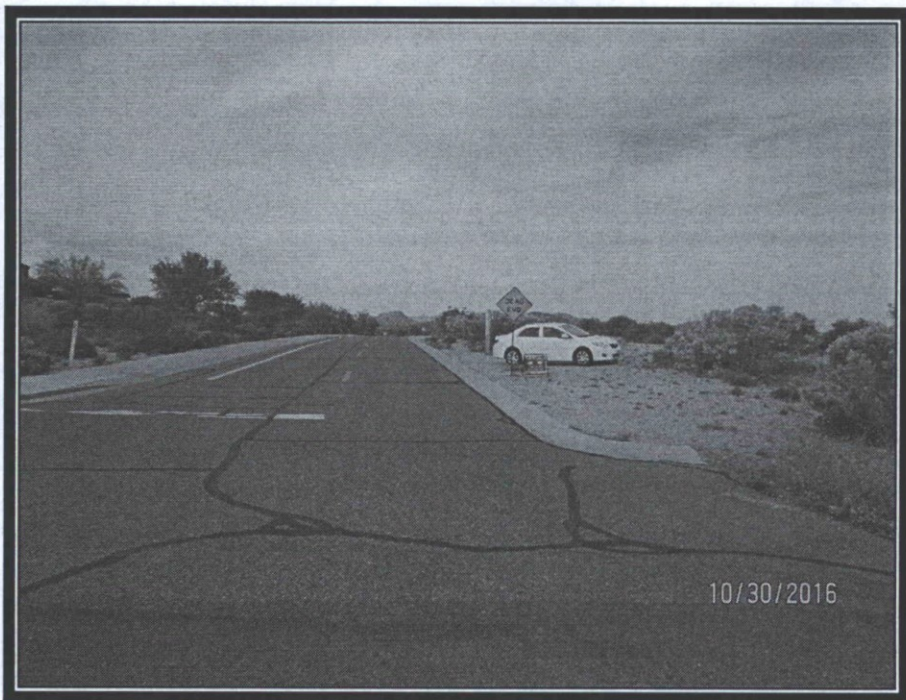
Looking southeast from same location



Looking northwest from same location



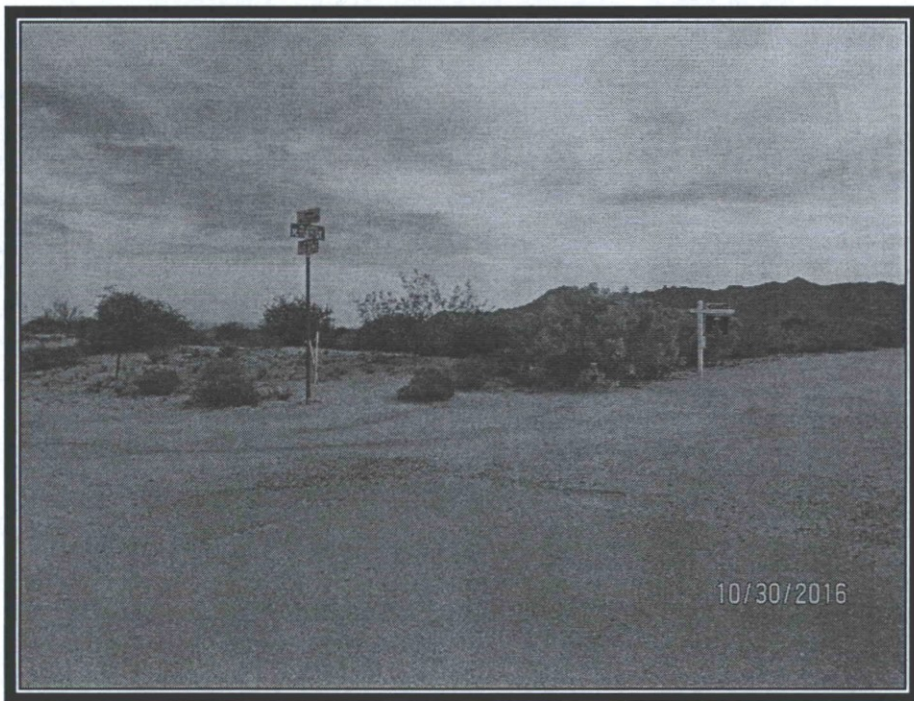
Looking northeast from the southwest corner of the subject property



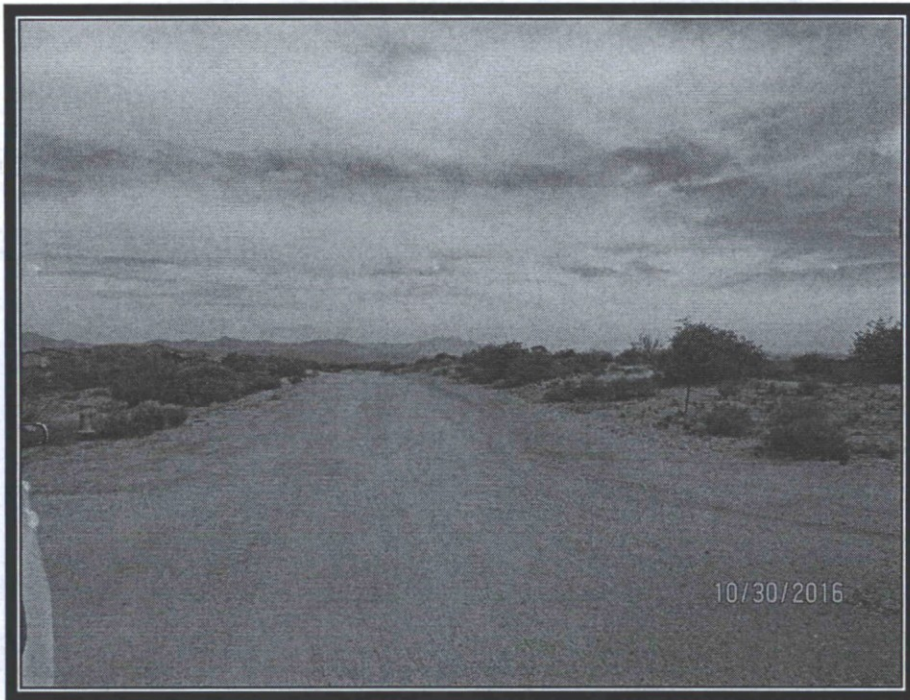
Looking north from the southwest corner of the subject property



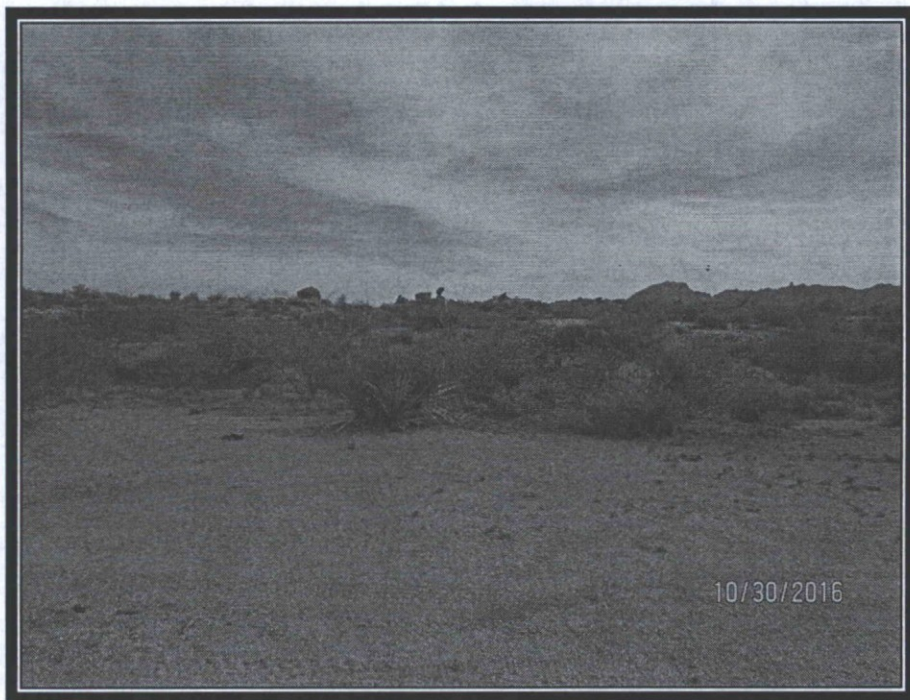
Looking south along 118th Street from the northwest corner of the subject property at Red Bird Road



Looking southeast from the northwest corner of the subject property at Red Bird Road and 118th Street



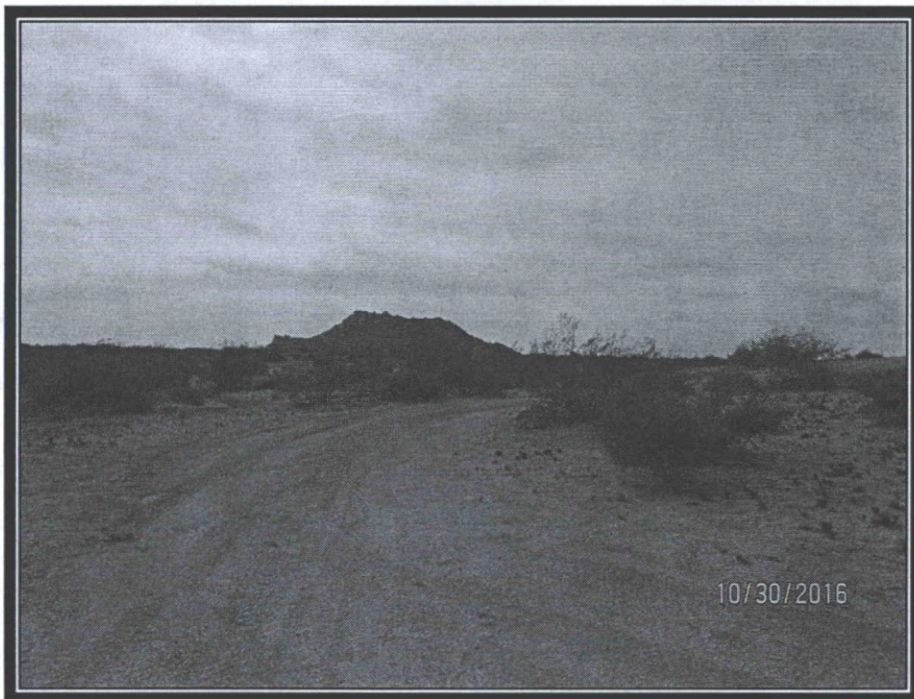
Looking east along Red Bird Road from the northwest corner of the subject property



Looking south from the northeast corner of the subject property



Looking southwest from the northeast corner of the subject property



Looking west from the northeast corner of the subject property

INTRODUCTION

Description of the Assignment

The subject property has 80.28 acres of land area and R1-130 and R1-190 zoning with an ESLO overlay. The property is encumbered with 55-foot easements for roads and utilities along the south side and between the two lots that were reserved per the subdivision plat recorded in 1977. The north 20 feet of the easement running along the Jomax Road alignment is no longer needed and there will be no road between parcels 12 and 13 and therefore that easement is now superfluous. In addition, Toll Brothers proposes that the City abandon approximately 350 linear feet of the right of way/utility easement along the Red Bird Road alignment.

The subject property is proposed for 52 custom home sites on approximately 80 acres. The client has requested an estimate of value for the entire subject property and for the easements and right-of-way that need to be abandoned by the City of Scottsdale, so that the City can be compensated and abandon the easements and rights of way. Final plat approval can then be secured so that the client can record a plat and develop the proposed subdivision.

This appraisal has been prepared to comply with the appraisal reporting guidelines of the Uniform Standards of Professional Appraisal Practice (USPAP) as established by the Appraisal Foundation, and the Standards of Professional Practice as defined by the Appraisal Institute.

Identification of Subject Property

The subject property is 80.28 acres of vacant land located at the northeast quadrant of Jomax Road and 118th Street in Scottsdale, Arizona. A copy of the subject's legal description is located in the addenda at the end of the report.

Scope of Work

The scope of work included:

1. A physical inspection of the subject property;
2. A collection of zoning information from the city of Scottsdale, including any stipulations which may affect the use of the property;
3. Conversations with market participants, including real estate brokers, property owners and representatives of financial institutions, etc., in the Phoenix metro area;
4. Examination and analysis of the market relative to the subject property's area, using data developed by the appraiser as well as secondary sources of information;
5. Primary data collection, including gathering sales of comparable properties as well as other relevant market data; and,

6. Application of the relevant approaches to value based on the highest and best use of the subject property as well as the availability of pertinent market data.

On the date of value, the appraiser viewed and photographed the subject property.

In the search for data, the appraiser employed Xceligent Commercial Real Estate Data, RealQuest, Loopnet and the Internet sites of the Maricopa County Assessor, Recorder and Treasurer as well as others.

In the course of completing this appraisal, the following individuals (among others) who are familiar with real estate values in the subject's market, and/or the subject property type were consulted:

Planner with the City of Scottsdale (480) 312-2500

Rick Schoonmaker, Senior Project Manager, Toll Brothers Inc. (480) 596-5807

Robert Braun, investor (602) 955-4464

Chase Emmerson, broker with CVE, Inc. (480) 368-5205

Jeremy McArthur, designated broker for McArthur Land Company (480) 478-0677

Purpose, Intended Use, Client and Intended User of the Appraisal

The purpose of this appraisal is to estimate the market value of the subject property, as well as various easements and rights of way to be abandoned, as of October 30, 2016, the date of valuation, in the fee simple interest. Toll Brothers, Inc. is the client. The intended use of this report is for right-of-way and easement abandonment. The intended users are Toll Brothers, Inc. and Mr. Rick Schoonmaker. The report will also be used by the City of Scottsdale.

Property Rights Appraised

This appraisal values the fee simple estate which can be defined as:

Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.¹

Effective Date of Valuation and Date of the Report

The subject property was inspected on October 30, 2016. Therefore, the effective date for the "as is" market valuation is October 30, 2016. The report date is November 9, 2016.

Definition of Market Value

Market value is defined by the Office of the Comptroller of the Currency under 12 CFR, Part 34, Subpart C-Appraisals, 34.42 Definitions [f], as follows:

¹Source: Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 4th ed. s.v. "fee simple estate" (Chicago: Appraisal Institute, 2002). CD-ROM

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (1) Buyer and seller are typically motivated;*
- (2) Both parties are well-informed or well-advised, and acting in what they consider their own best interests;*
- (3) A reasonable time is allowed for exposure in the open market;*
- (4) Payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and*
- (5) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.²*

Ownership History of the Subject Property

According to the title report provided by the client, the west side of the subject property is owned by Lettville Partners, LLC. The property was conveyed via a warranty deed recorded on January 6, 2006 at 2006-0025186, records of Maricopa County. The reported price was \$5,010,000 or approximately \$2.86/SF. The seller was Desert Ridge Properties, Inc.

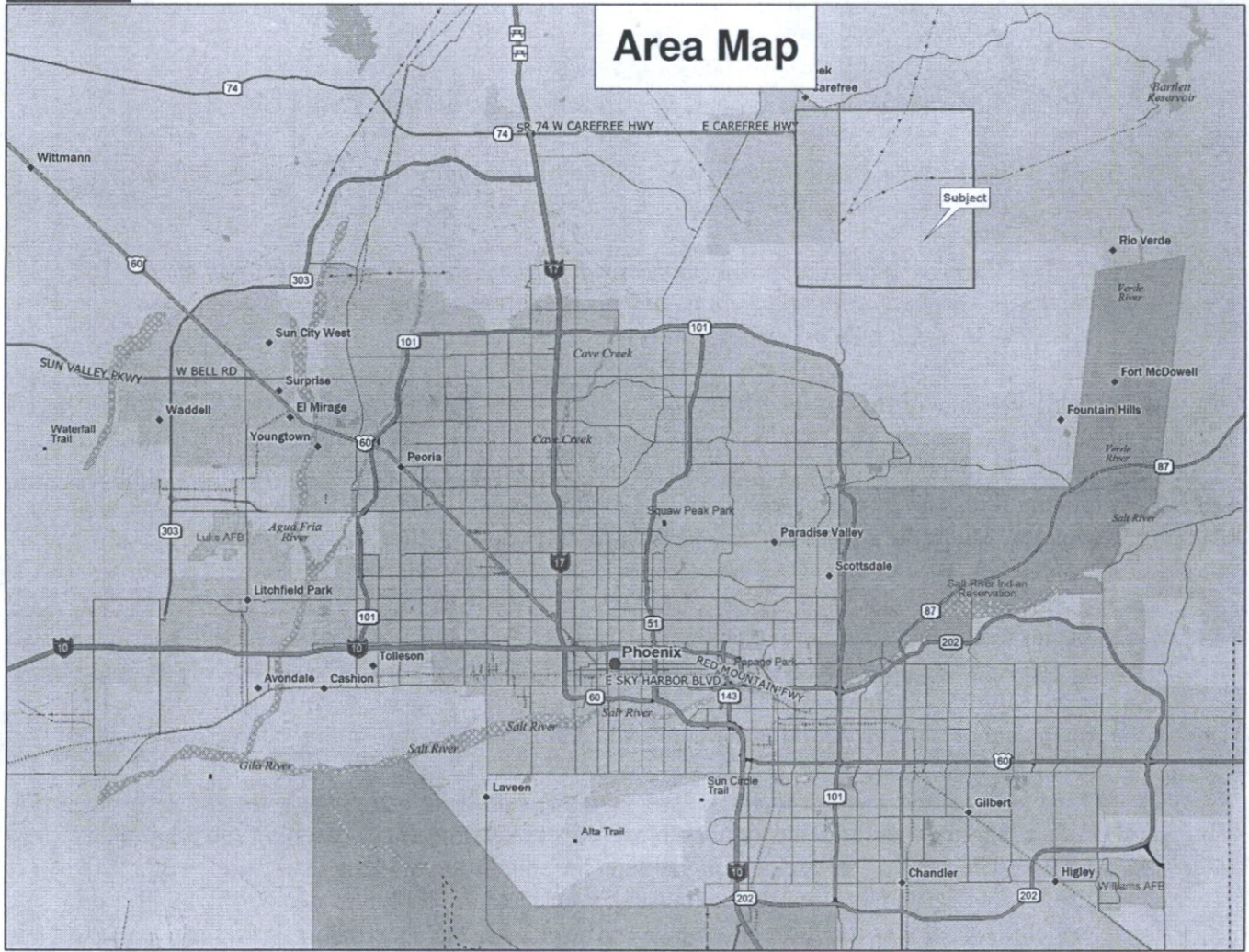
The east side is owned by Red Bird Vistas, LLC. The property was conveyed from HHL Land, LLC via a special warranty deed recorded on February 24, 2015 at 2015-0117289, records of Maricopa County. The reported price was \$2,860,000 or \$1.62/SF. The parcel was conveyed to HHL Land, LLC in a non-arms'-length transaction in 2012. The sale of the east side of the subject property supports the conclusion of value for the entire site and is employed as a direct comparable in the analysis.

Toll Brothers has negotiated a price for the subject property, contingent on rezoning and preliminary plat approval. The pending sale price is higher than the conclusion of value as of October 30, 2016, as the site has R1-130 and R1-190 ESL zoning and no entitlements for higher density, although there is a reasonable probability that a zoning change can be effected, subject to significant time, expense and risk.

²*Federal Register*, vol. 55, no. 163, August 11, 1990, pages 34228 and 34229; also quoted in the Glossary of the Uniform Standards of Professional Practice, 2000 edition.

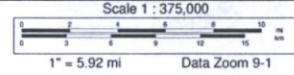
Area Map

Subject



16

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AREA ANALYSIS

Metropolitan Phoenix is located in Maricopa County which is also known as the “Valley of the Sun.” Maricopa County is located in south central Arizona and contains ±9,127 square miles of land area. Phoenix is the state capital, county seat and the largest city in the state. Maricopa County has grown to become the 4th largest county in the country in terms of population. Growth has been attributed to a variety of factors, including favorable cost of living, recreational opportunities, weather and availability of employment. The official town site was originally selected in 1870, although several people were living in the area in the early 1860's. In the late 1860's, the Swilling Irrigation Canal Company was organized and is responsible for giving Phoenix its name. The new city was to be located on top of ancient canals and villages of a vanished civilization and therefore rise upon the ashes of the old - just as the legendary Phoenix Bird, when consumed by fire, rose from its own ashes. Phoenix was incorporated in 1881.

Arizona Employment Trends

Arizona's economy is heavily service-based, with just 12% of the jobs being goods-producing, such as mining and construction, and manufacturing. Of the 88% of the jobs in the total non-farm universe, private service providing jobs account for 89% of that sub-set and just under 78% of the total non-farm jobs in Maricopa County.

Nonfarm Employment													
Prepared in Cooperation with the U.S. Department of Labor, Bureau of Labor Statistics													
Arizona Office of Economic Opportunity													
2016													
Maricopa County													
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	AVG
Total Nonfarm	1,891,400	1,906,700	1,913,300	1,921,100	1,903,800	1,879,800	1,872,800	1,893,100	1,913,900				
Total Private	1,678,600	1,684,300	1,691,400	1,697,500	1,689,400	1,689,500	1,688,500	1,688,000	1,692,500				
Goods Producing	218,500	219,700	222,000	220,800	222,700	226,200	227,200	223,800	225,300				
Mining and Construction	101,400	103,500	105,400	105,800	106,200	108,700	110,400	107,400	110,000				
Manufacturing	117,100	116,200	116,600	115,000	116,500	117,500	116,800	116,000	115,300				
Service-Providing	1,672,800	1,687,000	1,691,300	1,700,300	1,681,100	1,653,600	1,645,600	1,669,700	1,688,600				
Private Service-Providing	1,440,100	1,464,600	1,469,400	1,476,700	1,466,700	1,463,300	1,461,300	1,464,600	1,467,200				
Trade, Transportation, and Utilities	374,000	372,500	372,500	374,200	374,100	373,700	374,100	374,200	374,200				
Information	37,800	37,600	37,700	38,700	38,200	38,600	37,800	37,100	36,800				
Financial Activities	170,800	172,900	179,800	174,000	173,400	173,900	174,100	173,100	172,800				
Professional and Business Services	325,100	325,200	322,700	326,900	321,800	323,600	325,200	323,000	321,900				
Educational and Health Services	283,700	285,200	285,900	286,900	285,900	285,000	283,300	286,900	291,600				
Leisure and Hospitality	285,000	207,000	211,700	211,100	209,400	204,800	203,700	207,900	207,500				
Other Services	68,500	64,400	65,100	64,900	65,900	63,700	63,100	62,400	62,400				
Government	212,800	222,400	221,900	223,600	214,400	190,300	184,900	205,100	221,400				
Federal Government	20,200	20,200	20,300	20,300	20,400	20,500	20,700	20,800	20,800				
State and Local Government	192,600	202,200	201,600	203,300	194,000	169,800	163,600	184,900	200,600				

Benchmark year 2015, quarter 1, rev. 10/12/2016
 Equal Opportunity Employer/Program available in alternative forms/ reasonable accommodations: 602-771-1118, TDD 1-800-367-8939

Figure 1

Arizona, U.S. Economic Indicators

Unemployment Rate (Seasonally Adj.)

	Sep'16	Aug'16	Sep'15
United States	5.0%	4.9%	5.1%
Arizona	5.5%	5.8%	5.9%
Arizona unadjusted rate	5.6%	5.9%	6.2%

Arizona Nonfarm Employment (in Thousands)

	Sep'16	Aug'16	Sep'15
Overall	2,708.2	2,675.5	2,646.4
Over-Month % Chg.	1.2%	1.3%	1.1%
Year-to-Year % Chg.	2.3%	2.2%	2.8%

Over the Year

Arizona's seasonally adjusted unemployment rate decreased three-tenths of a percentage point from 5.8% in August to 5.5% in September. The U.S. seasonally adjusted unemployment rate increased one-tenth of a percentage point from 4.9% in August to 5.0% in September. A year ago, the Arizona seasonally adjusted rate was 5.9% and the U.S. rate was 5.1% (see Figure 1).

Over the Month

Arizona gained 32,700 Nonfarm jobs (1.2%) in September (see Figure 2). This was more than the post-recessionary ('10-'15) average gain of 25,700 jobs. The Private Sector gained 3,800 jobs (0.2%), which is more than the post-recessionary ('10-'15) average gain of 3,200 jobs in September. Gains were recorded in four of the eleven sectors while six sectors posted losses, with one (Other Services) unchanged. The gains were reported in Government (28,900 jobs), Education and Health Services (4,800 jobs), Construction (2,700 jobs) and Leisure and Hospitality, (100 jobs). Losses were recorded in Natural Resources and Mining (-100 jobs), Trade, Transportation and Utilities (-300 jobs) Information (-400 jobs), Professional and Business Services (-800 jobs), Financial Activities (-1,000 jobs) and Manufacturing (-1,200 jobs).

Figure 2

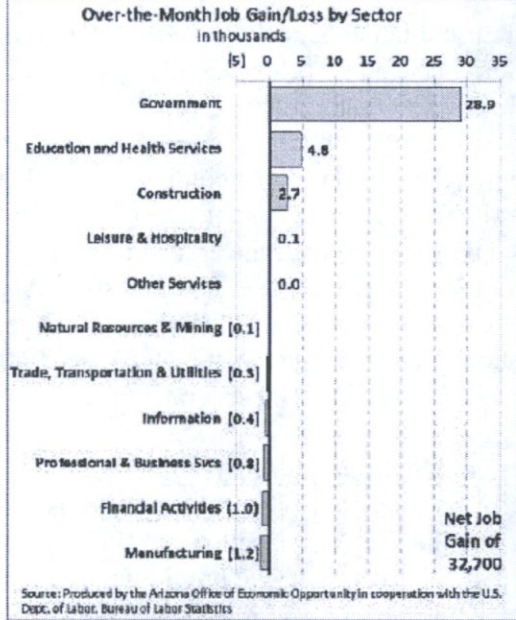
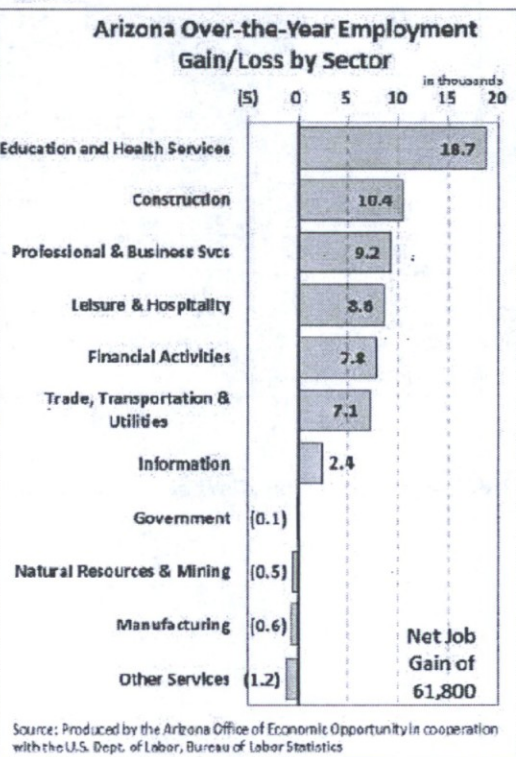


Figure 3

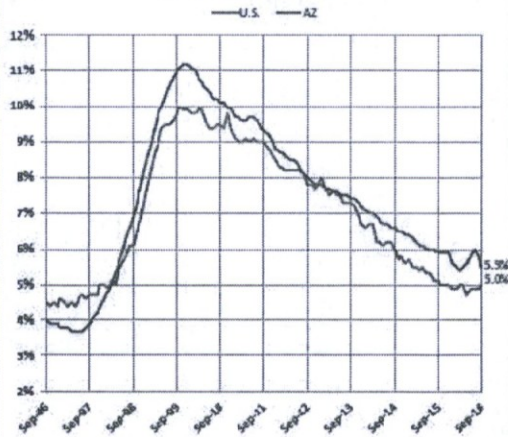


Over the Year

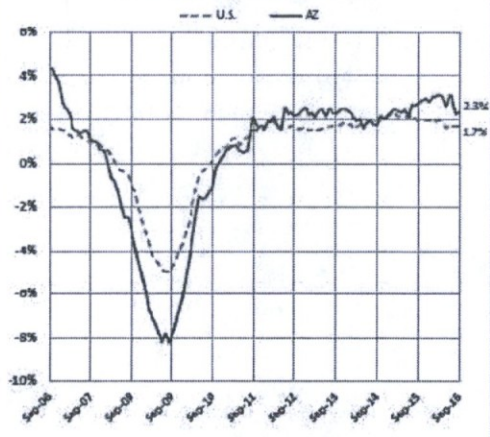
Arizona Nonfarm employment grew by 2.3% (61,800 jobs) over the year in September (see **Figure 3**). The Private Sector accounted for all of the September gains, adding 61,900 jobs (2.8%). Government employment declined by 100 jobs in September. Seven of the eleven sectors reported job gains while four sectors reported losses. The sectors with the largest gains included Education and Health Services (18,700 jobs), Construction (10,400 jobs), Professional and Business Services (9,200 jobs) and Leisure and Hospitality (8,600 jobs). Additional gains were reported in Financial Activities (7,800 jobs) Trade, Transportation and Utilities (7,100 jobs) and Information (2,400 jobs). Job losses were reported in Government (-100 jobs), Natural Resources and Mining (-500 jobs), Manufacturing (-600 jobs) and Other Services (-1,200 jobs).

LABOR MARKET TRENDS CHARTS

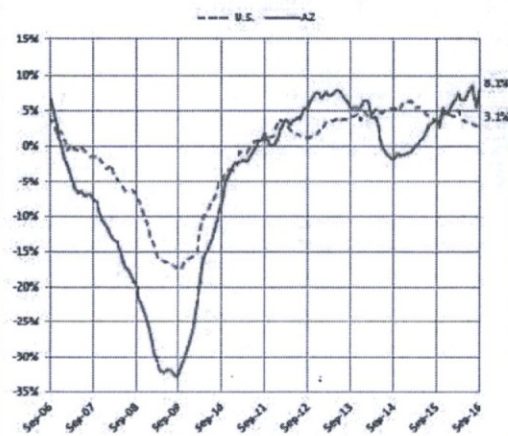
**Arizona & U.S. Unemployment Rate
Seasonally Adjusted**



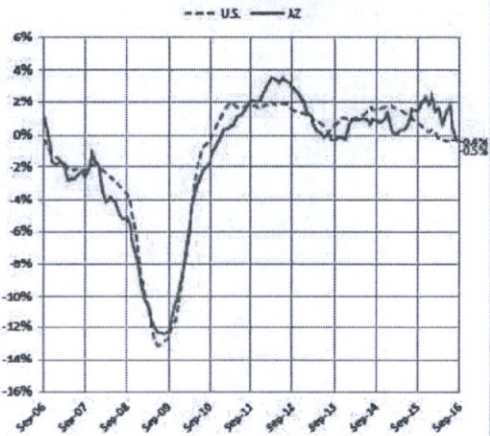
**Arizona & U.S. Nonfarm Employment
Year-to-Year Percent Change**



**Arizona & U.S. Construction Employment
Year-to-Year Percent Change**



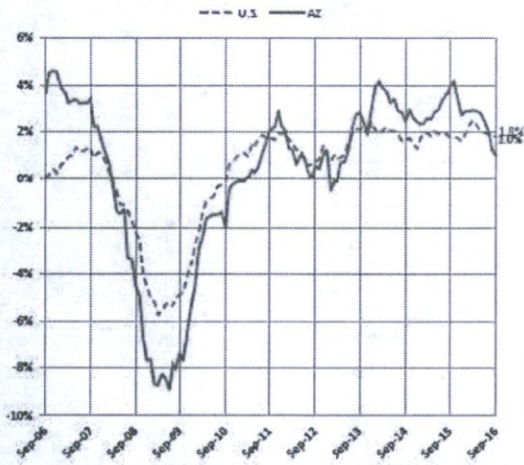
**Arizona & U.S. Manufacturing Employment
Year-to-Year Percent Change**



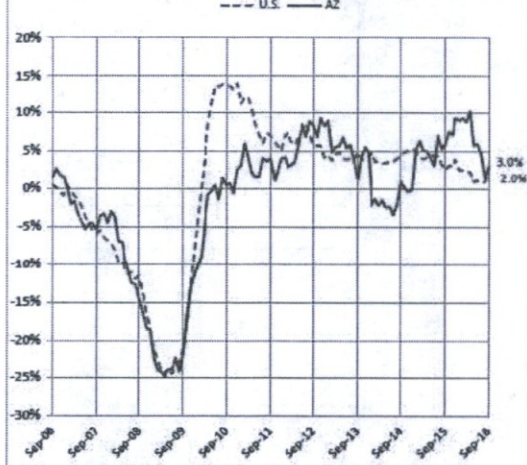
Source: Prepared by the Arizona Office of Economic Opportunity, in cooperation with the U.S. Dept. of Labor, Bureau of Labor Statistics

LABOR MARKET TRENDS CHARTS

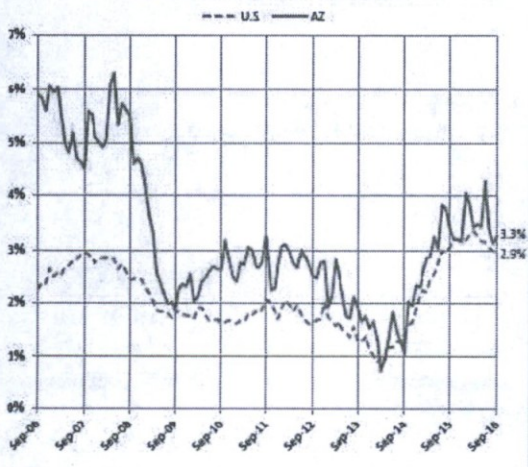
**Arizona & U.S. Retail Trade
Year-to-Year Percent Change**



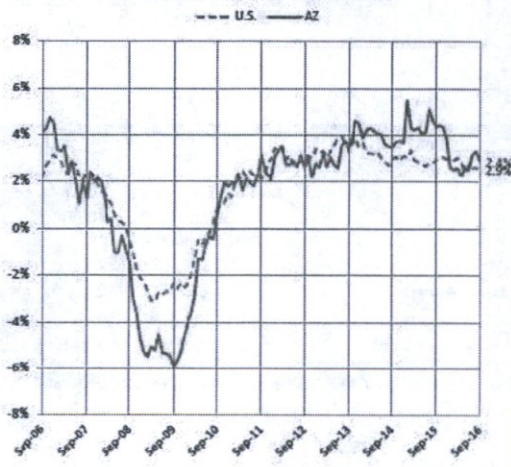
**Arizona & U.S. Employment Services
Year-to-Year Percent Change**



**Arizona & U.S. Health Care
Year-to-Year Percent Change**



**Arizona & U.S. Leisure & Hospitality
Year-to-Year Percent Change**



Source: Prepared by the Arizona Office of Economic Opportunity, in cooperation with the U.S. Dept. of Labor, Bureau of Labor Statistics

MARICOPA COUNTY UNEMPLOYMENT RATES

Year	Annual Average
2000	2.7%
2001	3.9%
2002	5.6%
2003	4.9%
2004	4.0%
2005	4.1%
2006	3.5%
2007	3.6%
2008	5.7%
2009	7.7%
2010	8.6%
2011	7.7%
2012	7.1%
2013	6.7%
2014	5.8%
2015	5.1%
September 2016	4.8%

MARICOPA COUNTY LABOR FORCE 2015													
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	AVERAGE
Total Civilian Labor Force	2,000,281	2,003,830	1,996,057	2,004,259	2,004,835	2,007,037	1,998,408	1,997,633	2,013,838	2,019,091	2,023,908	2,018,788	2,007,264
Total Employment	1,886,514	1,897,231	1,902,464	1,908,943	1,914,623	1,900,314	1,895,650	1,894,530	1,905,798	1,915,240	1,924,765	1,924,797	1,904,239
Total Unemployment	113,767	105,808	93,593	95,316	90,212	106,723	112,758	113,103	108,040	103,851	99,144	93,983	103,025
Unemployment Rate	5.7%	5.3%	4.7%	4.8%	4.5%	5.3%	5.6%	5.7%	5.4%	5.1%	4.9%	4.7%	5.1%

Population Data and Trends

The US Census Bureau estimates population in Maricopa County of 4,076,438 in 2015 compared to a population of 3,072,149 in 2000. This represents a compounded growth rate of 2.18% per year. The following table illustrates population growth in Maricopa County from 2000-2015.

MARICOPA COUNTY HISTORIC POPULATION GROWTH

Year	Population	% Change From Previous Year
2000	3,072,149	
2001	3,173,219	3.29%
2002	3,261,203	2.77%
2003	3,353,875	2.84%
2004	3,559,540	6.13%
2005	3,577,074	0.49%
2006	3,663,915	2.43%
2007	3,753,413	2.44%
2008	3,808,829	1.48%
2009	3,821,136	0.32%
2010	3,817,117	-0.11%
2011	3,843,370	0.69%
2012	3,884,705	1.08%
2013	3,944,859	1.55%
2014	4,008,651	1.62%
2015	4,076,438	1.69%

Source: Office of Employment & Population Statistics, Arizona Dept. of Administration

Most of the population growth has occurred outside the city of Phoenix where there is more developable land. Population increases are primarily attributed to employment opportunities, affordable housing, good weather and economic dislocation from other regions. Maricopa County currently accounts for about 60 percent of the State's population.

Although the Phoenix metropolitan area has exhibited strong long-term historical growth, annual net population gains have varied substantially, following the economic cycles affecting the region. During economic downturns, new in-migration typically declines. The fact that 2010 saw the first decline in the County's population since World War II is a testament to the severity of the market downturn that was unfolding at the time. Population growth projections show growth of 1.4%/year to the year 2050.

County	2015 Population Estimates	2050 Population Projections	Average Annual Numeric Change	Annualized growth rate
Apache	72,215	59,900	-352	-0.5%
Cochise	129,112	157,900	823	0.6%
Coconino	141,602	173,000	897	0.6%
Gila	54,406	53,900	-14	0.0%
Graham	38,475	54,200	449	1.0%
Greenlee	10,555	10,600	1	0.0%
La Paz	21,183	22,900	49	0.2%
Maricopa	4,076,438	6,698,400	74,913	1.4%
Mohave	205,716	310,900	3,005	1.2%
Navajo	109,671	119,500	281	0.2%
Pima	1,009,371	1,370,500	10,318	0.9%
Pinal	406,468	1,035,500	17,972	2.7%
Santa Cruz	50,270	70,200	569	1.0%
Yavapai	217,778	337,900	3,432	1.3%
Yuma	214,991	345,700	3,735	1.4%
Arizona	6,758,251	10,821,000	116,079	1.4%

The region typically attracts a continual flow of immigrants seeking new opportunities. This employment-related in-migration has brought a large number of young, well-educated residents to the region. The median age of Maricopa County residents is 33.6 years, which is somewhat younger than the national median of 36 years. About 50 percent of the population is in the prime work force age range of 20 to 59 years old. The median household income is \$55,099 in Maricopa County per the 2012 data. Maricopa County also offers a well-educated work force. About 26 percent of adults have some college education, and

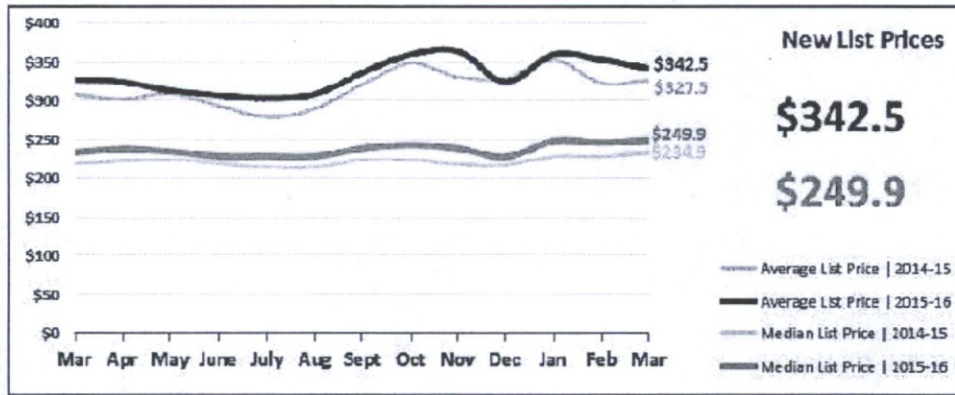
an additional 33 percent have completed an associate's, bachelor's or graduate degree.

Housing

During the boom period of 2003 through 2007, metropolitan Phoenix averaged 49,158 single family permits per year with 60,872 permits issued in 2004 and 63,570 permits issued in 2005, according to R.L. Brown. In 2011 there were only 7,204 permits issued and 11,852 were issued in 2012. In 2013 there were 12,432 permits issued. In 2014, the year-over-year number of permits fell 12% to 10,997. The Town of Gilbert Planning Department provided the statistics found in the following table. This table depicts the single family building permit activity for most of the cities in the metro area. The slightly under 16,000 issued permits in 2015 is a 44% increase over 2014, but far below the pace of previous recovery periods.

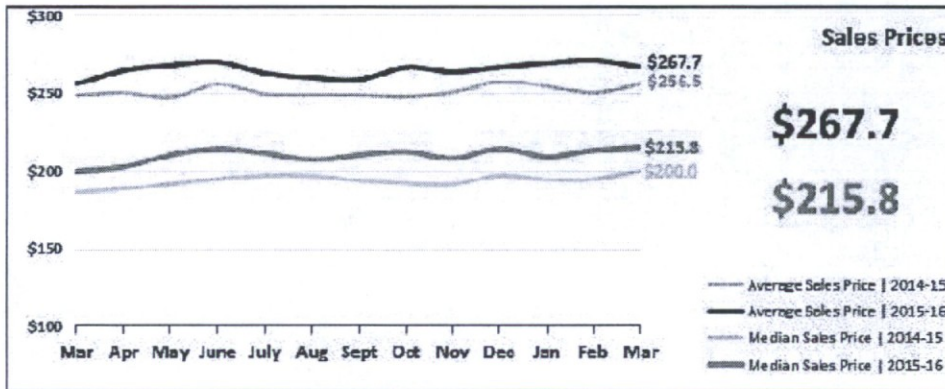
	2015					2016					YTD 2015	YTD 2016	Pct Change from YTD 2015	2015 Total	2014 Total	2013 Total	2012 Total	2011 Total			
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul									Aug	Sep	Oct
Apache Junction	1	0	2	5	2	2	-	2	5	12	-	3	6	20	37	32%	33	25	60	103	57
Avondale	7	21	14	13	23	18	36	50	30	28	47	26	43	66	380	252%	123	46	55	3	23
Buckeye	308	84	302	111	31	112	309	116	366	87	364	144	120	300	1,233	34%	1,026	146	777	601	508
Casa Grande	2	12	7	8	3	23	14	12	17	3	3	8	21	60	130	18%	78	117	128	58	69
Chandler	84	83	34	82	106	137	89	144	85	79	34	74	82	891	972	9%	1,058	485	545	598	669
Coolidge	-	-	1	-	-	-	-	1	-	-	-	-	-	4	1	-75%	5	4	2	4	7
Florence	10	16	10	23	9	15	8	13	22	13	12	16	13	52	160	5%	28	146	183	130	107
Gilbert	117	78	115	107	143	255	169	110	125	100	10	120	124	1,611	1,383	-16%	1,810	1,435	1,027	2,418	1,545
Glendale	7	2	13	13	9	29	14	13	16	15	14	11	6	34	154	64%	109	19	119	201	143
Goodyear	83	55	57	65	50	85	118	108	106	87	100	66	51	307	837	-10%	1,039	730	396	396	530
Mesa	33	23	13	23	32	20	33	57	85	40	23	35	63	307	418	36%	345	233	444	312	120
Mesa County	56	75	81	78	36	33	102	114	132	31	106	115	75	678	1,002	48%	834	635	739	577	265
Mesa	160	127	143	119	158	201	221	160	265	165	134	178	191	1,581	1,784	13%	1,851	1,007	1,909	860	486
Paradise Valley	3	4	3	7	7	8	7	7	7	4	2	11	8	18	68	17%	65	50	41	33	22
Picoria	130	124	138	103	129	142	115	130	226	107	153	114	110	1,307	1,370	5%	1,589	1,056	872	798	430
Phoenix	135	157	253	210	170	276	241	160	270	227	238	184	185	1,859	2,129	15%	2,259	1,680	1,674	1,651	1,019
Pinal County	31	74	112	31	122	148	105	100	189	146	101	142	132	1,188	1,276	7%	1,384	1,058	1,170	1,001	558
Queen Creek	77	71	73	56	84	101	104	115	120	32	26	35	100	843	263	14%	307	636	645	478	116
Scottsdale	40	24	40	43	54	56	41	58	54	29	45	43	27	362	456	26%	426	443	407	287	145
Surprise	31	26	42	25	37	47	35	62	61	47	37	50	40	411	439	-7%	539	332	551	529	280
Total	1,250	1,683	1,789	1,194	1,355	1,719	1,561	1,613	1,304	1,362	1,545	1,435	1,359	13,465	15,122	12%	15,043	8,000	12,432	11,852	7,204
																Pct Change from Prior Year	44%	-12%	5%	65%	1%

The following statistics are provided by the Arizona Regional Multiple Listing Service (MLS)
ARMLS® COPYRIGHT 2016



New average list prices are up +4.6% year-over-year average. The year-over-year median is up +6.4%.

List prices of new listings with list dates from 3/1/2016 to 3/31/2016, 0 day DOM sales removed



Sales prices are up +4.4% year-over-year on average while the year-over-year median is also up +7.9%.

MLS sales prices for closed listings with a close of escrow date from 3/1/2016 to 3/31/2016, 0 day DOM sales removed

About 92 percent of the housing stock is made up of single family houses and townhouses. Relative to other large urban areas, Maricopa County offers a wide variety of reasonably priced, newer housing. As of March 2016, median sale prices increased from \$200,000 year-over-year for 2014-2015 to \$215,800 for 2015-2016. The increase is 7.9%. Average sale prices increased from \$256,400 to \$267,700 or 4.4%. Average marketing time is 81 days.

**Maricopa Association of Governments
Population and Housing Inventory Projections for Maricopa County**

Year	Total Resident Population		Total Housing Units	
	Total	In Households	Total	Occupied
2005	3,681,025	3,616,690	1,479,767	1,352,967
2010	4,216,499	4,142,401	1,685,134	1,556,706
2020	5,230,300	5,139,943	2,104,440	1,959,300
2030	6,135,000	6,029,587	2,502,040	2,331,270

The housing inventory projections reflect net additions to the inventory after demolitions and therefore, understate in a relatively minor way total new construction activity. Recent trends have surpassed previous projection estimates which has led to the overbuilt market.

Utilities

Although water supply is constrained in an arid desert climate such as Phoenix, there is generally adequate water for the overall region. The completion of the Central Arizona Project (CAP) has allowed the Phoenix area to receive water transported from the Colorado River to supplement local surface and groundwater supplies. However, increasing limitations on groundwater pumping have been mandated by the Arizona Groundwater Management Code, requiring a gradual total cutback in the 500,000 acre-feet of groundwater which is over drafted annually. These regulations will have an impact on development patterns in the metropolitan area, but are not generally expected to constrain overall growth in the economy and population. The Palo Verde Nuclear Power Project is expected to provide adequate electrical power to serve anticipated population and employment growth. Utility services are adequate and are typically provided by the following:

Electricity:	Salt River Project, Arizona Public Service Company
Natural Gas:	Southwest Gas Company
Telephone:	CenturyLink & others
Water:	Salt River Project/Municipal
Sewer:	Municipal

Availability of water, sewer, electricity and gas has historically been adequate in the metro area. Utility costs have been average for the metro area, particularly when compared with other similar metro areas in the West. At this time, there are no factors which suggest any changes in the adequacy of utility services in the metro area. The trend for solar use and development is gaining momentum. Future development potential is not hampered by current or foreseeable utility shortages in the metro area.

Transportation

The metropolitan area has major airport and freeway infrastructure developments underway which will substantially improve accessibility within the region. According to the public information office at Sky Harbor International Airport, the airport is the 9th busiest airport in the country in terms of number of total passengers. Airline passenger traffic for 2015 was 44,006,205; which is a large increase from 38,554,530 in 2010. Forecasts suggest a continuing upward trend assuming stable economic conditions.

In order to meet continued demand, the airport has recently completed several extensive upgrades and projects at an estimated cost of \$2.0 billion. The projects include an automated train, new taxiways, and continuation of on-going improvements to airport security.

The Phoenix metropolitan area is served by Interstate 17 (I-17), which runs in a north/south direction and Interstate 10 (I-10), which merges with I-17 near Sky Harbor International Airport. I-17 provides access to Prescott and Flagstaff to the north. I-10 provides access to Los Angeles to the west and Texas, New Mexico and Southeastern and Atlantic Seaboard states to the east. Other metro freeways such as the Loop 101, Loop 202 and the San Tan Freeway also provide access for travelers. According to The Maricopa Association of Governments, new freeways will be added over the next several years, some of which are currently under construction. If population continues to grow as in the past, the freeway system will most likely remain over-taxed. Inefficient transportation has resulted from the development of urban centers and residential developments scattered throughout the metropolitan area. This situation has exacerbated the problem of designing an efficient mass transit system. The light rail project opened for operation in December 2008. The expansion of an additional 3.1 miles to Mesa opened August 22, 2015. Transportation availability and efficiency remains one of the Phoenix area's challenges to future economic growth.

Financial

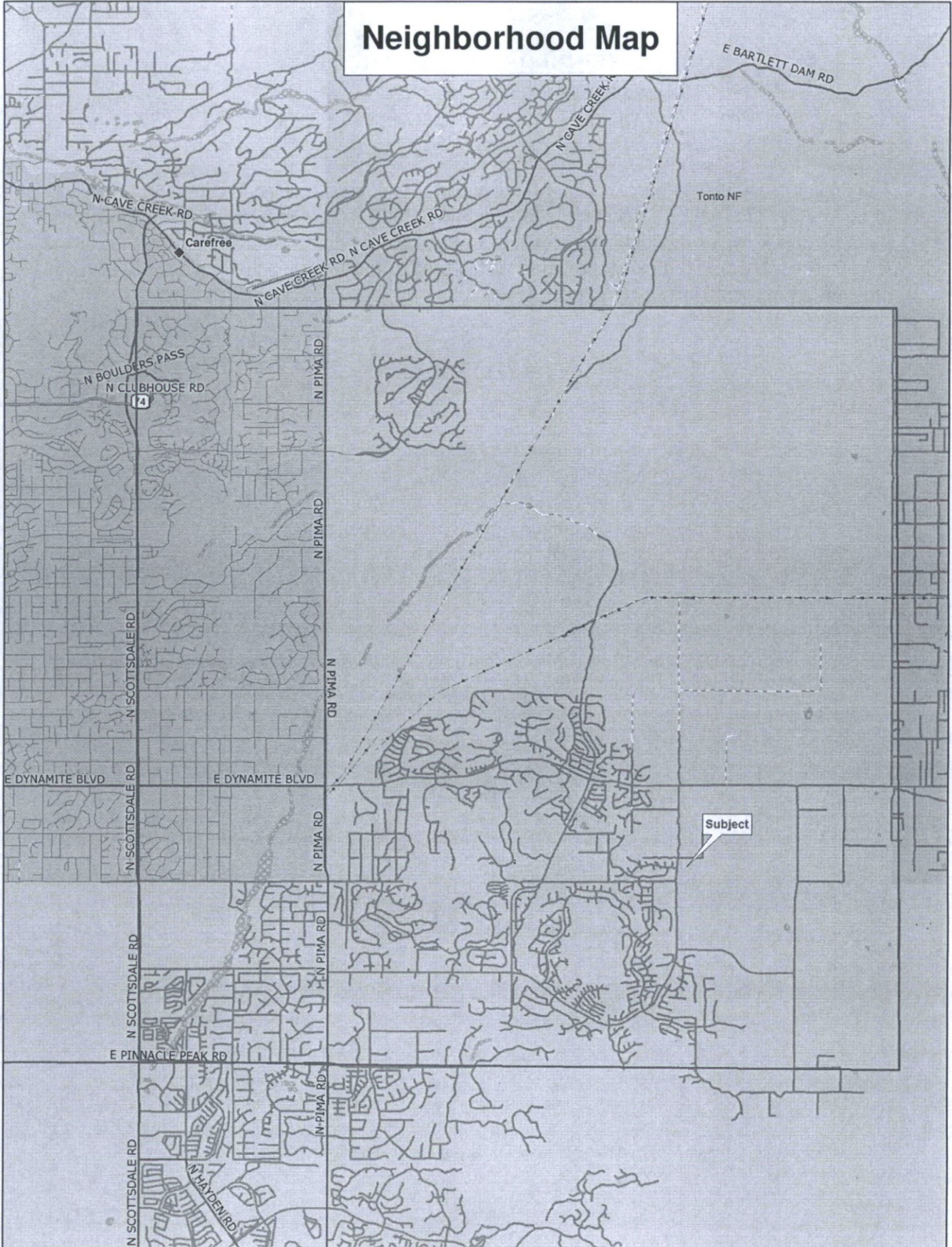
Numerous state and national banks are located throughout the Phoenix area. State-chartered credit unions also serve metropolitan Phoenix. The Phoenix metro area is presently served by a number of large financial institutions such as Bank of America, JP Morgan Chase and Wells Fargo to name a few. Extensive branch banking operations are also maintained by the large national banks as well as many local and regional banks. Banking and financial services adequately serve the needs of the growing metro area.

Education

Metropolitan Phoenix offers a broad educational system from elementary through doctoral degree programs. There are numerous schools of higher learning in the Phoenix area, including Arizona State University. Arizona State University is a major university offering numerous bachelor's degree programs, master's degree programs and doctoral degree programs. ASU has developed a 300-acre site in west Phoenix and has developed significant classrooms and housing in downtown Phoenix, which has revitalized the downtown area in a dramatic fashion.

There is also an ASU East Campus located at the Williams Gateway Airport facility. The Phoenix metropolitan area also offers community colleges and other private technical schools offering a wide range of educational opportunities.

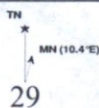
Neighborhood Map



Data use subject to license.

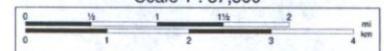
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29

Scale 1 : 87,500



1" = 1.38 mi

Data Zoom 11-2

NEIGHBORHOOD SUMMARY

Neighborhood - A group of complementary land uses; a congruous grouping of inhabitants, buildings, or business enterprises.³

The subject property is located at the northeast quadrant of Jomax Road and 118th Street in the city of Scottsdale. The subject's neighborhood is defined by the Tonto National Forest on the north, Pinnacle Peak Road on the south, the 136th Street alignment on the east and Scottsdale Road on the west. The neighborhood contains approximately 64 square miles. The neighborhood consists mostly of semi-custom and custom residential development on large lots with intermittent supporting commercial development.

SCOTTSDALE

Location

Scottsdale is located in the eastern part of metropolitan Phoenix, Arizona's "Valley of the Sun." Scottsdale begins in the south as a long, narrow north-south wedge of land between the city limits of Phoenix and the Salt River Pima-Maricopa Indian Community. At Doubletree Ranch Road, the northern boundary of the Indian Community, Scottsdale widens to the east, and has now spread to the border with Fountain Hills. Scottsdale has grown from a small farming community of one square mile and 2,000 people in 1951 to an area of 185 square miles and more than 240,000 people.

Weather

Scottsdale has weather typical of the central desert of Arizona. In December, the coldest month, the average low temperature is 36° and the average high is 67°. In July, the hottest month, the average low temperature is 76° and the average high is 106°. A table showing the highs, lows and average precipitation is shown below.

Scottsdale Weather

	January	February	March	April	May	June	July	August	September	October	November	December
Avg. High	67°	72°	76°	84°	94°	103°	106°	104°	99°	86°	74°	67°
Avg. Low	37°	39°	44°	49°	58°	66°	76°	75°	67°	53°	42°	36°
Avg. Prec., Rain	0.82"	0.88"	1.18"	0.27"	0.17"	0.07"	1.12"	0.96"	1.14"	0.91"	0.75"	1.04"

Western Regional Climate Center, 1968-1985

³Source: Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 4th ed. s.v. "neighborhood" (Chicago: Appraisal Institute, 2002). CD-ROM

Transportation

Scottsdale is accessed via the Loop 101 Freeway. The Loop 101 Freeway runs north-south through the City and connects Scottsdale to Interstates 10 (east-west) and 17 (north-south) as well as other metropolitan freeways. National and international air service are provided via Phoenix Sky Harbor International Airport, just west of Scottsdale's southern border. In addition, Scottsdale Municipal Airport is located in north-central Scottsdale. This is a public facility owned and operated by the City of Scottsdale. The Scottsdale airport has an 8,250', lighted and paved runway. Charter/commuter services, fuel, tie-downs and hangers are also available.

Population

The trend in Maricopa County and Scottsdale is for steady growth, as seen below.

Population Growth 1990 - 2014

	1990	2000	2014	% change since 2000
Arizona	3,680,800	5,130,632	6,667,241	29.95%
Maricopa County	2,130,400	3,072,149	4,008,651	30.48%
Scottsdale	130,075	202,705	225,698	11.34%

Sources: Arizona Department of Research - azstats.gov

Major Employers

Honorhealth
Mayo Clinic
General Dynamics
C4 Systems
CVS Caremark
GoDaddy
Vanguard
Scottsdale Insurance
Scottsdale Unified School District
City of Scottsdale

Population and Household Characteristics

	Average Household Size	Median Household Income	Median Value (Single-family, owner-occupied home)
Scottsdale	2.20	\$72,455	\$376,700
Arizona	2.69	\$49,928	\$175,500
U.S.	2.63	\$53,482	\$119,600

U.S. Census Bureau, 2014

Scottsdale Employment 1990-2014

	1990	2000	2014
Total Civilian Labor Force	77,752	116,007	124,135
Total Unemployment	2,520	2,804	5,865
Unemployment Rate	3.2%	2.4%	4.7%

Source: Arizona Department of Economic Security

Government

Scottsdale was founded in 1888, but not incorporated until 1951. Scottsdale is governed by a mayor, six councilpersons and a town manager. Scottsdale has a municipal fire department.

Taxes

The state has a 5.6% transaction privilege tax, Maricopa County has a 0.7% tax and Scottsdale has a 1.65% tax rate for a total of 7.95% on transactions in the city. Property taxes are displayed in the following table.

Property Tax Rate per \$100 of assessed valuation

	1990	2000	2014
Elementary/High School	\$5.08	\$5.57	\$4.16
City/Fire District	\$0.87	\$1.19	\$1.24
Countywide	\$3.51	\$3.35	\$3.88
Total	\$9.46	\$10.11	\$9.28

Source: Arizona Department of Revenue and Arizona Tax Research Association

Utilities

Local utilities are reported to be adequate. Electric power in the area is provided by Arizona Public Service or Salt River Project. Natural gas is provided by Southwest Gas Corporation. Telephone service is provided by Centurylink Communications or cellular services. The City of Scottsdale provides water, sewer, trash, and recycling services.

Economic Activities

Scottsdale is known for its hospitality industry, serving both the business and leisure visitor. In addition to resorts, the Scottsdale economy contains a diverse mix of financial services from banking to insurance and investment; business services from advertising and public relations to software development; computer services, professional services, and major health care providers anchored by Scottsdale Memorial Health systems and the world renowned Mayo Clinic. The city has seen major growth in the Scottsdale Airpark, surrounding the Scottsdale Municipal Airport and the 101 Freeway, where it curves from a north-south to an east-west orientation.

Amenities

Scottsdale is a well-known resort and shopping destination. It has long been a center for art galleries, now counting 110, and includes the focal points for two major artists of the twentieth century - Paolo Soleri's studio, Cosanti, and Taliesin West, the western campus of the Frank Lloyd Wright School of Architecture.

Scottsdale provides numerous venues for dramatic, dance and musical productions, art exhibits, and performances by the Scottsdale Symphony Orchestra. The city is also the winter home of the San Francisco Giants baseball team, and the host for the Waste Management Phoenix Open, a major golf tournament.

Recreational Facilities

Scottsdale has 41 public parks that encompass 941 acres, four public swimming pools, 105 miles of bike lanes, 67 miles of paved paths and 143 miles of non-preserve trails, including a unique 7.5 mile greenbelt providing flood control and offering numerous recreational opportunities including sailing and fishing. In addition, Scottsdale counts four libraries, 32 indoor theaters, one outdoor theater, four bowling alleys, three swimming pools, 30 golf courses, five museums, 20 tennis parks and 58 athletic fields. The downtown area includes, besides numerous shops, a civic center, stadium/multi-use cultural facility and a Center for the Arts seating 800 for theater, 160 for cinema and containing 15,000 feet of exhibit space for performing and visual arts. Westworld, a major equestrian development in the northern part of the city, provides 11 open arenas, 480 permanent horse stalls, two polo fields, a four-mile cross country equestrian course, a grand prix field, a bazaar area, parking for 13,000 cars and recreational vehicle hook-ups.

Educational Facilities

The Scottsdale Unified School District serves the community through 33 schools: five high schools, 7 middle schools, 20 elementary schools and an alternative school for grades 4 - 12. Total student enrollment is over 27,000 students. The District employs over 3,000 people. In addition, the city supports a number of charter, private and religious schools. Scottsdale Community College is on the border of Scottsdale and the Salt River Pima-Maricopa Indian Community.

Lodging and Meeting Facilities

As a frequent resort destination, Scottsdale has 14,850 lodging rooms with 513 meeting rooms. The largest capacity facility holds 2,500.

Conclusions

Although Scottsdale lingered as a small farming community on the fringes of the Phoenix metropolitan area for over 60 years, its growth in the past 50 years since incorporation has made it a bustling community with middle class to upper class housing, world renowned resorts and medical facilities, as well as burgeoning commerce.

SITE DESCRIPTION

Location

The subject site is located at the northeast quadrant of Jomax Road and 118th Street, in Scottsdale, Arizona.

Legal Description

The subject is legally described as a portion of Sections 34 and 35 of T5N, R5E, Maricopa County, Arizona, G&SRB&M. It is parcels 12 and 13 of Goldie Brown Pinnacle Peak Ranch Unit 2, per MCR 196/26, records of Maricopa County, AZ. A complete legal description for the subject property is provided in the addenda.

Site Features

The subject site is a nearly rectangular parcel, and consists generally of two 40 acre parcels. The west parcel has a notch out of the west side for Tract D of the subdivision. The site is approximately 1/2 mile wide from east to west and approximately 1/4 mile from north to south. The reader is referred to the assessor map, subdivision plat and aerial photograph, attached as exhibits, following the Site Description section of the report.

The site was vacant land as of the date of inspection.

Adjacent Uses

North:	Single-family residential
East:	Vacant land (McDowell Sonoran Preserve)
South:	Custom residential development and State Trust land
West:	Custom residential development

Access

Primary access to the subject is via 118th Street or Jomax Road. 118th Street and Jomax Road are paved. Jomax Road is built as a half-street with no curb or gutter along the subject's frontage. Jomax Road is unpaved and blocked by a barricade approximately 1,000 feet east of 118th Street. Red Bird Road is unpaved along the north side of the subject site. Local and regional access to the subject is adequate and typical for the area.

Traffic Count

No traffic volume data was available for the area surrounding the subject property.

Title Report/Restrictions and Easements

A title report commitment was provided by the client. An excerpt is provided in the addenda. The subject is affected by various underground utility easements and utility payback agreements as well as CC&R's for the subdivision. None of the reported matters have a material effect on the subject's market value in my opinion.

Utilities

The utilities that are available to the subject site are shown below.

Gas: Not available
 Electricity: Arizona Public Service
 Water: City of Scottsdale
 Sewer: City of Scottsdale
 Trash Disposal: City of Scottsdale or private
 Telephone: CenturyLink or cellular

All available utility services are reported to be adequate.

Environmental

A Phase I environmental study was not supplied by the client. No evidence of environmental problems was noted during the inspection of the subject. The opinion of value assumes the property is free and clear of any environmental problems.

Topography/Soils

The subject site has attractive gently rolling topography. There was no evidence of puddling or flooding on the subject site. Based on nearby development, there do not appear to be any soil problems.

Zoning/Allowed Property Use

The subject property is zoned R1-130 and R1-190, single-family residential by the City of Scottsdale. According to the City’s zoning ordinance, R1-130 zoning is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities.

Permitted uses in a R1-130 zone include any use permitted in an R1-190 zoning district. Uses subject to conditions include uses subject to conditional use permit in R1-190 zoning districts.

The performance standards for R1-130 zoning are detailed in the following table.

Minimum Lot Size	Minimum Lot width	Maximum Building Height	Required Setbacks		
			Front Yard	Rear Yard	Side Yards
130,000 SF	200 feet	30 feet	60 feet	60 feet	30 feet

R1-190 zoning has the same intended uses as R1-130 zoning.

Besides single-family residential, permitted uses in a R1-190 zone include accessory buildings, swimming pools, home occupations and other accessory uses (but not landing and takeoff of aircraft),

adult care homes, charter schools, day care home, guest houses or model homes, schools, churches and municipal uses. Uses subject to conditions include cemeteries, community and recreational buildings, farms and ranches, golf courses, private colleges and universities.

The performance standards for R1-190 zoning are detailed in the following table.

Minimum Lot Size	Minimum Lot width	Maximum Building Height	Required Setbacks		
			Front Yard	Rear Yard	Side Yards
190,000 SF	300 feet	30 feet	60 feet	60 feet	30 feet

The subject property is located within the Environmentally Sensitive Lands Ordinance area. The purpose of the environmentally sensitive lands regulations is to identify and protect environmentally sensitive lands in the city and to promote the public health, safety and welfare by providing appropriate and reasonable controls for the development of such lands.

An excerpt from the City of Scottsdale’s zoning ordinance, detailing all of the permitted uses in an R1-130 and R1-190, ESL zone is provided in the addenda.

Toll Brothers has applied to change the zoning of the subject property to a mix of R1-190, R1-130 and also R1-70 and R1-43 zoning, which will increase the potential density to 0.65 dwelling units per acre. The application is number 25-ZN-2016. A project narrative is included as an exhibit to the report. It appears to be reasonably probable that the subject property can achieve the proposed zoning, since the proposed density meets the density goal of the General Plan of one dwelling unit or less per acre.

Flood Plain

The subject property is located in Zone “X” flood plain (Map #04013C1330L), effective October 16, 2013. Zone X is the area determined to be outside the 500-year flood and protected by levee from the 100-year flood. Flood insurance is not required in a Zone “X.”

Functional Utility of Site

The site's functional utility is good for residential development purposes. The property has access to utilities and paved streets. The topography is well suited for custom lot development. The property has very good views.

MARICOPA COUNTY
OFFICIAL PARCEL MAP
STATE OF ARIZONA

PT. SECTION 34 T05N R05E

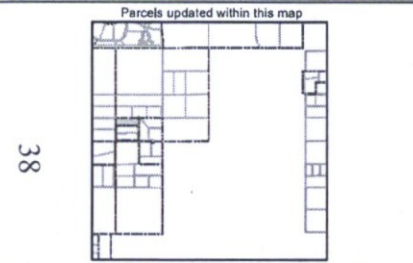
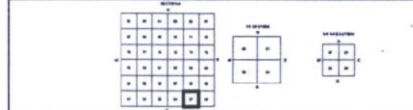
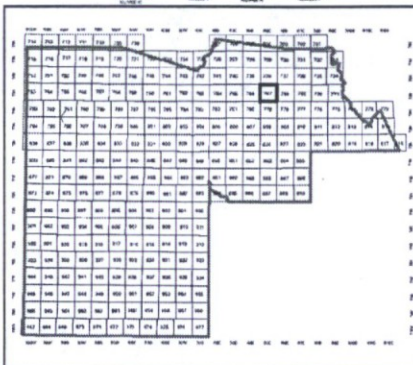
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MARICOPA COUNTY
STATE OF ARIZONA

SECTION 35 T05N R05E

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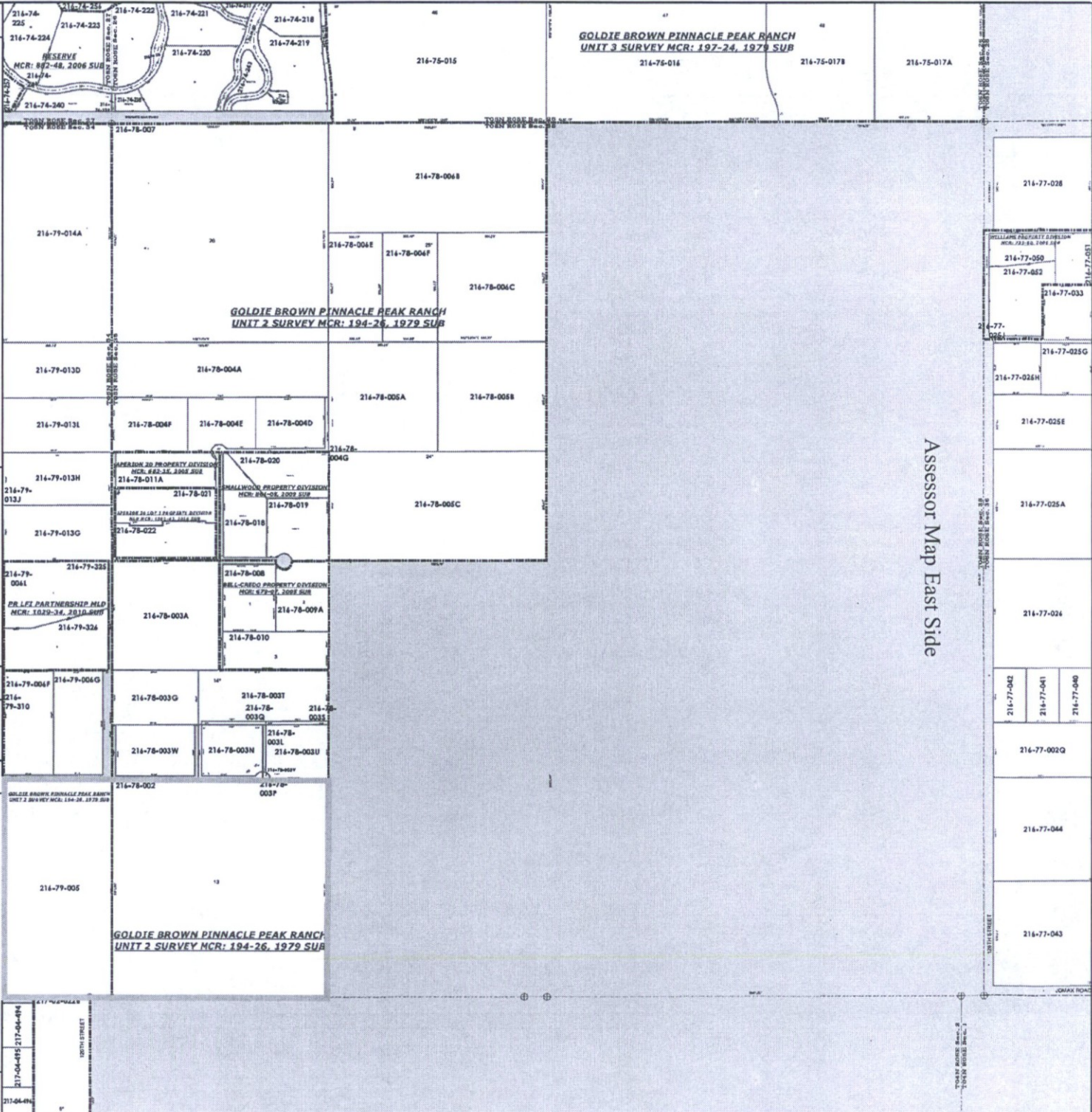
MARICOPA COUNTY
ASSESSOR'S OFFICE
301 W. Jefferson Street
Phoenix, AZ 85003
Date: 02/8/2013
<http://mcaassessor.maricopa.gov/assessor/>

LEGEND: Parcels Sections Centerlines
 Subdivisions Section Corners

Disclaimer - Indemnification
CAUTION: USERS SHOULD INDEPENDENTLY RESEARCH AND VERIFY INFORMATION WITHIN THIS DATASET OR MAP BEFORE RELYING ON IT.

The Assessor's Office has compiled information within this dataset or map that it uses to identify, classify, and value real and personal property. Please contact the Assessor's Office at 602 506-3406 if you believe any information is incomplete, out-of-date, or incorrect so that appropriate corrections can be addressed. Please note that a statutory process is also available to correct errors pursuant to Arizona Revised Statutes 42-16254.

The Assessor does not guarantee that any information contained within this dataset or map is accurate, complete or current. In many instances, the Assessor has gathered information from independent sources and made it available within this dataset or map, and the original information may have contained errors and omissions. Errors and omissions may have occurred in the process of gathering, interpreting, and reporting the information. Information within this dataset or map is not updated "real time." In addition, Users are cautioned that the process used within this dataset or map to illustrate the boundaries of adjacent parcels is not always consistent with the recorded documents for such parcels. The parcel boundaries depicted within this dataset or maps are for illustrative purposes only, and the exact relationship of adjacent parcels should be independently researched and verified. The information provided within this dataset or map is not the equivalent of a title report or a real estate survey. Users should independently research, investigate, and verify all information before relying on it or using it in the preparation of legal documents.



Assessor Map East Side

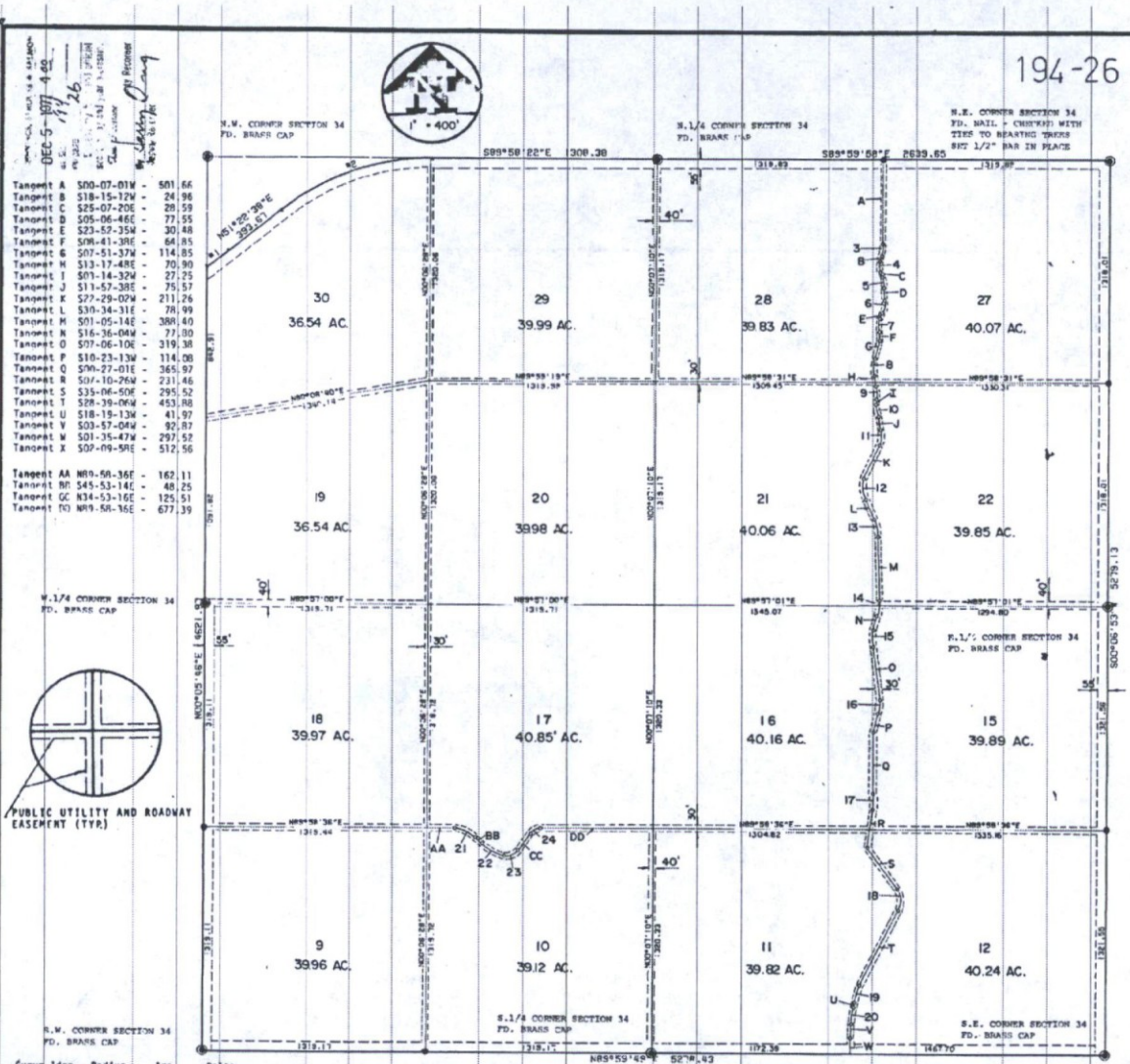
194-26

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194-26

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



Curve	Iden	Radius	Arc	Delta	Curve	Iden	Radius	Arc	Delta	Curve	Iden	Radius	Arc	Delta
Curve 1	2064.79	163.86	003-16-38	Curve 9	275.22	79.44	016-32-20	Curve 17	750.38	99.85	007-37-27			
Curve 2	1432.40	954.39	028-10-32	Curve 10	231.39	69.47	017-12-11	Curve 18	120.57	134.19	063-45-56			
Curve 3	750.82	79.33	018-08-10	Curve 11	151.88	96.61	036-26-40	Curve 19	553.08	99.73	010-19-53			
Curve 4	100.58	76.14	043-22-31	Curve 12	150.23	139.12	053-03-33	Curve 20	396.65	99.48	014-22-09			
Curve 5	170.06	59.39	020-00-34	Curve 13	189.99	97.78	029-29-17	Curve 21	172.67	133.01	044-08-10			
Curve 6	154.73	78.29	028-59-21	Curve 14	321.35	99.21	017-41-17	Curve 22	322.81	144.25	025-36-10			
Curve 7	135.92	77.63	032-34-14	Curve 15	238.26	98.57	023-42-13	Curve 23	66.81	85.85	073-37-20			
Curve 8	267.73	98.06	021-08-25	Curve 16	260.04	79.38	017-29-23	Curve 24	67.11	64.52	055-05-20			

194-26

PARCEL MAP THE GOLDIE BROWN PINNACLE PEAK RANCH : UNIT TWO

Constituting Parcel Nos. 9-12, 15-22, & 27-30 situated in Section 34, Township 5 North, Range 5 East, of the Gila and Salt River Basins and Meridian, Maricopa County, Arizona.

DECLARATION:

State of Arizona) SS
County of Maricopa)

KNOW ALL MEN BY THESE PRESENTS:

That CONTINENTAL SERVICE CORPORATION, an Arizona corporation, as Trustee under Trust No. 9950, being the legal title holder of Section 34, Township 5 North, Range 5 East, of the Gila and Salt River Basins and Meridian, Maricopa County, Arizona, as shown hereon and acting pursuant to the directions of its beneficiary whose name and address is Virginia Nash, Personal Representative of the Estate of Goldie C. Brown, Deceased, 111 West Monroe, Suite 1504, Phoenix, Ar, 85001, hereby divides such real property into 18 parcels and hereby declares that this parcel map sets forth the location and dimension of parcel numbers 9-12, 15-22, and 27-30 constituting same, and that each of such parcels may be known by the number given each respectively on this parcel map.

CONTINENTAL SERVICE CORPORATION, an Arizona corporation, as Trustee, hereby declares that the dedication to the public, for public use, as roadways and as right-of-ways for utilities, are as shown in dimensions and in locations as set forth on this parcel map and that such are hereby dedicated to the public for public use for such purposes.

IN WITNESS WHEREOF, CONTINENTAL SERVICE CORPORATION, as Trustee, has hereunto caused its corporate name to be signed and its corporate seal to be affixed by the undersigned Trust Officer, thereunto duly authorized this 2nd day of December, 1977.

CONTINENTAL SERVICE CORPORATION
AS TRUSTEE AND NOT PERSONALLY
By Mary Ann Mello
Trust Officer

State of Arizona) SS
County of Maricopa)

On this 2nd day of December, 1977, before me, the undersigned officer, personally appeared MARY ANN MELLO, who acknowledged herself to be Trust Officer of Continental Service Corporation, and that he, as such officer, being duly authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation, as trustee, by himself as Trust Officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Mary R. Harbin
Notary Public

My Commission Expires:
Dec. 26, 1980

ENGINEER'S CERTIFICATE

I, John B. Nelson, hereby certify that I as a Registered Civil Engineer of the State of Arizona; that this map, consisting of one sheet, correctly represents a survey made under my supervision during the month of NOV, 1977; that the survey is true and complete as shown; that all the monuments shown actually exist as shown; that their positions are correctly shown and that said monuments are sufficient to enable the survey to be retraced.

Dated NOV 30, 1977.

John B. Nelson
John B. Nelson, P.E. & L.S.

NOTE:
ALL AREAS SHOWN ARE GROSS AREAS
INDICATED BY 1/2" BARR UNLESS OTHERWISE NOTED.

John B. Nelson

1 of 3
COB & VAN LOO
CONSULTING ENGINEERS, INC.

194-26

194-26

194-26

PARCEL MAP THE GOLDIE BROWN PINNACLE PEAK RANCH: UNIT TWO

Constituting Parcel Nos. 13, 14 & 23-26 situated in the West half of the Southwest quarter and the Northwest quarter of Section 35, Township 5 North, Range 5 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

DECLARATION:

State of Arizona) SS
County of Maricopa)

KNOW ALL MEN BY THESE PRESENTS:

That CONTINENTAL SERVICE CORPORATION, an Arizona corporation, as Trustee under Trust No. 9950, being the legal title holder of the West half of the Southwest quarter and the Northwest quarter of Section 35, Township 5 North, Range 5 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as shown hereon and acting pursuant to the directions of its beneficiary whose name and address is Virginia Nash, Personal Representative of the Estate of Goldie C. Brown, Deceased, 111 West Monroe, Suite 1504, Phoenix, Az. 85003, hereby divides such real property into 6 parcels and hereby declares that this parcel map sets forth the location and dimension of parcel numbers 13, 14 and 23-26 constituting same, and that each of such parcels may be known by the number given each respectively on this parcel map.

CONTINENTAL SERVICE CORPORATION, an Arizona corporation, as Trustee, hereby declares that the dedication to the public, for public use, as roadways and as right-of-ways for utilities, are as shown in dimensions and in locations as set forth on this parcel map and that such are hereby dedicated to the public for public use for such purposes.

IN WITNESS WHEREOF, CONTINENTAL SERVICE CORPORATION, as Trustee, has hereunto caused its corporate name to be signed and its corporate seal to be affixed by the undersigned Trust Officer, whom I duly authorized this 2nd day of December, 1977.

CONTINENTAL SERVICE CORPORATION
AS TRUSTEE AND NOT PUBLICLY

Mary Ann Hello
Trust Officer

State of Arizona) SS
County of Maricopa)

On this 2nd day of December, 1977, before me, the undersigned officer, personally appeared MARY ANN HELLO who acknowledged himself to be a Trust Officer of Continental Service Corporation, and that he, as such officer, being duly authorized to do so, executed the foregoing instrument for the purposes therein intimated by signing the name of the corporation, as trustee, by himself as Trust Officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal:

Mary R. Thurston
Notary Public

My Commission Expires:

Dec-26, 1980

ENGINEER'S CERTIFICATE

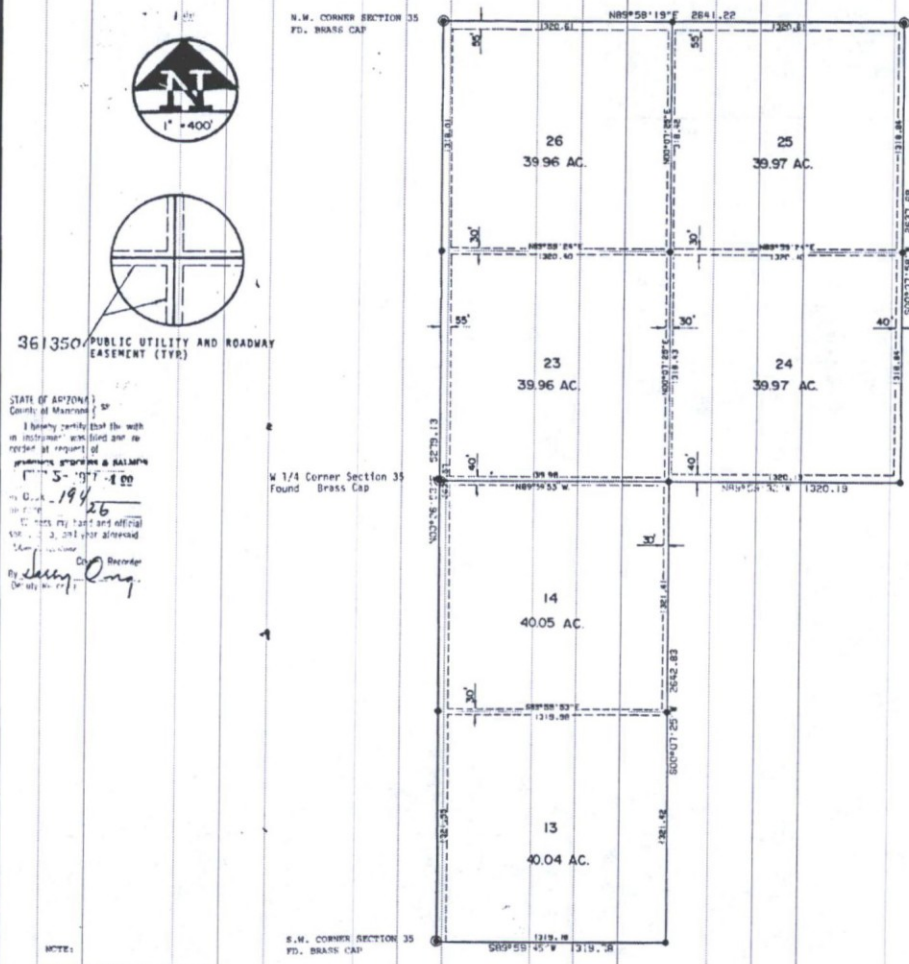
I, John B. Nelson, hereby certify that I am a Registered Civil Engineer of the State of Arizona and that this map, consisting of one sheet, correctly represents a survey made under my supervision during the month of NOV, 1977; that the survey is true and complete as shown; that all the monuments shown actually exist as shown; that their positions are correctly shown and that said monuments are sufficient to enable the survey to be retraced.

Dated 12-26-77, 1977.

John B. Nelson
John B. Nelson, P.E. & L.S.

COE & VAN LOO CONSULTING ENGINEERS INC. PHOENIX, ARIZONA

194-26



361350 PUBLIC UTILITY AND ROADWAY EASEMENT (TYE)

STATE OF ARIZONA)
County of Maricopa)
I hereby certify that the within instrument was filed and recorded in accordance with the provisions of the Arizona Recording Act and that the same is a true and correct copy of the original as filed and recorded in my office.
1977-12-26
By *John B. Nelson*
Notary Public

NOTE:
ALL AREAS SHOWN ARE GROSS AREAS
INDICATES SET 1/2" REBAR UNLESS OTHERWISE NOTED.

194-26

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

194-26

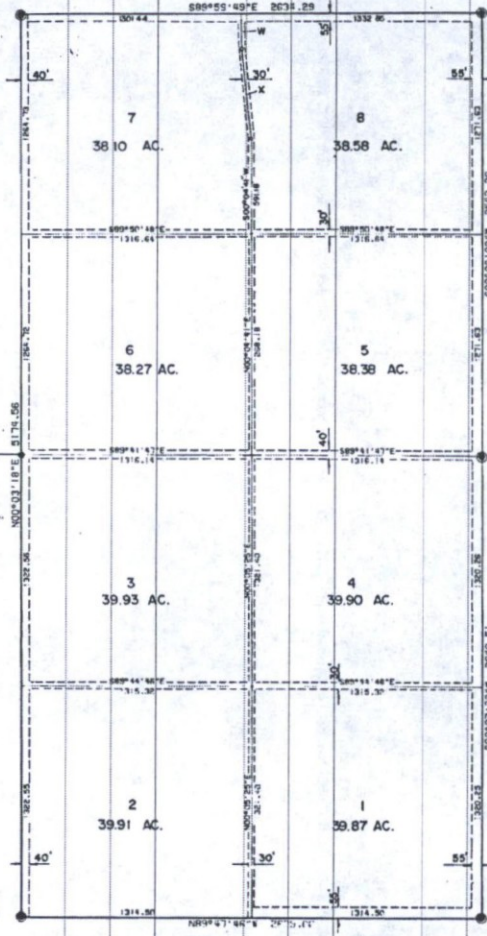
STATE OF ARIZONA)
 County of Maricopa)
 I hereby certify that the with
 its approved and filed here the
 correct as shown of
 ground, as shown & returned
 DEC 5 1977
 in Book 194
 on page 26
 Witness my hand and official
 seal of the State of Arizona
 this 5th day of December 1977.
 State Engineer
 Gary Craig

W. 1/4 CORNER SECTION 3
 P.D. BRASS CAP
 DIST 1/4" BAR IN PLACE

W. 1/4 CORNER SECTION 3
 P.D. BRASS CAP

S. 1/4 CORNER SECTION 3
 P.D. BRASS CAP

Tangent W 501-35-47N - 297.52
 Tangent X 502-09-58E - 512.56



NOTE:
 ALL AREAS SHOWN ARE GROSS AREAS
 ← INDICATES SET 1/3" NEAR UNLESS OTHERWISE NOTED.

194-26



PUBLIC UTILITY AND ROADWAY
 EASEMENT (TTR)

E. 1/4 CORNER SECTION 3
 P.D. BRASS CAP

S.E. CORNER SECTION 3
 P.D. BRASS CAP

11-30-77
 John B. Nelson

PARCEL MAP
 THE GOLDIE BROWN PINNACLE
 PEAK RANCH : UNIT TWO

Constituting Parcel Nos. 1-8, situated in the East half of Section 3,
 Township 4 North, Range 5 East, of the Gila and Salt River Basins and
 Meridian, Maricopa County, Arizona.

DECLARATION:

State of Arizona) SS
 County of Maricopa)

KNOW ALL MEN BY THESE PRESENTS:

That CONTINENTAL SERVICE CORPORATION, an Arizona corporation,
 as Trustee under Trust No. 9950 being the legal title holder of the
 East half of Section 3, Township 4 North, Range 5 East, of the Gila
 and Salt River Basins and Meridian, Maricopa County, Arizona, as shown
 herein and acting pursuant to the directions of its beneficiary whose
 name and address is Virginia Nash, Personal Representative of the
 Estate of Goldie C. Brown, Deceased, 111 West Monroe, Suite 1504,
 Phoenix, Az. 85003, hereby divides such real property into 8 parcels
 and hereby declares that this parcel map sets forth the location and
 dimension of parcel numbers 1-8 constituting same, and that each of
 such parcels may be known by the number given each respectively on
 this parcel map.

CONTINENTAL SERVICE CORPORATION, an Arizona corporation, as
 Trustee, hereby declares that the dedication to the public for public
 use, as roadways and its right-of-ways for utilities, are as shown in
 dimensions and in locations as set forth on this parcel map and that
 such are hereby dedicated to the public for public use for such purposes.

IN WITNESS WHEREOF, CONTINENTAL SERVICE CORPORATION, as Trustee,
 has hereunto caused its corporate name to be signed and its corporate
 seal to be affixed by the undersigned Trust Officer, thereunto
 duly authorized this 2nd day of December, 1977.

CONTINENTAL SERVICE CORPORATION
 As Trustee and Beneficiary

By Mary Ann Mello
 Trust Officer

State of Arizona) SS
 County of Maricopa)

On this 2nd day of December, 1977, before me, the
 undersigned officer, personally appeared MARY ANN MELLO
 who acknowledged himself to be a Trust Officer of
 Continental Service Corporation, and that he, as such officer, being
 duly authorized to do so, executed the foregoing instrument for the
 purposes therein contained by signing the name of the corporation, as
 Trustee, by himself as Trust Officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Mary R. Hartin
 Notary Public

My Commission Expires:
Dec. 26, 1980

ENGINEER'S CERTIFICATE

I, John B. Nelson, hereby certify that I am a Registered Civil
 Engineer of the State of Arizona; that this map, consisting of
 one sheet, correctly represents a survey made under my super-
 vision during the month of December, 1977; that the survey
 is true and complete as shown; that all the monuments shown
 actually exist as shown; that their positions are correctly shown
 and that said monuments are sufficient to enable the survey to be
 retraced.

Dated Nov 30, 1977.

John B. Nelson
 John B. Nelson, P.E. & L.S.

3 OF 3
COE & VAN LOO
 CONSULTING ENGINEERS INC.

194-26

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

194-26

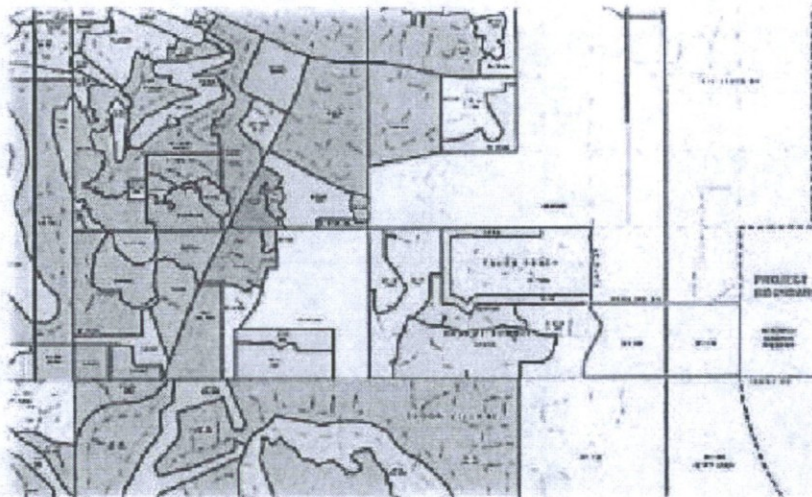
Aerial Photograph



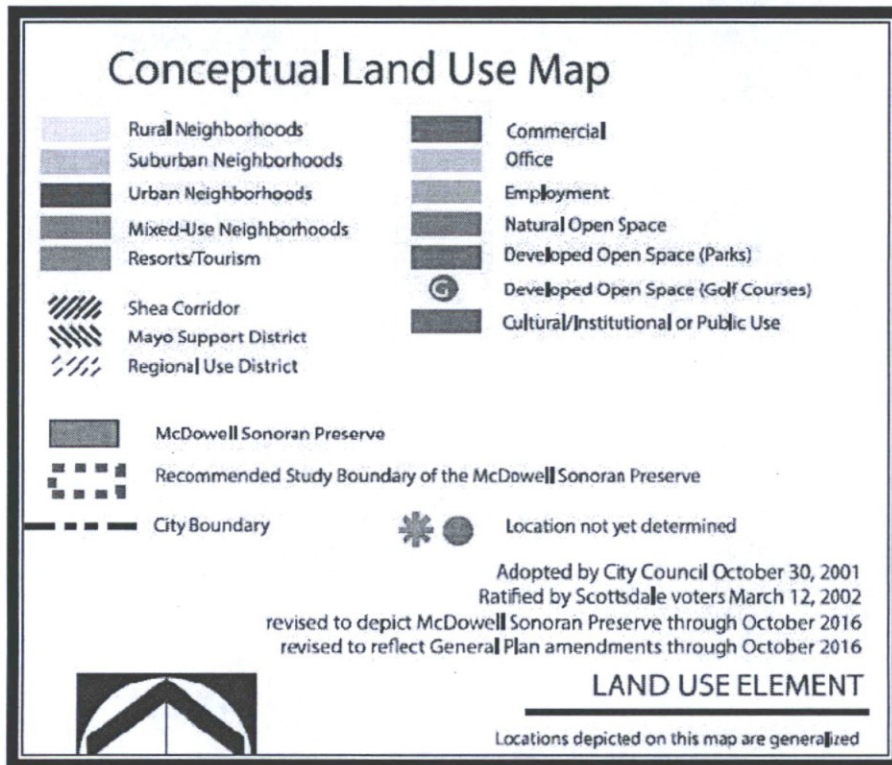
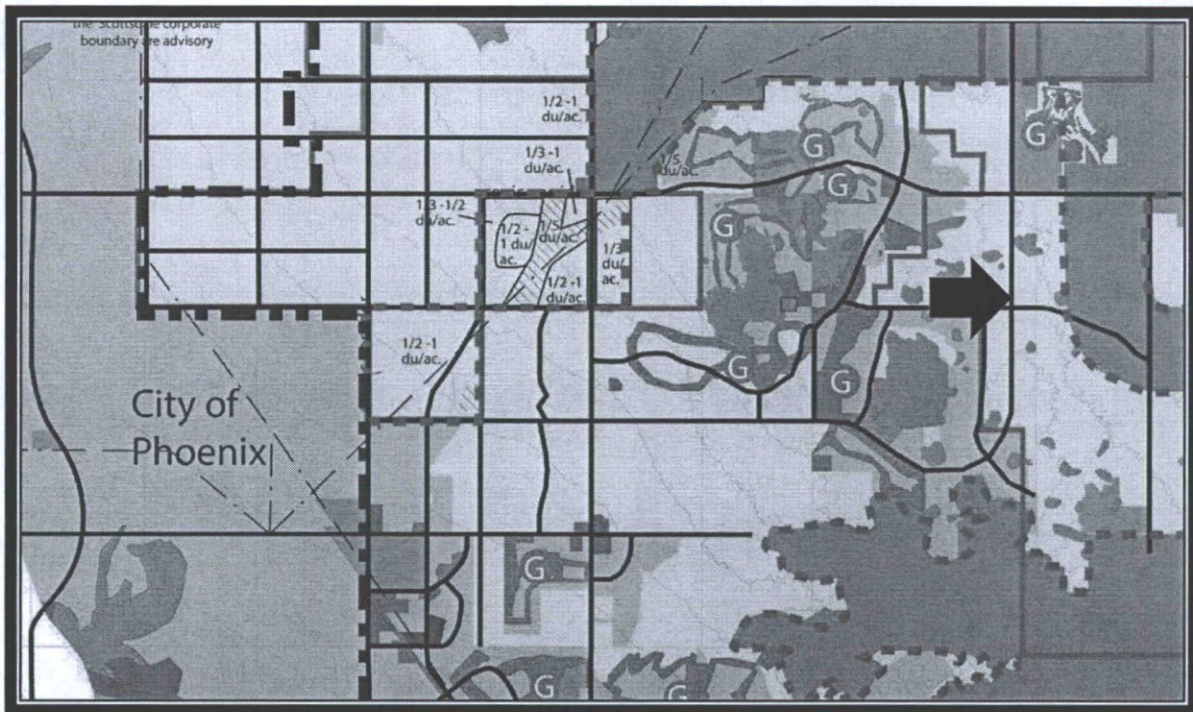
Zoning Map

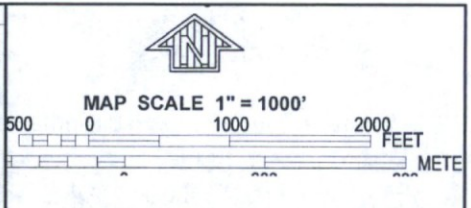
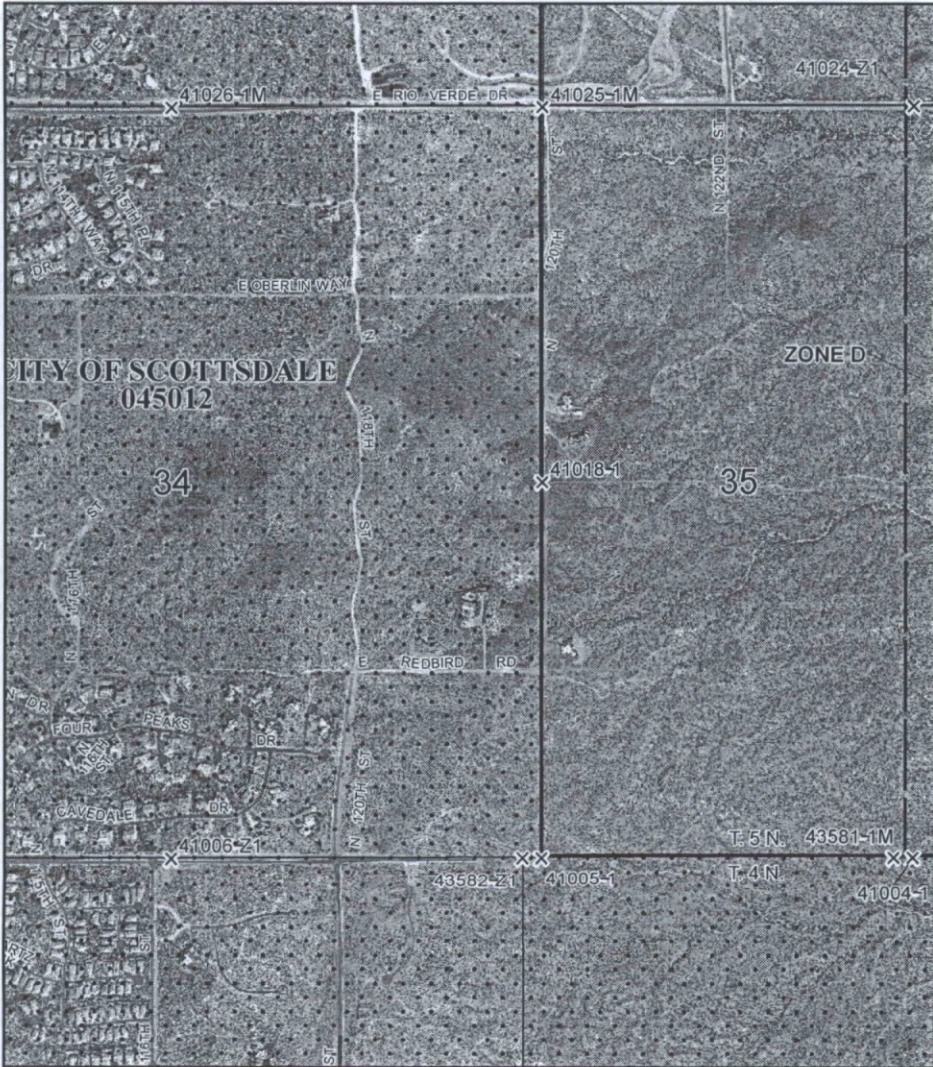
Existing Zoning

Existing zoning on the property is R1-130 on the east half and R1-190 on the west half.



Land Use Plan Map





NFIP PANEL 1330L

FIRM
FLOOD INSURANCE RATE MAP
MARICOPA COUNTY,
ARIZONA
AND INCORPORATED AREAS

PANEL 1330 OF 4425
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
SCOTTSDALE, CITY OF	045012	1330	L

Notice to User: The Map Number shown below should be used when placing map orders. The Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
04013C1330L
 MAP REVISED
OCTOBER 16, 2013

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

REAL ESTATE TAXES & FULL CASH VALUE

The taxing authority for the subject is Maricopa County. The subject is identified by tax assessor numbers 216-78-002 and 216-79-005.

Assessed valuations are based on "limited and full cash values" estimated by county assessors. Tax rates will vary throughout the county. Assessed valuations are multiplied by both primary and secondary rates. Resulting real estate taxes are a total of both rates applied to primary and secondary assessed valuations. The primary rate includes the State of Arizona, Maricopa County, school district and college funds.

The secondary rate accounts for flood zone, CAWCD, bonds, overrides, volunteer fire department and library funds. The assessor uses the Market Approach to value vacant land. The total estimate is called the Full Cash Value (FCV) and it is synonymous with market value according to state statute. It may or may not approximate actual market value since the assessor uses mass formula techniques for these determinations. The assessor values are determined for ad valorem tax purposes. The value ascribed may or may not be related to the fair market value for the subject property.

Taxes and Full Cash Value (FCV)

A three-year tax and assessment history is provided for the subject property below. The full cash value is low as compared to the conclusion of value.

Full Cash Value

APN	2015	2016	2017
216-78-002	\$1,938,300	\$1,984,600	\$1,938,300
216-79-005	\$1,221,400	\$1,755,300	\$1,742,100
Total	\$3,159,700	\$3,739,900	\$3,680,400

Taxes

APN	2014	2015	2016
216-78-002	\$6,612.94	\$7,004.24	\$6,944.14
216-79-005	\$6,885.62	\$7,293.12	\$7,230.40
Total	\$13,498.56	\$14,297.36	\$14,174.54

HIGHEST AND BEST USE SUMMARY

Highest and best use may be defined as:

The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity.⁴

The definition of highest and best use indicates that there exist two types of highest and best use. The first type is the highest and best use of the land or site "as if vacant." The second is the highest and best use "as improved." Moreover, in each case the existing use may or may not be different from the site's highest and best use.

The determination of highest and best use results from the appraiser's judgment and analytical skills. The eventual use determined from the analysis represents an opinion, or conclusion, rather than an absolute fact. To determine the highest and best use, four criteria must be considered sequentially. For a use to be the highest and best use, it must be:

- 1) Legally permissible
- 2) Physically possible
- 3) Financially feasible
- 4) Maximally productive

Legally Permissible

The subject property is zoned R1-190 ESL and R1-130 ESL by the City of Scottsdale. This zoning category is consistent with the City's General Land Use Plan map, which shows the subject in an area intended for rural residential uses. It appears to be reasonably probable that the subject will be able to achieve a higher density zoning.

It is my opinion that uses legally and potentially permitted per the City of Scottsdale, which are generally in conformance with similar uses in the neighborhood, would tend to support the highest and best use of the land, provided that such uses are physically possible and financially feasible for the subject site. The presumptive highest and best use is single-family residential development.

Physically Possible

The subject property contains approximately 80.28 net acres of land area. A soil report was not provided to the appraiser. Based on the inspection, which included a visual observation of the site and surrounding development, there do not appear to be any soil problems. A Phase I environmental study was not supplied by the client. No evidence of environmental problems was noted during the

⁴Source: Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 4th ed. s.v. "highest and best use" (Chicago: Appraisal Institute, 2002). CD-ROM

inspection of the subject. The opinion of value assumes the property is free and clear of any environmental problems. The subject is not located in a flood plain.

The subject parcel is slightly irregular in shape and has frontage on 118th Street, Jomax Road and Red Bird Road. Access to the subject site is adequate and typical for the area. The site appears to be suitable for potential allowable uses within the physical constraints indicated herein. The site size, shape and location appear to be well-suited for single-family residential development.

Given the location and zoning of the subject, and the General Plan designation, a residential use of the site would tend to maximize the value of the subject property.

Financially Feasible

Brokers and investors report an improving market. The number of building permits is increasing and new subdivisions are being developed in the area. Housing values are also rising.

Maximally Productive & Conclusion

Given the forgoing considerations with respect to the legally permissible, physically possible and financially feasible criteria, the highest and best use of the subject site would be for custom or semi-custom, large-lot, single-family residential development.

VALUATION PROCESS

Typically, the market value of real estate can be estimated by applying three approaches: cost, sales comparison and income.

COST APPROACH: A set of procedures through which a value indication is derived for the fee simple interest in a property by estimating the current cost to construct a reproduction of, or replacement for, the existing structure; deducting accrued depreciation from the reproduction or replacement cost; and adding the estimated land value plus an entrepreneurial profit. Adjustments may then be made to the indicated fee simple value of the subject property to reflect the value of the property interest being appraised.⁵ Since the subject property consists of vacant land, the cost approach is not applicable.

SALES COMPARISON APPROACH: A set of procedures in which a value indication is derived by comparing the property being appraised to similar properties that have been sold recently, applying appropriate units of comparison, and making adjustments to the sale prices of the comparables based on the elements of comparison. The sales comparison approach may be used to value improved properties, vacant land, or land being considered as though vacant; it is the most common and preferred method of land valuation when comparable sales data are available.⁶ The sales comparison approach to value will be employed.

INCOME APPROACH: A set of procedures through which an appraiser derives a value indication for an income-producing property by converting its anticipated benefits (cash flows and reversion) into property value. This conversion can be accomplished in two ways. One year's income expectancy can be capitalized at a market-derived capitalization rate or at a capitalization rate that reflects a specified income pattern, return on investment, and change in the value of the investment. Alternatively, the annual cash flows for the holding period and the reversion can be discounted at a specified yield rate.⁷ The income approach is not employed in this appraisal.

⁵*The Dictionary of Real Estate Appraisal*, 3rd Edition, 1993, Page 81.

⁶*The Dictionary of Real Estate Appraisal*, 3rd Edition, 1993, Page 318.

⁷*The Dictionary of Real Estate Appraisal*, 3rd Edition, 1993, Page 178.

LAND VALUATION

The subject site will be valued using the sales comparison approach. The sales comparison approach provides an estimate of market value by comparing recent sales of similar properties in the surrounding or competing areas to the subject property. Inherent in this approach is the principle of substitution which holds that "when several similar or commensurate commodities, goods, or services are available, the one with the lowest price will attract the greatest demand and widest distribution. This is the primary principle upon which the cost and sales comparison approaches are based."⁸

By analyzing sales which qualify as arms'-length transactions with reasonable market exposure between willing and knowledgeable buyers and sellers, price trends can be identified from which value parameters may be extracted. Comparability in physical, locational and economic characteristics represent important criteria in analyzing the sales in relation to the subject property. The basic steps involved in the application of this approach are as follows:

1. *Researching recent, relevant sales throughout the competitive area for sales similar to the subject property;*
2. *Selecting properties considered most comparable to the subject, and then analyzing the selected comparable properties giving consideration to the date of sale and any change in economic conditions which may have occurred since the date of value. Other relevant factors of a physical, functional or locational nature are also considered as well as the interest conveyed;*
3. *Reducing the sales price to common units of comparison as indicated by the market;*
4. *Making appropriate adjustments between the comparable properties and the subject property; and,*
5. *Interpreting the adjusted sales data and reaching a valid conclusion of market value.*

To apply this approach to value, the market was searched for land sales considered to be the most similar in terms of location, size, highest and best use, zoning, etc. The sales were analyzed and adjusted for differences between the subject and the comparable. The subject is a parcel of R1-130 and R1-190, ESL-zoned land, with 80.28 acres of land area. The General Plan shows the subject in an area intended for Rural Neighborhood uses.

⁸Source: Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 4th ed. s.v. "substitution" (Chicago: Appraisal Institute, 2002). CD-ROM

The unit of comparison used for the subject site is price per acre, as this is a unit commonly used by market participants in the subject's market. The sale price per acre is converted to sale price/square foot ("SF") because this number is required to compute the value of the property proposed to be abandoned by the City.

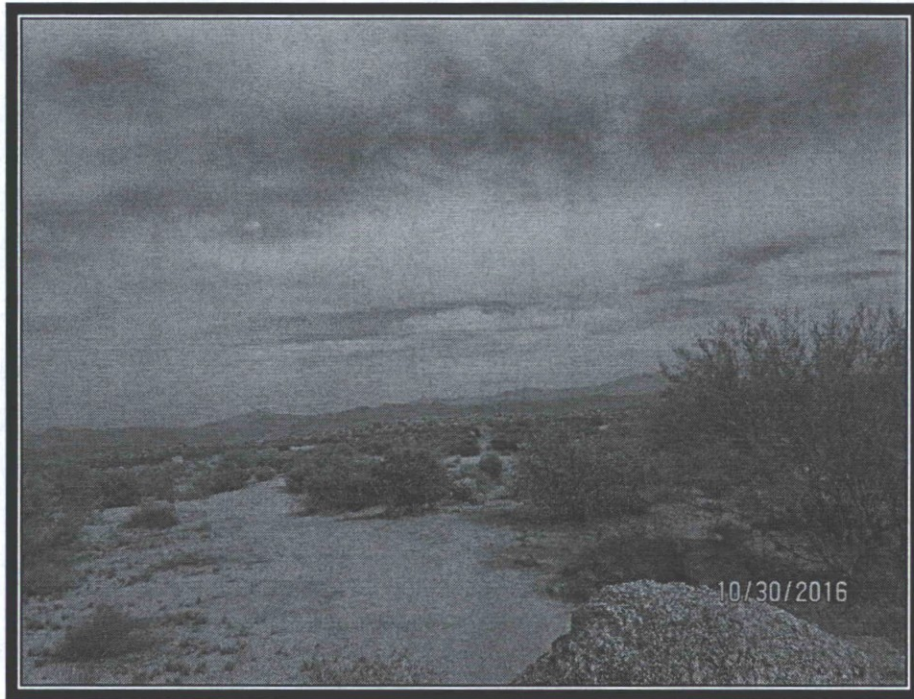
We also considered price per raw lot, but found the standard deviation to be much higher. This is likely because the achievable density of a particular property is not necessarily determined by vested zoning. It appears that sale price SF is the best indication of value for the subject property type.

Finally, the sales are reconciled into a final indication of market value. The basic elements of comparison have been considered in the adjustment process.

Sales sheets detailing the salient details of the sales are presented in the following pages followed by a summary table and a location map.

These are the best available sales based on the market research. The sales were all fee simple transactions which were found to be arms'-length. All of the sale properties are competitive with the subject property and all are located within 1.5 miles of the subject property in a rural area. Every sale was verified with a broker or a party to the sale when possible. In addition, every sale was verified with recorded and notarized documents, which included the sale price.

VACANT LAND COMPARABLE NUMBER 1



Property Identification Data

Location: NE of East Jomax Road and North 118th Street,
Scottsdale

Legal Description: Portion of Section 35,T5N, R5E, G&SRB&M

Assessor's Tax Parcel Number: 216-78-002

Sale Data

Conditions of Sale: Arms'-length

Sale Price: \$2,860,000

Interest Conveyed: Fee simple

Financing Terms: Cash

Cash Equivalency Adjustment: N/A

Cash Equivalent Price:	\$2,860,000
Unit Price:	\$1.64/SF
Date of Sale:	November 2014
Date of Sale Recording:	February 24, 2015
Instrument Type:	Special warranty deed
Instrument Number:	2015-0117289
Seller:	HHL Land,LLC.
Buyer:	Red Bird Vistas, LLC.
Confirmed By:	Roger Dunlap
Confirmed With:	Chase Emmerson, broker with CVE, Inc. (480) 368-5205
Date Inspected:	November 8, 2016
Sales History:	No other sales within the past five years
<u>Site Data</u>	
Shape:	Rectangular
Size:	±40.04 acres or 1,744,142 SF
Zoning:	R1-130
Frontage:	N/A
Legal Access:	Yes
Topography:	Varying
Flood Zone:	X
Utilities:	All to site
Off Sites:	None

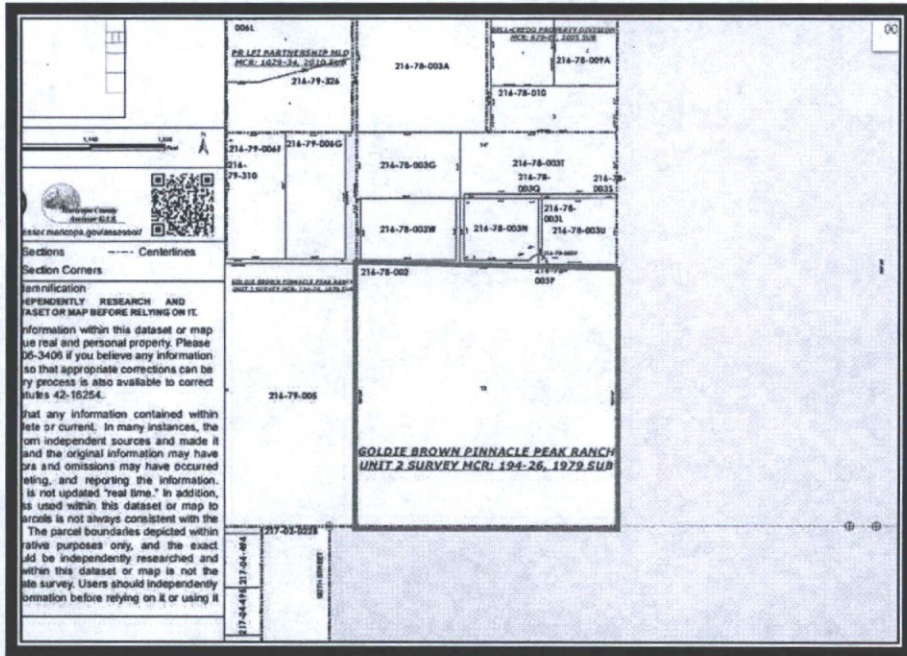
Site Utility: Good

Highest and Best Use: Single-family residential development

Comments:

The sale property is located at the northeast quadrant of East Jomax Road and North 118th Street and is the east half of the subject property. The site is raw land and located near single-family residential development. The proposal for development is included as an addenda item.

Assessor Map & Aerial Photograph - Land Sale 1



VACANT LAND COMPARABLE NUMBER 2



Property Identification Data

Location: 11995 East Rio Verde Drive, Scottsdale
Legal Description: Portion of Section 34, T5N, R5E, G&SRB&M
Assessor's Tax Parcel Number: 216-79-014A

Sale Data

Conditions of Sale: Arms'-length
Sale Price: \$1,540,000
Interest Conveyed: Fee simple
Financing Terms: Cash
Cash Equivalency Adjustment: N/A
Cash Equivalent Price: \$1,540,000

Unit Price: \$1.77/SF
Date of Sale: February 2015
Date of Sale Recording: May 5, 2015
Instrument Type: Special warranty deed
Instrument Number: 2015-0314910
Seller: North Scottsdale 20AC, LLC.
Buyer: Scottsdale Verde Vistas, LLC.
Date Inspected: November 8, 2016
Sales History: No other sales within the past five years. Sold previously in July 2011 for \$550,000 or .63/SF

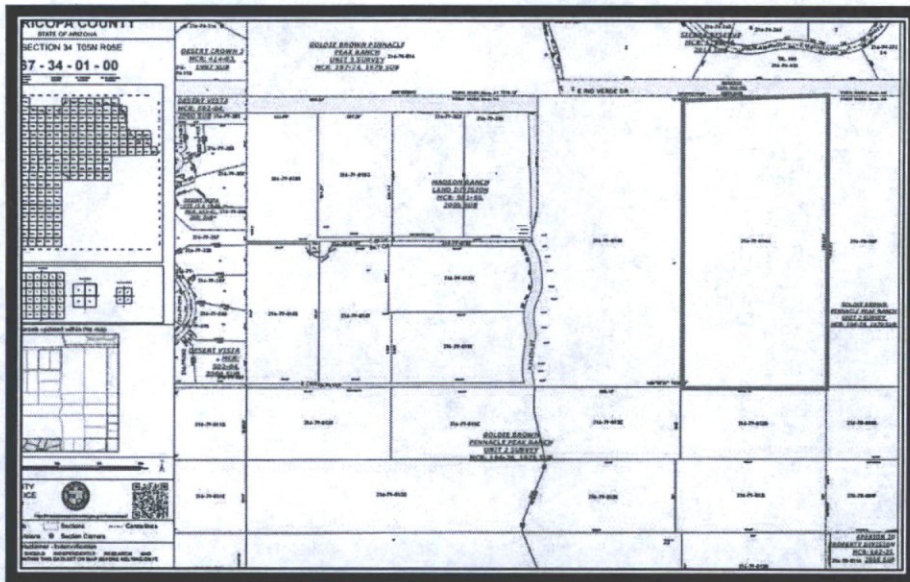
Site Data

Shape: Rectangular
Size: ±20.03 acres or 872,507 SF
Zoning: R1-190
Frontage: ±660 feet along the south side of Rio Verde Drive
Legal Access: Yes
Topography: Level
Flood Zone: X
Utilities: All to site
Off Sites: Rio Verde Drive is asphalt-paved
Site Utility: Good
Highest and Best Use: Single-family residential development

Comments:

The site is raw land and located near upscale single-family residential development and a developing golf course community. Seller, Anthony G Bagneschi, a licensed broker, marketed the property through his firm, Insight Land & Investments for 112 days with an original asking price of \$2,000,000.

Assessor Map & Aerial Photograph - Land Sale 2



VACANT LAND COMPARABLE NUMBER 3



Property Identification Data

Location: 12901 East Oberlin Way, Scottsdale
Legal Description: Portion of Section 36, T5N, R5E, G&SRB&M
Assessor's Tax Parcel Number: 216-77-025D

Sale Data

Conditions of Sale: Arms'-length
Sale Price: \$625,000
Interest Conveyed: Fee simple
Financing Terms: Cash
Cash Equivalency Adjustment: -10%
Cash Equivalent Price: \$562,500

Unit Price: \$1.29/SF
Date of Sale: August 2015
Date of Sale Recording: September 11, 2015
Instrument Type: Warranty deed
Instrument Number: 2015-0690300
Seller: James C. Gragnano and Jean T. Gragnano, as Trustees of the Gragnano Family Living Trust
Buyer: Preserve Ranch, L.L.C.
Confirmed By: Roger Dunlap
Confirmed With: Chase Emmerson, broker with CVE, Inc. (480) 368-5205
Date Inspected: November 8, 2016
Sales History: No other sales within the past five years. Sold previously in August 2009 for \$75,000, or .17/SF

Site Data

Shape: Rectangular
Size: ±10 acres or 435,600 SF
Zoning: R1-70
Frontage: ±660 feet along the south side of Oberlin Way
Legal Access: Yes
Topography: Varying
Flood Zone: X
Utilities: All to site or nearby
Off Sites: None

Site Utility:

Adequate

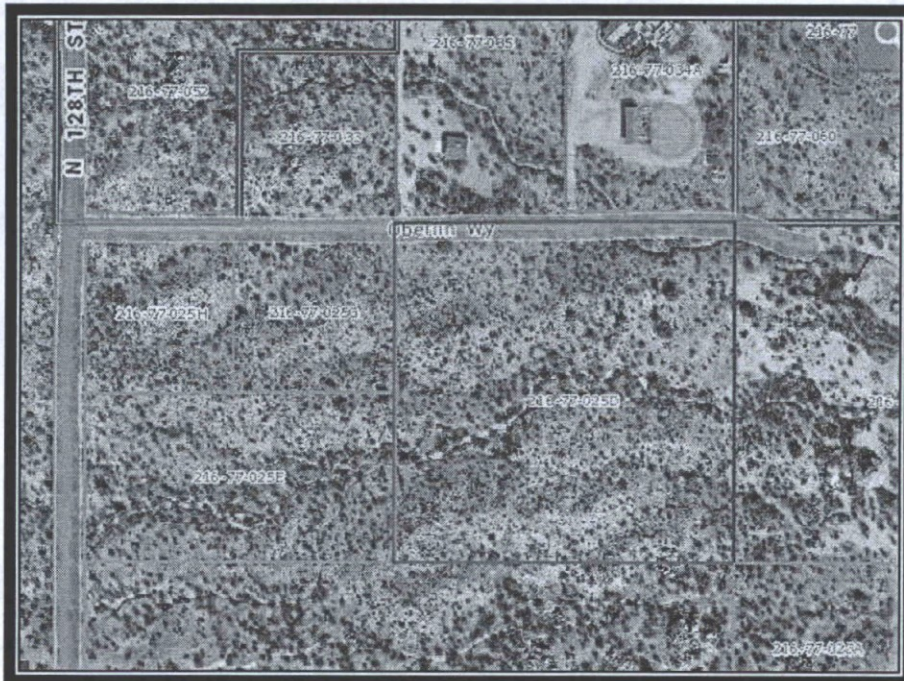
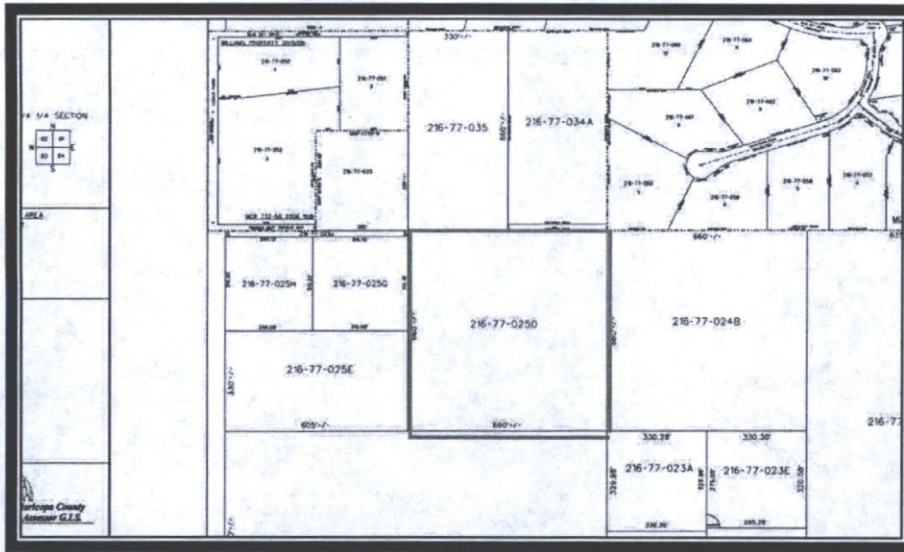
Highest and Best Use:

Single-family residential development

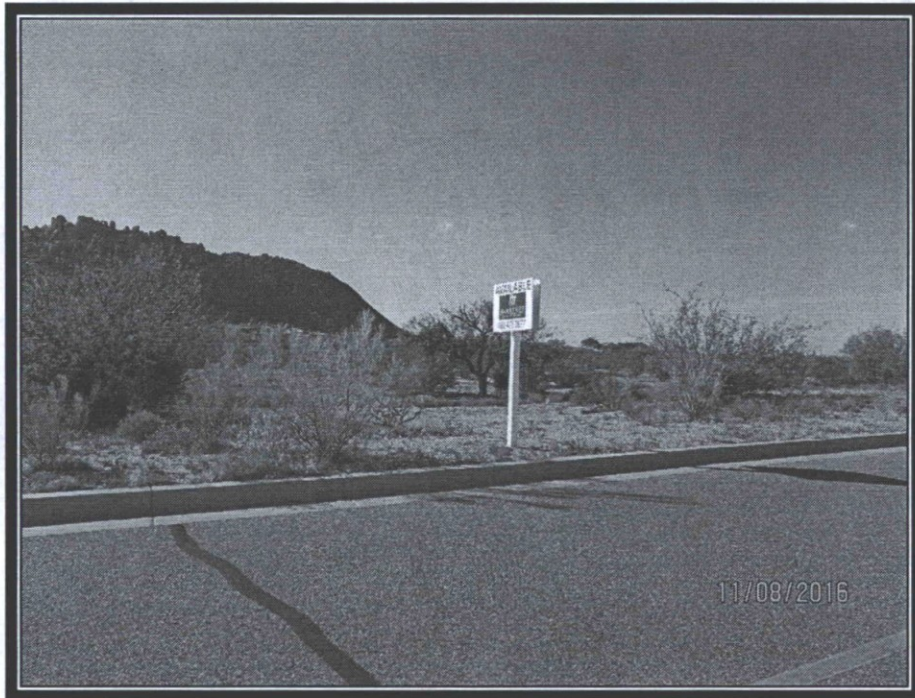
Comments:

The sale property is located at the southeast quadrant of Oberlin Way and North 128th Street. The site is raw land and located near single-family residential development. The buyers plan to hold the land as an investment with no plans for development at this time. The City of Scottsdale building resources website revealed that no permits had been issued or requested. The broker said the seller provided financing with only 10% down, which had an effect on the sale price.

Assessor Map & Aerial Photograph - Land Sale 3



VACANT LAND COMPARABLE NUMBER 4



Property Identification Data

Location: NW Ranch Gate Road and North 118th Street,
Scottsdale

Legal Description: Portion of Section 3, T4N, R5E, G&SRB&M

Assessor's Tax Parcel Number: 217-02-017C

Sale Data

Conditions of Sale: Arms'-length

Sale Price: \$1,000,000

Interest Conveyed: Fee simple

Financing Terms: Cash

Cash Equivalency Adjustment: N/A

Cash Equivalent Price:	\$1,000,000
Unit Price:	\$2.30/SF
Date of Sale:	December 2015
Date of Sale Recording:	December 9, 2015
Instrument Type:	Special warranty deed
Instrument Number:	2015-0871715
Seller:	Jody Mills
Buyer:	PL Ranch Gate, LLC.
Confirmed By:	Roger Dunlap
Confirmed With:	Jeremy McArthur, designated broker for McArthur Land Company (480) 478-0677
Date Inspected:	November 8, 2016
Sales History:	No other sales within the past five years
<u>Site Data</u>	
Shape:	Rectangular
Size:	±9.98 acres or 434,685 SF
Zoning:	R1-130
Frontage:	±330 feet along the west side of 118 th Street
Legal Access:	Yes
Topography:	Level
Flood Zone:	X
Utilities:	All to site or nearby
Off Sites:	None

Site Utility: Good

Highest and Best Use: Single-family residential development

Comments:

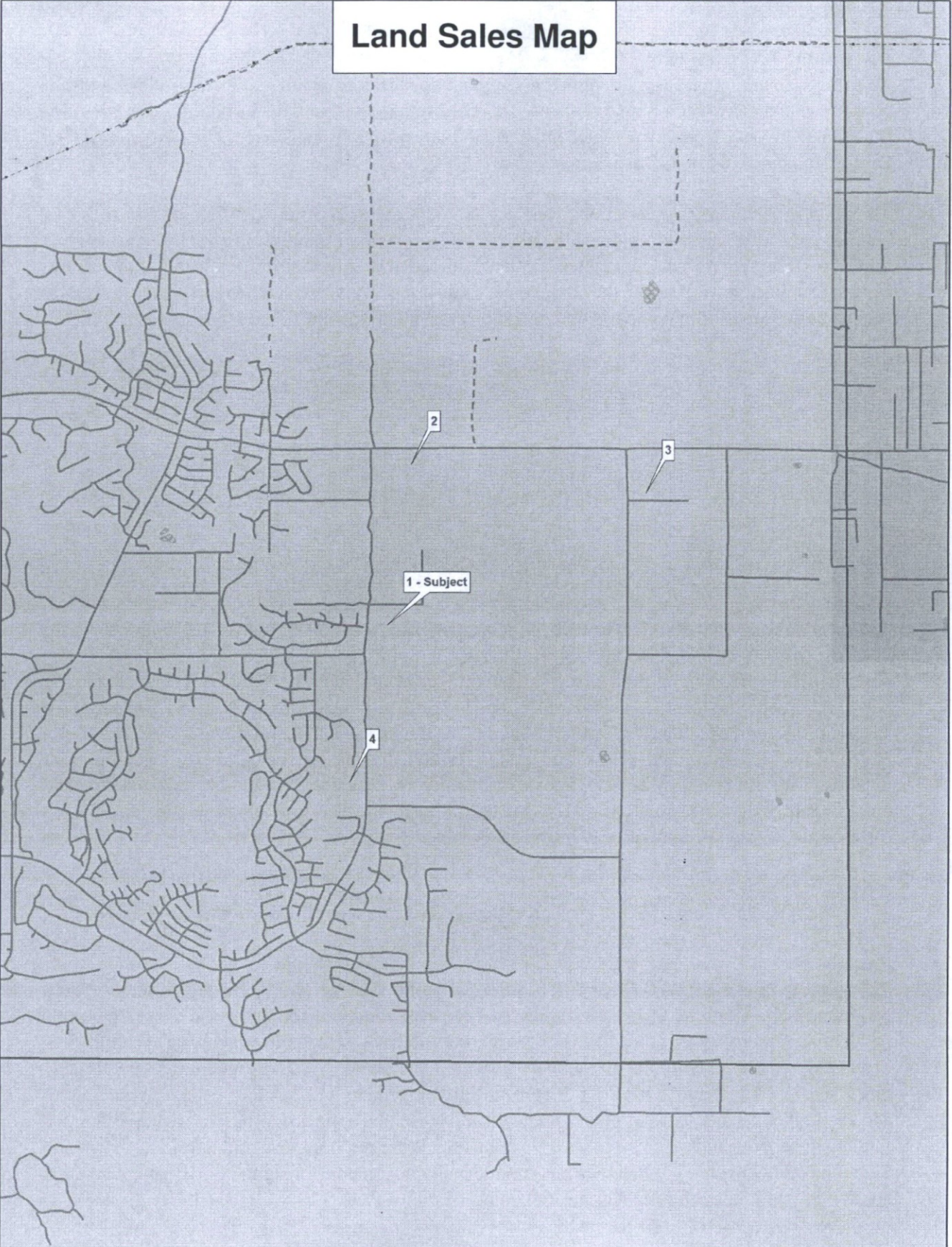
The sale property is located at the northwest corner of Ranch Gate Road and North 118th Street. The site is raw land and located near single-family residential development. The broker said the buyer may develop the property but now has it offered for sale. There is no specific asking price on LoopNet.

Summary Table of Comparable Land Sales

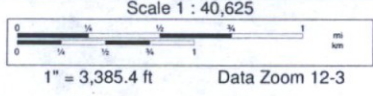
Sale	Subject	L-1	L-2	L-3	L-4
Location	NEC Jomax Road and 118 th Street, Scottsdale	Northeast quadrant of Jomax Road and 118 th Street, Scottsdale (east half of subject property)	SE Rio Verde Road and 118 th Street, Scottsdale	12901 East Oberlin Way, Scottsdale	NWC Ranch Gate Road and 118 th Street, Scottsdale
Date of Sale	October 30, 2016 (DOV)	November 2014	February 2015	August 2015	December 2015
Price		\$2,860,000	\$1,540,000	\$625,000	\$1,000,000
Recording Number		2015-0117289	2015-0314910	2015-0690300	2015-0871715
Financing	C.E.	C.E.	C.E.	Seller financing	C.E.
Site Area (acres)	80.28	40.04	20.03	10.00	9.98
Allowable Density	22 lots*	13 lots*	4 lots*	6 lots*	3 lots*
Topography	Varying	Varying	Varying	Gently rolling	Mostly level
Utilities	All to site	All to site	All to site	All to site	All to site
Zoning	R1-130 and R1-190, ESL	R1-130	R1-130	R1-70	R1-130
Flood Zone	X	X	X	X	X
Off Sites	None	None	None	None	Paved streets
Sale Price/SF		\$1.64	\$1.77	\$1.43	\$2.30
Sale Price/lot		\$220,000	\$385,000	\$104,167	\$333,333

*Estimated based on current zoning

Land Sales Map



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www.delorme.com



Discussion of Adjustments

All sales were fee simple, arms'-length transactions and therefore do not require any adjustments for property rights conveyed or conditions of sale. The broker on Land Sale 3 said the seller provided financing with only 10% down, which impacted the sale price to some degree. The sale price of land Sale 3 is adjusted -10% for cash equivalency.

The other adjustment considerations were for market conditions (time), differences in location, zoning, available utilities, parcel shape, parcel size, flood plain, topography and off-site improvements. When a sale's characteristic is considered to be inferior to the subject by comparison, a positive adjustment is made to the comparable's sale price. Conversely, when a sale's characteristic is considered superior in comparison to the subject, a negative adjustment is made.

An adjustment grid showing the adjustments to the comparables is located at the end of this discussion.

Market Conditions

No paired sales were discovered from which a market conditions adjustment could be extracted. Brokers with whom we spoke reported an improving market for residential land in the subject's sub-market. All of the sales occurred in late 2014 or 2015 and are adjusted +10% per year for market conditions.

Location

The locational adjustment refers to each property's physical location and surrounding property uses in comparison to the subject. The subject is located in north Scottsdale in an area characterized by custom luxury housing, golf courses, mountain views and upscale retail developments. The comparable sales are located in similar locations in north Scottsdale. All are within 1.5 miles of the subject property. Land Sale 3 is farther to the east as the landscape slopes down toward the Verde River. Both Mr. Braun and Chase Emerson verified that the subject property has a superior location with superior views, elevations, proximity to services, transportation corridors and employment. Land Sale 3 requires a +10% location adjustment. The remaining sales are not adjusted for location as they are similar to the subject.

Access

All of the sales have legal, paved, city-street access. No adjustment is warranted for this criterion.

Zoning

The subject is zoned R1-130 and R1-190 ESL with a General Plan designation of Rural Neighborhood. All of the sales have similar low density residential zoning. In the realm of upscale residential property, physical features and the market will have a greater impact on the eventual yield of a given property than zoning per se. In many cases, lower density leads to higher prices per useable unit. Land Sales 1, 2 and 4 have R1-130 zoning in Scottsdale, and would presumably be able to achieve higher density with a property prepared and presented application, as the General Plan calls for densities of one unit per acre or less. No adjustments are required for Land Sales 1, 2 or 4. Land Sale 3 has R1-70 zoning, which permits more density as a matter of right. A -10% adjustment is applied to Land Sale 3 for higher density zoning.

Available Utilities

The subject has availability to all utilities. Available utilities are considered to be adequate. All of the comparable land sales are similar and no adjustment is made to any of the sales for this factor.

Shape

The subject site is slightly irregular in shape. Building envelopes have been platted, taking into account the physical features and landforms of the site. All of the sales are rectangular and/or large enough that a shape adjustment is not warranted.

Size

The market typically reflects higher sale prices per acre for smaller sales and lower sale prices per acre for larger transactions as there is a larger pool of potential purchasers who can afford to compete for smaller sites. The subject parcel is about 80.28 acres in size. Land Sale 1 is the east 40 acres of the subject property and is adjusted -5% for smaller size. Land Sale 2 is also smaller at 20.03 acres and required a -10% adjustment. Land Sales 3 and 4 with 10.00 and 9.98 acres of land area, respectively, are much smaller and require a significant -15% adjustment for this element of comparison.

Flood Plain

The subject is in Zone "X" - Map #04013C1330L. The effective date of the map is October 15, 2013. All of the sales are crossed by small washes and drainage ways. Land Sale 1 has a significant area of floodway on the northwest corner of the site, but was platted to a similar density of the other sale properties. No adjustment is applied for floodplain.

Topography

The subject parcel has varying desert topography bisected by small washes. Land Sales 1, 2 and 3 have gently rolling or varying topography. Land Sale 4 is more level. No adjustments are required for this criterion.

Off-Sites In Place

This element of comparison refers to the existence of off site improvements such as paved streets, curbs, etc. If these items are not in place a developer will consider his cost to install them at the time of development. The subject property has no off-site improvements. The right of way has not been dedicated and no pavement has been installed. All of the sales are similar in this regard and are not adjusted for this criterion.

The following table sets forth the adjustment process described above.

Land Sales Adjustment Grid

	Subject	L-1	L-2	L-3	L-4
Price/SF		\$1.64	\$1.77	\$1.43	\$2.30
Property Rights Conveyed	Fee Simple	0%	0%	0%	0%
Financing	Cash/C.E.	0%	0%	-10%	0%
Conditions of Sale	Arms'-length	0%	0%	0%	0%
Adjusted Price/SF		\$1.64	\$1.77	\$1.29	\$2.30
Market Conditions +10%/year	October 30, 2016 (DOV)	11/14 +20%	2/15 +17%	8/15 +12%	12/15 +9%
Adjusted Price/SF		\$1.97	\$2.07	\$1.44	\$2.51
Location	Good	0%	0%	+10%	0%
Legal Access	Yes	0%	0%	0%	0%
Zoning	R1-170 and R1-190, ESL	0%	0%	-10%	0%
Available Utilities	All to site	0%	0%	0%	0%
Shape	Irregular	0%	0%	0%	0%
Size	± 80.28 acres	-5%	-10%	-15%	-15%
Flood Plain	X	0%	0%	0%	0%
Topography	Varying	0%	0%	0%	0%
Off-Sites in Place	None	0%	0%	0%	0%
Cumulative Adjustment		-5%	-10%	-25%	-15%
Adjusted Price/SF		\$1.87	\$1.86	\$1.08	\$2.13

The comparables indicate a range of \$1.08 - \$2.13/SF after adjustment with a mean of \$1.74. Less weight is placed on Sale 3, since it is located farther east of the subject, away from Pinnacle Peak, in a less elevated area and since it is an outlier.

The other three sales include the sale of the east half of the subject property and the other two sales that are nearest and most similar in character to the subject property. These sales have an adjusted range of \$1.86 - \$2.13/SF with a mean of \$1.96/SF or a little over \$85,000/acre.

Conclusion

In reference to the previously discussed land valuation and after considering the merits of each sale, the broker opinions and other market data, it is my opinion that the subject's site value, in fee simple, via the sales comparison approach, as of October 30, 2016, the date of value, is \$1.95/SF for the subject parcel, as follows:

$$3,496,996 \text{ SF} \times \$1.95/\text{SF} = \$6,819,142$$

\$6,820,000 Rounded

SIX MILLION EIGHT HUNDRED TWENTY THOUSAND DOLLARS

Valuation of Easements to be Abandoned

The assignment is for the purpose of expressing an opinion of value for the property rights that will be abandoned by the City of Scottsdale to the fee owner of the subject property.

An easement is defined as:

Easement

An interest in real property that conveys use, but not ownership, of a portion of an owner's property. Access or right-of-way easements may be acquired by private parties or public utilities. Governments dedicate conservation, open space, and preservation easements.⁹

The easements to be abandoned include a roadway and utility easement, in a 110-foot strip running in a north/south direction between the two parcels, comprising a total of 142,070 SF. Another easement is the north portion (north 20 feet) of the 55-foot roadway and utility easement running along the south side of parcel 12 (west half of the property) containing 29,326 SF. Finally, the City will abandon a portion of Red Bird Road east of a proposed cul-de-sac, approximately 350 feet west of the northeast corner of the subject property, containing 5,262 SF. The total area of the easements and rights of way to be abandoned is 176,658 SF.

The easements and rights of way to be abandoned are of no use and have no value to the City of Scottsdale, since there is no intent to use the public utility or right of way easements. The purpose to be served by the easements that are to be abandoned has been accomplished with rights of way and easements in different locations of the property. Although the easements and rights of way in question are of no use to the City, the City must be compensated for the property rights it is relinquishing to the fee property owner. The problem to be solved is "what is the value of the property rights to be acquired from the City of Scottsdale to Toll Brothers?"

The portions of the public utility and right of way easements to be abandoned back to the property owner have very little contributing value as they represent very little of the proverbial "bundle of rights" that make up fee ownership of the subject property.

There is no way to measure the impact of clearing these easements and rights of way from the title to the subject property with market data. Logically, their value should be more than zero, yet significantly less than full fee value. Although the City will not use these easements and rights of way; if they are not abandoned, the plat cannot be recorded. In my opinion, the value of the easements and rights of way, which are to be abandoned, is 20% of the fee value.

Based on the foregoing analysis, it is my opinion that the total value of the public utility and roadway easements and right of way to be abandoned, as of October 30, 2016, is $\$1.95/\text{SF} \times 176,658 \text{ SF} \times 20\% = \$68,897$.

**SIXTY-EIGHT THOUSAND
EIGHT HUNDRED NINETY-SEVEN THOUSAND DOLLARS
\$68,897**

⁹The Dictionary of Real Estate Appraisal, Third Edition, 1993, Page 110.

EXPOSURE TIME AND MARKETING PERIOD

Exposure Time is defined as:

The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective estimate based upon an analysis of past events assuming a competitive and open market.¹⁰

Reasonable Marketing Time is defined as:

The estimated amount of time it might take to sell a property interest in real estate at the estimated market value level during the period immediately after the effective date of appraisal.¹¹

In researching the market for comparables, real estate participants active in the subject's area that are familiar with the subject property type were interviewed concerning a probable marketing period for the subject. In addition, the marketing period for the sales considered as comparables were considered in the estimate.

Based on the information obtained during the course of preparing this appraisal, the conclusion is that a marketing period of about 6-9 months is reasonably probable. This assumes that the subject property is marketed at a value within ten percent of the appraised value, and also assumes professional marketing. The exposure time would also be for a similar period.

¹¹ Appraisal Standards Board of the Appraisal Foundation, Statement on Appraisal Standard No. 6, September 16, 1992.

¹² Appraisal Standards Board of the Appraisal Foundation, Advisory Opinion G-7, September 16, 1992.

CERTIFICATION

RE: 80.28 Acres of Vacant Land Located at the Northeast Quadrant of Jomax Road and 118th Street, Scottsdale, Maricopa County, Arizona 85262

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial and unbiased professional analyses, opinions and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and have no personal interest with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. My analyses, opinions and conclusions were developed and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice.
8. I have made a personal inspection of the property that is the subject of this report.
9. No one provided significant professional assistance to the appraiser. The conclusions and analyses contained in the report are mine alone.
10. The reported analyses, opinions and conclusions were developed, and this report has been prepared in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Practice of the Appraisal Institute.

CERTIFICATION (CONTINUED)

RE: 80.28 Acres of Vacant Land Located at the Northeast Quadrant of Jomax Road and 118th Street, Scottsdale, Maricopa County, Arizona 85262

11. I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives. As of the date of this report, Roger L. Dunlap has completed the requirements of the continuing education program of the Appraisal Institute.
12. The appraisal assignment and my value conclusions as well as other opinions, analysis and/or judgment expressed herein are not based on a requested minimum valuation, specific valuation or the approval of a loan.
13. The undersigned hereby acknowledges that he has the appropriate education and experience to complete the assignment in a competent manner. The reader is referred to the appraiser's Professional Qualifications located in the Addenda.
14. The appraiser has not performed any services regarding the subject property within the three-year period immediately preceding acceptance of this assignment.

Roger L. Dunlap

Roger L. Dunlap, MAI
Certified General Real Estate Appraiser
Arizona Certificate #31062

November 9, 2016
Date

ADDENDA

Appraiser's Qualifications
Appraisal License
Subject Legal Description
Right of Way Abandonment Exhibits
Zoning Summary
Project Summary

Appraiser's Qualifications

Professional Qualifications of
Roger L. Dunlap, MAI

Roger L. Dunlap & Associates, Ltd.
Appraisals • Consulting • Litigation Support
9401 East Diamond Rim Drive
Scottsdale, AZ 85255-9123
(480) 585-0700 (Voice)
(480) 585-7343 (Fax)
(602) 549-8935 (Mobile)
Roger@RLDLTD.com

EDUCATION:

Arizona State University; Tempe, Arizona
B.A. in English awarded May 1998

Phoenix College; Phoenix, Arizona
A.A.S. in Paralegal studies, May 1983
Member, Phi Beta Kappa Honor Fraternity

Camelback High School; Phoenix, Arizona
Diploma awarded May 1976

PROFESSIONAL DESIGNATIONS:

Appraisal Institute MAI designation

APPRAISAL COURSES:

Real Estate Appraisal Principles (Course & Exam), Basic Valuation Procedures (Course & Exam), Litigation Valuation (Course & Exam), Capitalization Theory and Techniques, Part A (Course & Exam); Uniform Standards of Professional Appraisal Practice (Course & Exam), Appraising from Blueprints (Course & Exam), Appraising Industrial Properties (Course & Exam), Analyzing Operating Expenses (Course and Exam), Highest and Best Use and Market Analysis (Course & Exam), Advanced Income Capitalization (Course & Exam), Advanced Sales Comparison and Cost Approaches (Course and Exam), Report Writing and Valuation Analysis (Course and Exam), Advanced Applications (Course and Exam), Appraising Convenience Stores (No Exam), Partial Interest Valuation - Divided (No Exam) Condominiums, Co-ops and PUD's (No exam), Business Practice and Ethics (No exam), Supervising Beginning Appraisers (No exam) Appraising and Analyzing Office Buildings for Mortgage Underwriting (No exam), Appraisal Through the Eyes of the Reviewer (No exam), Appraising the Appraisal: Appraisal Review - General (No exam), Residential Report Writing (No exam), Online Data Verification Methods (No exam), Review Theory - General (Course and Exam), Real Estate Finance Statistics and Valuation (Course and Exam), Business Practices and Ethics (Course and Exam), The Nuts and Bolts of Green Building for Appraisers (Course and Exam)

PROFESSIONAL LICENSES:

Certified General Real Estate Appraiser, Arizona Certificate #31062; Idaho Certificate #CGA-1621

EXPERIENCE:

June 1998 – Present Roger L. Dunlap & Associates, LTD. (formerly Dunlap Litigation Services, L.L.C.)

President and CEO of corporation providing commercial appraisals; and real estate consulting services and litigation support for real estate attorneys, lenders, government agencies and individuals. Qualified as an expert witness in Yavapai County, Mohave County and Maricopa County, Arizona and Canyon County and Twin Falls County, Idaho Superior Courts. A partial list of clients is attached.

October 1985 – May 1998 Dushoff & McCall
Phoenix, Arizona

Real Estate Analyst/Paralegal for law firm with a practice emphasizing eminent domain and real estate related litigation.

VALUATION ASSIGNMENTS:

I have been engaged in valuation assignments for purposes of estate valuation, mortgage financing, buyer/seller transactions, title disputes, land exchanges, right of way abandonments and condemnation matters, among others. I have appraised a variety of property types throughout Arizona and Idaho. I have worked in most municipalities of the Phoenix metro area as well as rural areas including properties located on three Indian reservations, and in thirteen of fifteen Arizona counties; as well as Boise, Caldwell, Nampa, Emmett, Twin Falls, Burley and other cities in Idaho. Property types I have appraised include land parcels, proposed and existing commercial and industrial projects on Indian reservations, all types of retail/commercial property, offices, medical facilities, multifamily residential property, and industrial projects ranging from small owner/user manufacturing properties to hi-tech industrial corporate headquarters. I have been engaged to conduct Standard 3 reviews for bank clients and government agencies.

PARTIAL LIST OF CLIENTS

Arizona Department of Transportation
Gene D. Cox
(520) 400-7169

James M. Balogh, Esq.
Tempe, Arizona
(480) 755-7955

Philip M. Barlow & Associates
Mesa, Arizona
(480) 756-2776

Blandford Homes
Scottsdale, Arizona
(480) 892-4492

Central Arizona Water Conservation District
Phoenix, Arizona
(623) 869-2274

Country Bank
Prescott, Arizona
(928) 443-9595

Davison, Copple, Copple & Copple
Boise, Idaho
(208) 342-3658

Embry Riddle Aeronautical University
Prescott, Arizona
(928) 777-6600

Farmers and Merchant's Bank
Colby, Kansas
(785) 460-3321

First American Title Insurance Company
Scottsdale, Arizona
(602) 685-7681

First Community Bank
Fort Collins, Colorado
(970) 232-3074

City of Flagstaff
Flagstaff, Arizona
(928) 779-7623

City of Glendale
Glendale, Arizona
(623) 930-2983

Higley Unified School District
Gilbert, Arizona
(480) 279-7063

K. Hovnanian Homes
Phoenix, Arizona
(480) 824-4175

Lennar Homes
Scottsdale, Arizona
(480) 718-1378

Magellan Law, PLC
Scottsdale, Arizona
(602) 443-4888

Maricopa County Fiduciary's Office
Phoenix, Arizona
(602) 506-7407

City of Mesa
Mesa, Arizona
(480) 644-3050

City of Phoenix
Phoenix, Arizona
(602) 495-2006

Pinal County Public Works Department
Florence, Arizona
(520) 866-6982

City of Prescott
Prescott, Arizona
(928) 777-1130

Town of Prescott Valley
Prescott Valley, Arizona
(928) 759-3079

Town of Queen Creek
Queen Creek, Arizona
(480) 358-3192

State of Arizona
School Facilities Board
Phoenix, Arizona
(602) 542-6501

Toll Brothers, Inc.
Scottsdale, Arizona
(480) 596-5807

URS Corporation
Phoenix, Arizona
(602) 371-1100

Yavapai County
Prescott, Arizona
(928) 771-3183

Appraisal License

STATE OF ARIZONA
BOARD OF APPRAISAL

BE IT KNOWN THAT

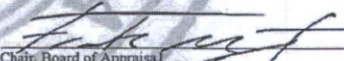
ROGER L. DUNLAP
HAS MET ALL THE REQUIREMENTS AS A
Certified General Real Estate Appraiser

In accordance with Arizona Revised Statutes and on authority of the Board of Appraisal, State of Arizona.

In witness whereof the Arizona Board of Appraisal caused to be signed by the Chair of the Board and the Executive Director

This registration shall remain evidence thereof unless or until the same is suspended, revoked or expires in accordance with provisions of law.

CERTIFICATE NUMBER
31062
EXPIRATION DATE
May 31, 2017


Chair, Board of Appraisal 3-30-2015
Date Issued

Executive Director of the Board of Appraisal 3-30-2015
Date Issued

SHALL REMAIN PROPERTY OF ARIZONA BOARD OF APPRAISAL

Subject Legal Description

EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

Parcel 12, of **GOLDIE BROWN PINNACLE PEAK RANCH UNIT TWO**, according to Book 194 of Maps, Page 26, records of Maricopa County, Arizona;

EXCEPT all minerals as reserved unto the United States of America in the Patent to said land.

PARCEL NO. 2:

Parcel 13, of **GOLDIE BROWN PINNACLE PEAK RANCH UNIT TWO**, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 194 of Maps, Page 26;

EXCEPT all minerals as reserved in the Patent to said land.

Right of Way Abandonment Exhibits

**EXHIBIT A
LEGAL DESCRIPTION
ROADWAY & PUBLIC UTILITY EASEMENT
PARTIAL RELEASE
LOT 12 OF GOLDIE BROWN PINNACLE PEAK RANCH UNIT 2**

That portion of a roadway and public utility easement recorded in Docket 194, Page 26 per Maricopa County Records, more particularly described as follows:

BEGINNING at the Southeast corner of Section 34, Township 5 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona more particularly described as follows:

Thence, along the East Section line of Section 34, North 00° 02' 53" West, a distance of 1291.56 feet to a point on the West line of said Lot 12 being 30 feet south of the Northeast corner of Lot 12 of the Goldie Brown Pinnacle Peak Ranch Unit 2 recorded in Book 194, Page 26, per Maricopa County Records;

Thence South 89° 49' 16" West along a line being 30 feet south of and parallel to the North line of said Lot 12, a distance of 55.00 feet;

Thence South 00° 02' 53" East, along a line being 55' West of and parallel with the East line of said Section, a distance of 1291.54 feet, to a point on the South line of said Section;

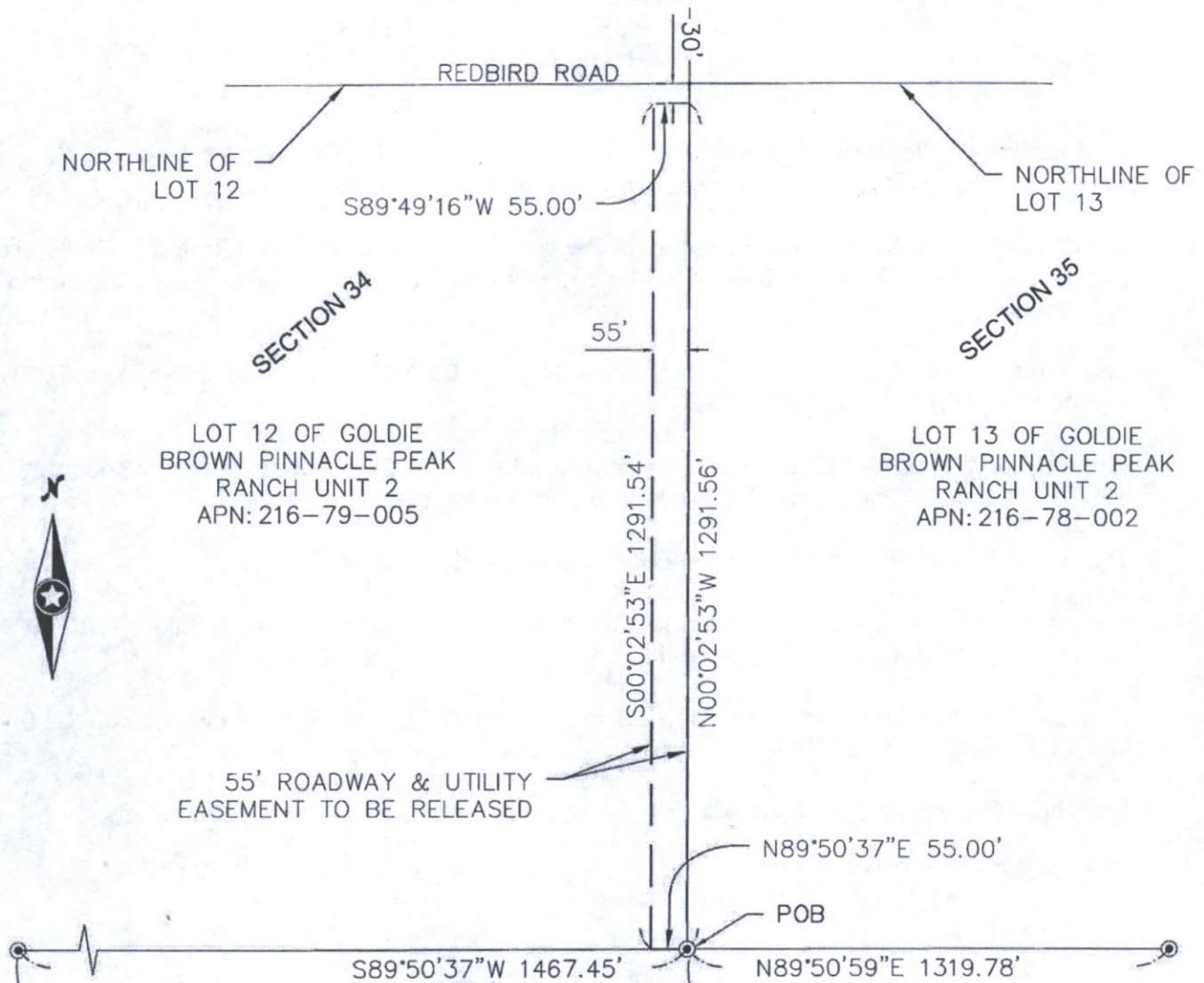
Thence North 89° 50' 37" East, along the South line of said Section, a distance of 55.00 feet, to the **POINT OF BEGINNING**:

The above described parcel contains 71,035 square feet or 1.631 Acres, more or less.



EXPIRES: 3/31/17

**EXHIBIT B
RIGHT OF WAY RELEASE**



FD COS BRASS
CAP FLUSH AT INTERSECTION
OF JOMAX RD & 118TH ST

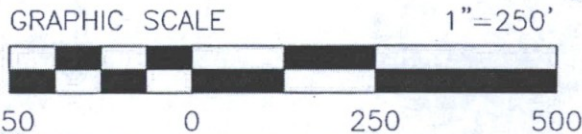
FD GLO BRASS
CAP 1' ABOVE GROUND
BEING THE SE SEC. COR
OF 34, T.5N., R.5E. PER
G.S.R.B. & M.

LEGEND

- FOUND BRASS CAP AS NOTED
- PROPERTY LINE
- - - EASEMENT LINE
- MCR MARICOPA COUNTY RECORDS
- ROW RIGHT-OF-WAY



EXPIRES 03/31/17



**ROW RELEASE
LOT 12 OF GOLDIE BROWN
PINNACLE PEAK RANCH
UNIT 2
SCOTTSDALE, ARIZONA**

Westwood

6909 E. GREENWAY PARKWAY
SCOTTSDALE, AZ 85254
PH: 480-747-6558
FX: 480-376-8025

SHEET 1 OF 1

Date: 10/18/16

**EXHIBIT A
LEGAL DESCRIPTION
ROADWAY & PUBLIC UTILITY EASEMENT
PARTIAL RELEASE
LOT 12 OF GOLDIE BROWN PINNACLE PEAK RANCH UNIT 2**

That portion of a roadway and public utility easement recorded in Docket 194, Page 26 per Maricopa County Records, more particularly described as follows:

COMMENCING at the Southwest corner of Section 34, Township 5 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona more particularly described as follows:

Thence, along the East section line of Section 34 North $00^{\circ} 02' 53''$ West, a distance of 35.00 feet, to the **POINT OF BEGINNING**:

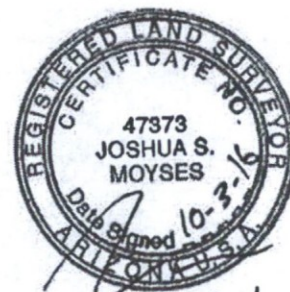
Thence along a line being 35' North and parallel with the South line of said section South $89^{\circ} 50' 37''$ West, a distance of 1466.55 feet, to a point on the West line of said Lot 12;

Thence North $01^{\circ} 26' 12''$ East, along said West line a distance of 20.01 feet;

Thence along a line being 55' North and parallel with the South line of said Section North $89^{\circ} 50' 37''$ East, a distance of 1466.03 feet;

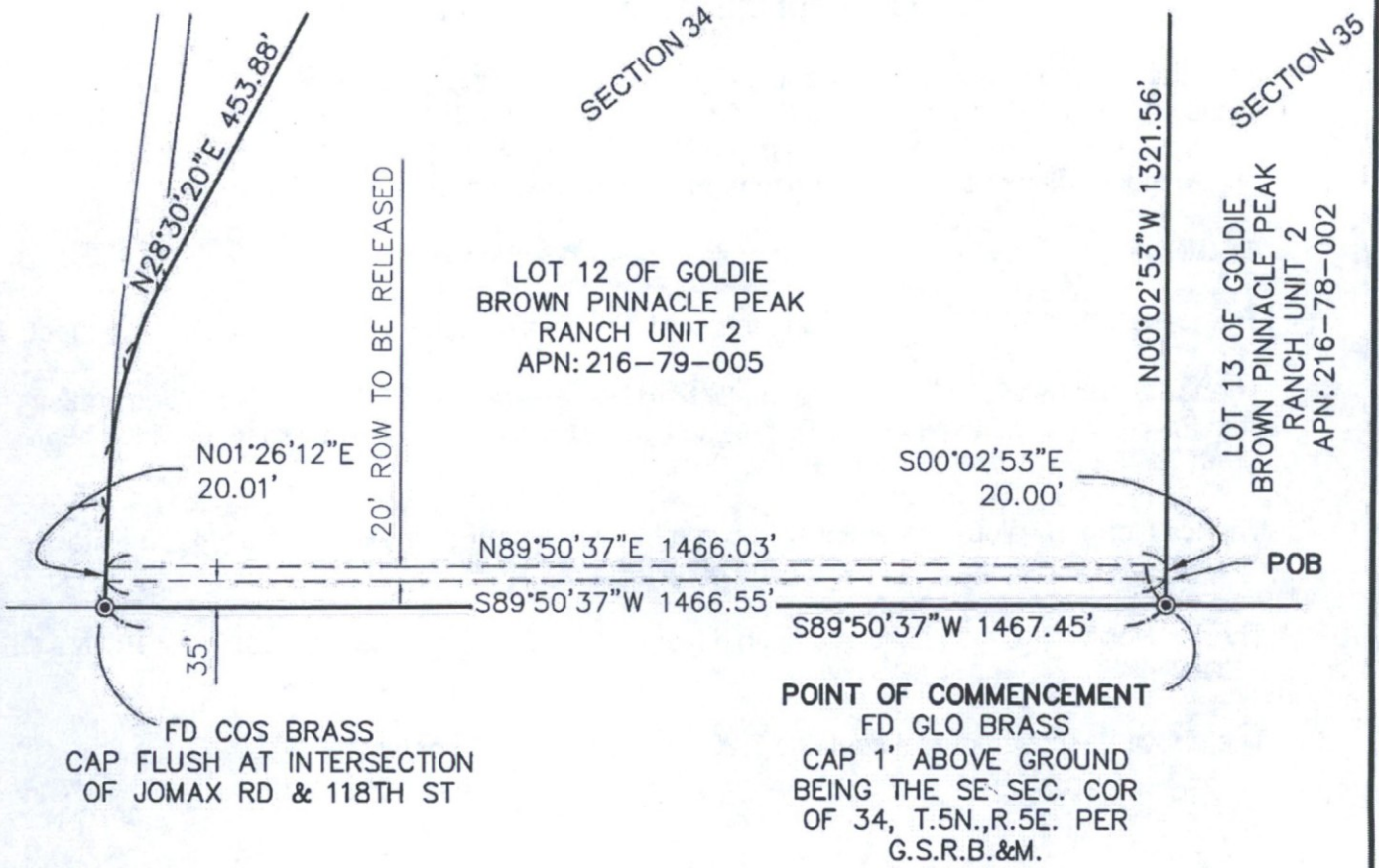
Thence along the East Section line of Section 34 South $00^{\circ} 02' 53''$ East, a distance of 20.00 feet, to the **POINT OF BEGINNING**:

The above described parcel contains 29,326 square feet or 0.673 Acres, more or less.



EXPIRES: 3/31/17

**EXHIBIT B
RIGHT OF WAY RELEASE**



EXPIRES 03/31/17

Westwood
6909 E. GREENWAY PARKWAY
SCOTTSDALE, AZ 85254
PH: 480-747-6558
FX: 480-376-8025

**ROW RELEASE
LOT 12 OF GOLDIE BROWN
PINNACLE PEAK RANCH
UNIT 2
SCOTTSDALE, ARIZONA**

SHEET 1 OF 1

Date: 10/03/16

**EXHIBIT A
LEGAL DESCRIPTION
ROADWAY & PUBLIC UTILITY EASEMENT
PARTIAL RELEASE
PARCEL 13 OF GOLDIE BROWN PINNACLE PEAK RANCH UNIT 2**

That portion of a roadway and public utility easement recorded in Docket 194, Page 26 per Maricopa County Records, lying within Parcel 13 of Goldie Brown Pinnacle Peak Ranch Unit 2, being a portion of Section 35, Township 5 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona more particularly described as follows:

BEGINNING at the Northeast corner of said Parcel 13;

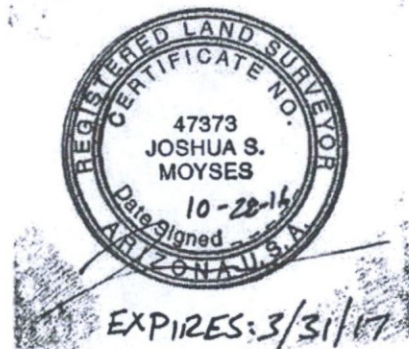
Thence South $00^{\circ} 01' 21''$ East along the East line of said Parcel 13, a distance of 15.00 feet;

Thence South $89^{\circ} 51' 21''$ West along a line 15 feet South of and parallel to the North line of said Parcel 13, a distance of 352.50 feet, to a point lying on a curve the radius of which bears North $71^{\circ} 08' 17''$ West a distance of 46.00 feet;

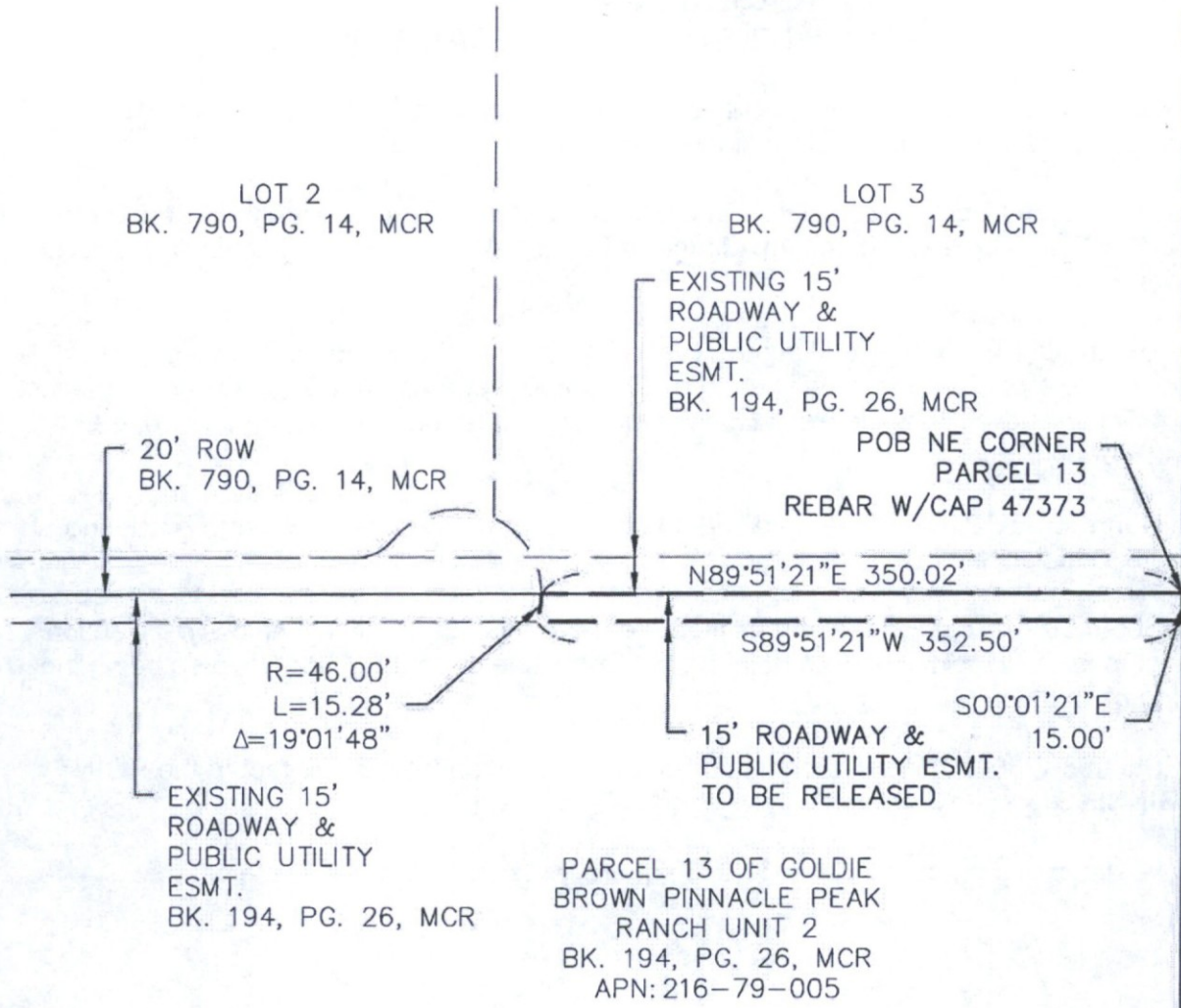
Thence Northerly along the arc of said curve through a central angle of $19^{\circ} 01' 48''$ a distance of 15.28 feet to a point on the North line of said Parcel 13;

Thence North $89^{\circ} 51' 21''$ East along said North line a distance of 350.02 feet to the **POINT OF BEGINNING**.

The above described parcel contains 5,262 square feet more or less.

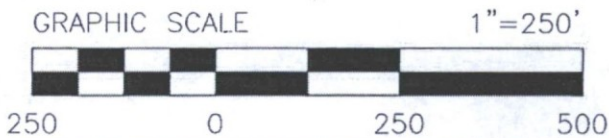


**EXHIBIT B
RIGHT OF WAY &
PUBLIC UTILITY EASEMENT
PARTIAL RELEASE**



LEGEND

- FOUND REBAR & CAP NOTED
- PROPERTY LINE
- - - - - EASEMENT LINE
- - - - - ADJACENT PROPERTY LINE
- MCR MARICOPA COUNTY RECORDS
- ROW RIGHT-OF-WAY
- PUE PUBLIC UTILITY EASEMENT



**ROW AND PUE RELEASE
LOT 13 OF GOLDIE BROWN
PINNACLE PEAK RANCH
UNIT 2
SCOTTSDALE, ARIZONA**

Westwood
6909 E. GREENWAY PARKWAY
SCOTTSDALE, AZ 85254
PH: 480-747-6558
FX: 480-376-8025

SHEET 1 OF 1
Date: 10/28/16

**EXHIBIT A
LEGAL DESCRIPTION
ROADWAY & PUBLIC UTILITY EASEMENT
PARTIAL RELEASE
LOT 13 OF GOLDIE BROWN PINNACLE PEAK RANCH UNIT 2**

That portion of a roadway and public utility easement recorded in Docket 194, Page 26 per Maricopa County Records, more particularly described as follows:

BEGINNING at the Southwest corner of Section 35, Township 5 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona more particularly described as follows:

Thence, North 00° 02' 53" West, along the West Section line of Section 35, a distance of 1291.56 feet, to a point on the west line of Lot 13 and 30 feet south of the Northwest corner of Lot 13 of Goldie Brown Pinnacle Peak Ranch Unit 2, recorded on Book 194, Page 26, per Maricopa County Records:

Thence North 89° 51' 21" East, along a line 30 feet South of and parallel with the North line of said Lot 13, a distance of 55.00 feet;

Thence South 00° 02' 53" East, along a line 55 feet East of and parallel to said West Section line, a distance of 1291.55 feet, to a point on the South line of said Section 35, also being the South line of said Lot 13;

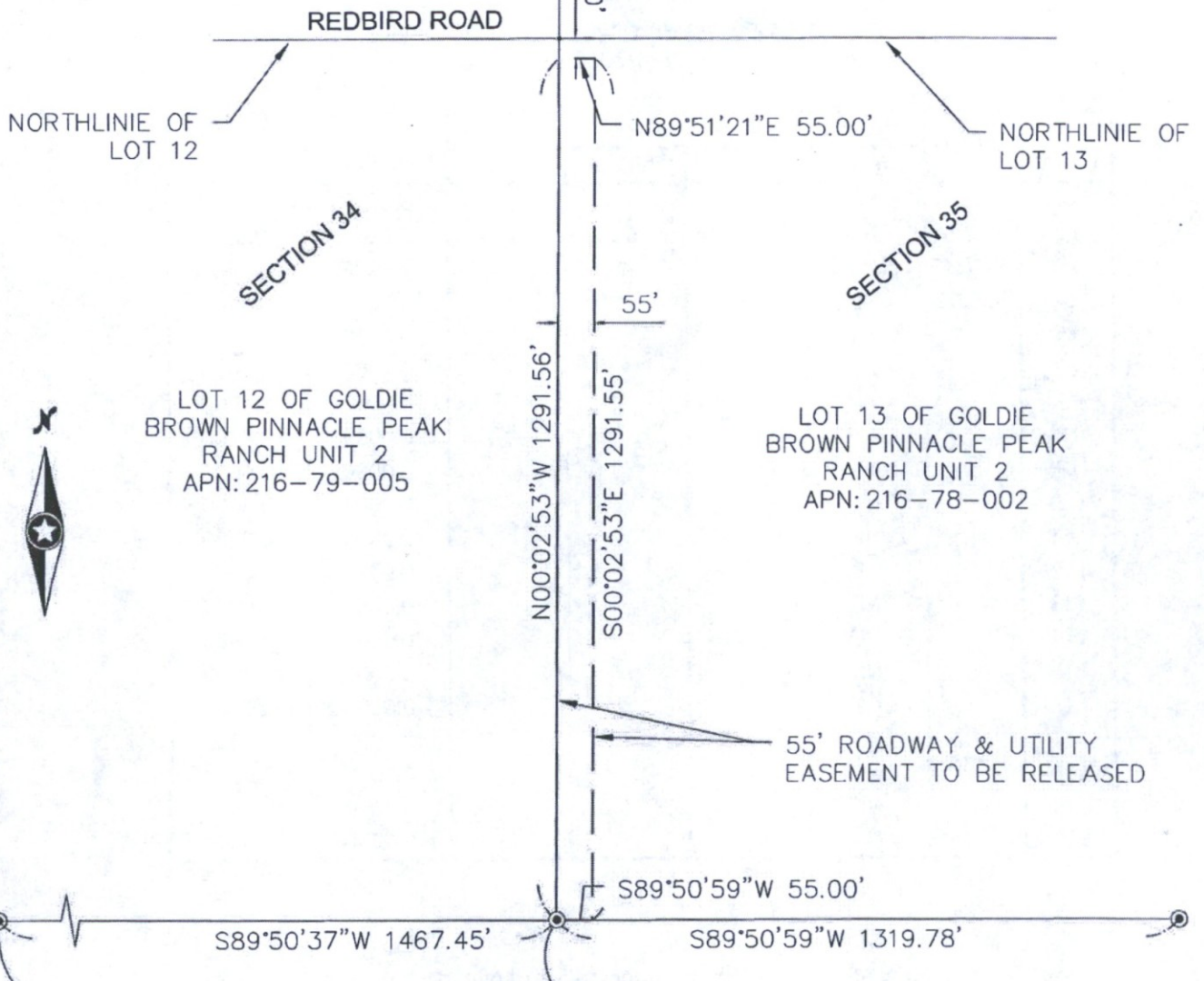
Thence South 89° 50' 59" West, along said South line a distance of 55.00 feet to the **POINT OF BEGINNING**.

The above described parcel contains 71,035 square feet or 1.631 acres, more or less.



EXPIRES: 3/31/17

**EXHIBIT B
RIGHT OF WAY RELEASE**



NORTHLINE OF LOT 12

SECTION 34

LOT 12 OF GOLDIE BROWN PINNACLE PEAK RANCH UNIT 2
APN: 216-79-005

NORTHLINE OF LOT 13

SECTION 35

LOT 13 OF GOLDIE BROWN PINNACLE PEAK RANCH UNIT 2
APN: 216-78-002

FD COS BRASS
CAP FLUSH AT INTERSECTION
OF JOMAX RD & 118TH ST

POINT OF BEGINNING
FD GLO BRASS
CAP 1' ABOVE GROUND
BEING THE SW SEC. COR
OF 35, T.5N., R.5E. PER
G.S.R.B.&M.

LEGEND

- FOUND BRASS CAP AS NOTED
- PROPERTY LINE
- EASEMENT LINE
- MCR MARICOPA COUNTY RECORDS
- ROW RIGHT-OF-WAY



EXPIRES 03/31/17

Westwood

6909 E. GREENWAY PARKWAY
SCOTTSDALE, AZ 85254
PH: 480-747-6558
FX: 480-376-8025

**ROW RELEASE
LOT 13 OF GOLDIE BROWN
PINNACLE PEAK RANCH
UNIT 2
SCOTTSDALE, ARIZONA**

SHEET 1 OF 1

Date: 10/18/16

Roadway and Public Utility Easement

Partial Release

Parcel 13, Goldie Brown Pinnacle Peak Ranch Unit 2

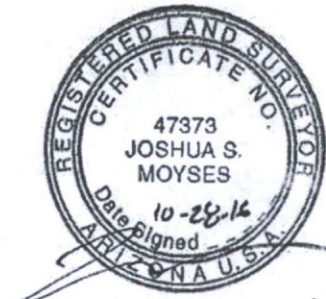
10/28/2016

Line / Chord	dist	Asimuth				Delta X	Delta Y
		Direction	degree	minute	second		
L1	15	SE	0	1	21	0.0059	-15.0000
L2	352.5	SW	89	51	21	-352.5009	-0.8870
L3	15.2	NE	9	21	19	2.4708	14.9978
L4	350.02	NE	89	51	21	350.0189	0.8807
L5		NW				0.0000	0.0000
L6		SW				0.0000	0.0000
L7		NW				0.0000	0.0000
L8		NW				0.0000	0.0000
L9		NE				0.0000	0.0000
L10		NE				0.0000	0.0000
L11		NE				0.0000	0.0000
L12		NE				0.0000	0.0000
L13		NE				0.0000	0.0000
L14		NE				0.0000	0.0000
L15		NE				0.0000	0.0000
L16		NE				0.0000	0.0000
L17		NE				0.0000	0.0000
L18		NE				0.0000	0.0000
L19		NE				0.0000	0.0000
L20		NE				0.0000	0.0000
732.72						-0.0053	-0.0084

* Note: Bearing and distance shown apply to chord of curve segment.

Closure Information

Error (LF) 0.009919
 Perimeter (LF) 732.722
 Precision 1: 73870.41



EXPIRES: 3/31/17

Zoning Summary

Sec. 5.020. - Single-family Residential (R1-130).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 17), 4-3-12)

Sec. 5.021. - Purpose.

This district is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities.

(Ord. No. 2470, § 1, 6-16-92)

Sec. 5.022. - Use regulations.

- A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

Any use permitted in the (R1-190) single-family residential district (see section 5.012A).

- B. *Uses subject to conditional use permit.*

Any use permitted by conditional use permit in the (R1-190) single-family residential district (see section 5.012B).

(Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2431, § 1, 1-21-92; Ord. No. 2470, § 1, 6-16-92; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98)

Sec. 5.023. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 6), adopted Aug. 25, 2014, repealed § 5.023 which pertained to approvals required and derived from Ord. No. 2470, § 1, adopted June 16, 1992, and Ord. No. 3225, § 1, adopted May 4, 1999.

Sec. 5.024. - Property development standards.

The following property development standards shall apply to all land and buildings in the R1-130 District:

A. *Lot area.*

1. Each lot shall have a minimum lot area of not less than one hundred thirty thousand (130,000) square feet.
2. If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section.

B. *Lot dimensions.*

Width. All lots shall have a minimum width of two hundred (200) feet.

C. *Density.* There shall be not more than one (1) single-family dwelling unit on any one (1) lot.D. *Building height.* No building shall exceed thirty (30) feet in height, except as otherwise provided in article VII.E. *Yards.*

1. Front Yard.

- a. There shall be a front yard having a depth of not less than sixty (60) feet.
- b. Where lots have a double frontage on two (2) streets, the required front yard of sixty (60) feet shall be provided on both streets.
- c. On a corner lot, the required front yard of sixty (60) feet shall be provided on each street. No accessory buildings shall be constructed in a front yard. *Exception:* On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street.

2. Side Yard. There shall be a side yard of not less than thirty (30) feet on each side of a building.

3. Rear Yard. There shall be a rear yard having a depth of not less than sixty (60) feet.

4. Other requirements and exceptions as specified in article VII.

F. *Distance between buildings.*

1. There shall be not less than ten (10) feet between an accessory building and the main building.
2. The minimum distance between main buildings on adjacent lots shall be not less than sixty (60) feet.

G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side and rear yard. Walls, fences and hedges up to twelve (12) feet in height are allowed subject to a sixty-foot setback from the side and rear property line. Walls, fences and hedges up to three (3) feet in height are allowed on the front property line or within the required front yard, except as provided in Article VII. The height of the wall or fence is measured from within the enclosure. *Exception:* Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard of the longer street frontage need only conform to the side yard requirements.H. *Access.* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.I. *Corral.* Corral not to exceed six (6) feet in height shall be permitted on the property line or within the required front, side or rear yard.

(Ord. No. 2470, § 1, 6-16-92; Ord. No. 2509, § 1, 6-1-93; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 18, 19), 4-3-12)

Sec. 5.025. - Off-street parking.

The provisions of article IX shall apply.

(Ord. No. 2470, § 1, 6-16-92)

Sec. 5.026. - Signs.

The provisions of article VIII shall apply.

(Ord. No. 2470, § 1, 6-16-92)

[Secs. 5.027—5.029. Reserved.]

Sec. 5.010. - Single-family Residential (R1-190).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 12), 4-3-12)

Sec. 5.011. - Purpose.

This district is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities.

Sec. 5.012. - Use regulations.

A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered, or enlarged only for the following uses:

1. Accessory buildings, swimming pools, home occupations and other accessory uses. The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.
2. Adult care homes; subject to the following criteria:
 - a. *Floor area ratio:* Is limited to thirty-five hundredths (0.35) of the net lot area.
 - b. *Capacity:* The maximum number of residents other than the manager or property owner at the home is ten (10).
 - c. *Location:* An adult care home shall not be located within seven hundred fifty (750) feet of another adult care home on the same street frontage or within five hundred (500) feet in any other direction of another adult care home.
 - d. *Compatibility:* The home and its premises shall be maintained in a clean, well-kept condition that is consistent in materials and design style with homes in the surrounding or adjacent neighborhood.
3. Charter school located on property with a net lot size of one (1) acre or more.
4. Day care home.
5. Day care group home.
6. Dwelling units, single-family.
7. Guest houses, as an accessory use subject to the following criteria:
 - a. No more than one (1) per lot shall be permitted.
 - b. The square footage shall be no greater than one-half (½) the square footage of the principal building.
 - c. The guest house shall not be rented or offered for rent independent of the main building.
 - d. A guest house that is a portion of the main building shall comply with the yard requirements of the main building.
8. Model homes.

9. Municipal uses.
10. Wireless communications facilities; Types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.
11. Private tennis courts.
12. Public, elementary and high schools
13. Temporary sales office buildings and buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.
14. Churches and places of worship; subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the R1-190 District:
 - a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net).
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.
 - c. Building height: Development Review Board may allow building heights, including, towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet. Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes Section 7.100 through 7.102, exceptions to height restrictions, which shall not apply to churches within this district.)
 - d. Required open space:
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
 - e. Parking: Parking shall observe the minimum front yard setbacks of the district for all frontages. On streets classified in the Transportation Master Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback. On all other street classifications, parking shall be located behind the established front building line(s).

A minimum of fifteen (15) percent of all parking areas shall be landscaped.

A ten-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

- f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height.

All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. shall be set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.

- g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines that are adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

There shall be a three-foot high landscaped berm along all street frontage where parking occurs.

- h. Access: All churches must have primary access to a street classified in the Transportation Master Plan as a minor collector or greater.

Access to a local or local collector residential street is prohibited when the primary worship center, auditorium or other major gathering place exceeds three thousand (3,000) square feet.

- i. Operations: No outdoor activities shall be permitted after 10:00 p.m.

- j. Noise: Outdoor speakers or paging systems are not allowed.

B. *Uses subject to conditional use permit.*

1. Cemetery (see Section 1.403 for criteria).
2. Ham transmitting or receiving radio antennas in excess of seventy (70) feet.
3. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, etc.
4. Farms and ranches.
5. Golf course (except miniature golf course or commercial driving range).
6. Wireless communications facilities; Type 4, subject to requirements of Sections 1.400, 3.100 and 7.200.
7. Private colleges and universities having a regular curriculum, with their related services and activities.
8. Private school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with the following standards, including, but not limited to, the following as well as those otherwise required in the R1-190 District.
 - a.

- Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than eighty-six thousand (86,000) square feet minimum lot size.
- b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.
 - c. Noise: Outdoor speaker systems or bells are not allowed.
 - d. Required open space:
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
 - e. Parking: Parking shall be allowed in the front yard setbacks of the district for schools on streets classified in the Transportation Master Plan as minor collector or greater. There shall be a three-foot high landscaped berm or wall along the street frontage where parking occurs. On all other street classifications, parking shall be located behind the established front building line(s). A minimum of fifteen (15) percent of all parking areas shall be landscaped in addition to open space in d. above. A twenty-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
 - f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be setback a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.
 - g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
 - h. Access: All private schools shall have frontage on a street classified in the Transportation Master Plan as a minor collector or greater. Side street access to a local collector residential street is prohibited when the number of students allowed to attend the school is greater than two hundred fifty (250). A drop off area shall be provided that accommodates a minimum of five (5) cars at one (1) time.
 - i.

Operations: No outdoor activities shall be permitted after 8:00 p.m. unless otherwise approved through a special event permit. Any additions to, expansions of or proposed playgrounds or outdoor activity areas shall be setback fifty (50) feet from any single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A. property line (including right-of-way width) or setback twenty-five (25) feet from any Two-family Residential R-2, Medium Density Residential R-3, Townhouse Residential R-4, Resort/Townhouse Residential R-4R, Multiple-family Residential R-5 or Manufactured Home M-H district property line (including right-of-way width). All playgrounds and outdoor activity areas shall be screened from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. by a minimum six-foot high screen wall and/or landscape screen, as approved by the Development Review Board.

- j. Building design: All buildings shall be designed to be compatible with the surrounding residential neighborhood. All building elevations shall be approved by the Development Review Board.
- k. Circulation plan: The applicant shall submit a circulation plan to ensure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

9. Public utility buildings, structures or appurtenances thereto for public service uses.

10. Recreational uses (see section 1.403 for specific uses and development criteria for each).

(Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2470, § 1, 6-16-92; Ord. No. 2493, § 1, 9-1-92; Ord. No. 2636, § 1, 2-15-94; Ord. No. 2683, 6-21-94; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3697, § 1(Exh. 1), 9-26-06; Ord. No. 3879, § 1(Exh. § 5), 3-2-10; Ord. No. 3899, § 1(Res. No. 8342, Exh. A, § 3), 8-30-10; Ord. No. 3920, § 1(Exh. §§ 22, 23), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 13, 14), 4-3-12; Ord. No. 4140, § 1(Res. No. 9643, Exh. A, § 1), 2-25-14; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 70—72), 5-6-14)

Sec. 5.013. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 5), adopted Aug. 25, 2014, repealed § 5.013 which pertained to approvals required and derived from Ord. No. 3225, § 1, adopted May 4, 1999.

Sec. 5.014. - Property development standards.

The following property development standards shall apply to all land and buildings in the R1-190 District:

A. *Lot area.*

1. Each lot shall have a minimum lot area of not less than one hundred ninety thousand (190,000) square feet.
2. If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section.

B. *Lot dimensions.*

Width. All lots shall have a minimum width of three hundred (300) feet.

C. *Density.* There shall be not more than one (1) single-family dwelling unit on any one (1) lot.

D. *Building height.* No building shall exceed thirty (30) feet in height, except as otherwise provided in article VII.

E. *Yards.*

1. Front Yard.

- a. There shall be a front yard having a depth of not less than sixty (60) feet.
- b. Where lots have a double frontage on two (2) streets, the required front yard of sixty (60) feet shall be provided on both streets.
- c. On a corner lot, the required front yard of sixty (60) feet shall be provided on each street. No accessory buildings shall be constructed in a front yard. *Exception:* On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street.

2. Side Yard. There shall be a side yard of not less than thirty (30) feet on each side of a building.

3. Rear Yard. There shall be a rear yard having a depth of not less than sixty (60) feet.

4. Other requirements and exceptions as specified in article VII.

F. *Distance between buildings.*

1. There shall be not less than ten (10) feet between an accessory building and the main building.
2. The minimum distance between main buildings on adjacent lots shall be not less than sixty (60) feet.

G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side and rear yard. Walls, fences and hedges up to twelve (12) feet in height are allowed subject to a sixty-foot setback from the side and rear property line. Walls, fences and hedges up to three (3) feet in height are allowed on the front property line or within the required front yard, except as provided in Article VII. The height of the wall or fence is

measured from within the enclosure. Exception: Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard of the longer street frontage need only conform to the side yard requirements.

- H. *Access.* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.
- I. *Corral.* Corral not to exceed six (6) feet in height shall be permitted on the property line or within the required front, side or rear yard.

(Ord. No. 2509, § 1, 6-1-93; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 15, 16), 4-3-12)

Sec. 5.015. - Off-street parking.

The provisions of article IX shall apply.

Sec. 5.016. - Signs.

The provisions of article VIII shall apply.

[Secs. 5.017—5.019. Reserved.]

Sec. 5.020. - Single-family Residential (R1-130).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 17), 4-3-12)

Sec. 5.021. - Purpose.

This district is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities.

(Ord. No. 2470, § 1, 6-16-92)

Sec. 5.022. - Use regulations.

- A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

Any use permitted in the (R1-190) single-family residential district (see section 5.012A).

- B. *Uses subject to conditional use permit.*

Any use permitted by conditional use permit in the (R1-190) single-family residential district (see section 5.012B).

(Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2431, § 1, 1-21-92; Ord. No. 2470, § 1, 6-16-92; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98)

Sec. 5.023. - Reserved.

Editor's note— Ord. No. 4164, § 1 (Res. No. 9857, § 1, Exh. A, § 6), adopted Aug. 25, 2014, repealed § 5.023 which pertained to approvals required and derived from Ord. No. 2470, § 1, adopted June 16, 1992, and Ord. No. 3225, § 1, adopted May 4, 1999.

Sec. 5.024. - Property development standards.

The following property development standards shall apply to all land and buildings in the R1-130 District:

A. *Lot area.*

1. Each lot shall have a minimum lot area of not less than one hundred thirty thousand (130,000) square feet.
2. If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section.

B. *Lot dimensions.*

Width. All lots shall have a minimum width of two hundred (200) feet.

C. *Density.* There shall be not more than one (1) single-family dwelling unit on any one (1) lot.

D. *Building height.* No building shall exceed thirty (30) feet in height, except as otherwise provided in article VII.

E. *Yards.*

1. Front Yard.
 - a. There shall be a front yard having a depth of not less than sixty (60) feet.
 - b. Where lots have a double frontage on two (2) streets, the required front yard of sixty (60) feet shall be provided on both streets.
 - c. On a corner lot, the required front yard of sixty (60) feet shall be provided on each street. No accessory buildings shall be constructed in a front yard. *Exception:* On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street.
2. Side Yard. There shall be a side yard of not less than thirty (30) feet on each side of a building.
3. Rear Yard. There shall be a rear yard having a depth of not less than sixty (60) feet.
4. Other requirements and exceptions as specified in article VII.

F. *Distance between buildings.*

1. There shall be not less than ten (10) feet between an accessory building and the main building.
 2. The minimum distance between main buildings on adjacent lots shall be not less than sixty (60) feet.
- G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side and rear yard. Walls, fences and hedges up to twelve (12) feet in height are allowed subject to a sixty-foot setback from the side and rear property line. Walls, fences and hedges up to three (3) feet in height are allowed on the front property line or within the required front yard, except as provided in Article VII. The height of the wall or fence is measured from within the enclosure. Exception: Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard of the longer street frontage need only conform to the side yard requirements.
- H. *Access.* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.
- I. *Corral.* Corral not to exceed six (6) feet in height shall be permitted on the property line or within the required front, side or rear yard.

(Ord. No. 2470, § 1, 6-16-92; Ord. No. 2509, § 1, 6-1-93; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 18, 19), 4-3-12)

Sec. 5.025. - Off-street parking.

The provisions of article IX shall apply.

(Ord. No. 2470, § 1, 6-16-92)

Sec. 5.026. - Signs.

The provisions of article VIII shall apply.

(Ord. No. 2470, § 1, 6-16-92)

[Secs. 5.027—5.029. Reserved.]

not exceeding twenty-five (25) percent of the standard and not exceeding the standards contained in the applicable underlying zoning district. The Development Review Board may approve such reductions if it has determined that the applicant has demonstrated that the results of the proposal meet the stated purposes of the foothills overlay (FO) and the environmentally sensitive lands overlay (ESLO) and that such reductions are consistent with the character and structure of uses that occur on adjacent properties.

5. Public hearing process: The city council may approve a reduction of the standards contained in the Foothills Overlay (FO) exceeding twenty-five (25) percent if it has determined that the applicant has demonstrated that the proposal meets the stated purposes of the Foothills Overlay (FO) and the Environmentally Sensitive Lands Overlay (ESLO) and that the results of the proposed reductions are consistent in character and structure with uses on properties within one thousand (1,000) feet of the property.

(Ord. No. 3367, § 1, 2-6-01; Ord. No. 3920, § 1(Exh. §§ 69, 70), 11-9-10)

Sec. 6.1010. Environmentally Sensitive Lands (ESL).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 180), 4-3-12)

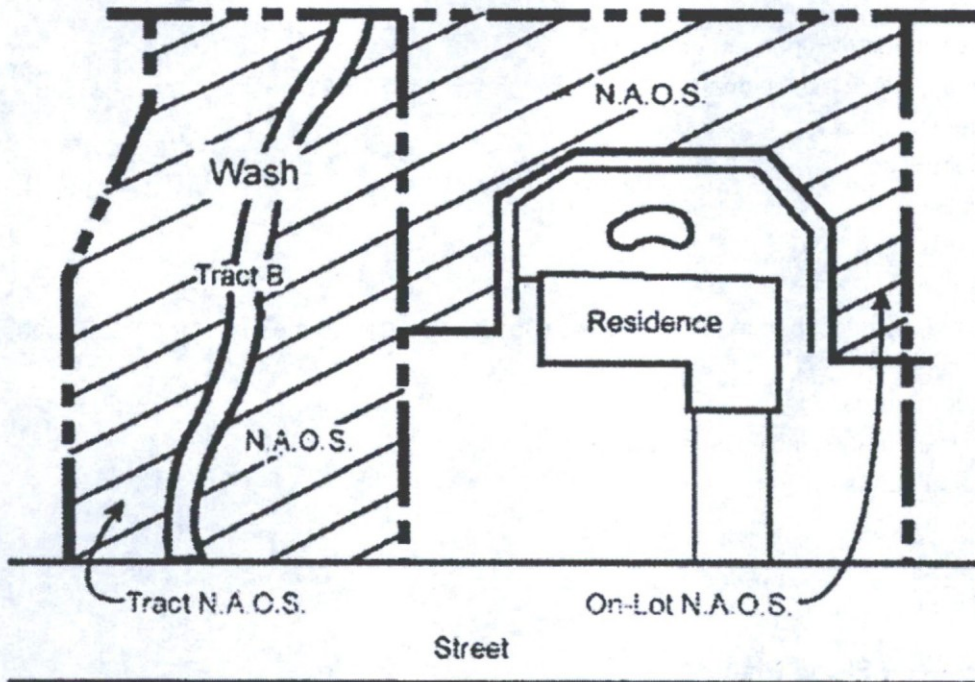
Sec. 6.1011. Purpose.

The purpose of the ESL District is to identify and protect environmentally sensitive lands in the city and to promote the public health, safety and welfare by providing appropriate and reasonable controls for the development of such lands. Specifically, the ESL District is intended to:

- A. Protect people and property from hazardous conditions characteristic of environmentally sensitive lands and their development. Such hazards include rockfalls, rolling boulders, other unstable slopes, flooding, flood-related mud slides, subsidence, erosion, and sedimentation.
- B. Protect and preserve significant natural and visual resources. Such resources include, but are not limited to, major boulder outcrops and large boulders, major ridges and peaks, prime wildlife habitat and corridors, unique vegetation specimens, significant washes, and significant riparian habitats.
- C. Protect renewable and nonrenewable resources such as water quality, air quality, soils, and natural vegetation from incompatible land uses.
- D. Minimize the public costs of providing public services and facilities in ESL District areas such as streets, water, sewer, emergency services, sanitation services, parks, and recreation. Costs associated with the design and development of infrastructure in environmentally sensitive areas can be higher than costs in other areas of the city due to the unique and fragile nature of such lands.
- E. Conserve the character of the natural desert. Guide the location and distribution of meaningful on-lot and common tract open space and protect sensitive environmental features to sustain the unique desert character found in ESL District areas.

Figure 6.1011.A.

On-Lot vs. Tract N.A.O.S.



- F. Recognize and conserve the economic, educational, recreational, historic, archaeological, and other cultural assets of the environment that provide amenities and services for residents and visitors.
- G. Assure that decisions regarding development in environmentally sensitive areas are based on complete and accurate information about the environmental conditions including drainage features and probable development impacts.
- H. Minimize the impacts of development by controlling the location, intensity, pattern, design, construction techniques, and materials of development and construction.
- I. Retain the visual character of the natural landscape to the greatest extent feasible by regulating building mass, location, colors, and materials; grading location, design and treatment; and landscaping design and materials.
- J. Maintain significant open spaces which provide view corridors, buffers, protect landmarks and large boulders, and prime wash habitats, by preserving these features in their natural state to maintain the city's unique desert setting.
- K. Protect environmentally sensitive lands, while also recognizing the legitimate expectations of property owners and the city's overall economic goals.
- L. Encourage innovative planning, design, and construction techniques for development in environmentally sensitive areas.

(Ord. No. 2305, 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3501, § 1, 4-1-03; Ord. No. 3540, § 1(Exh. 1), 4-20-04; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 181), 4-3-12)

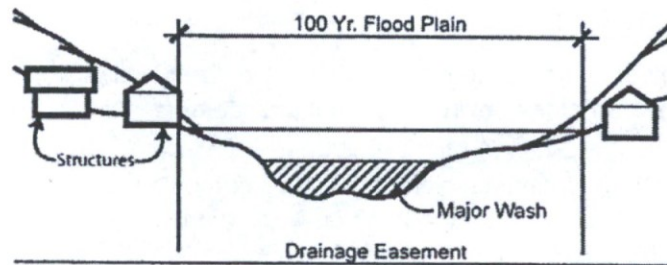
Sec. 6.1020. Applicability of Regulations.

Sec. 6.1021. Applicable districts and conditions.

All underlying zoning districts, to which the ESL overlay zoning district applies, shall be identified with the suffix "ESL". To accomplish the purposes in Section 6.1010, the City may apply the ESL district to lands that contain one (1) or more of the following environmental conditions:

- A. Land slopes of fifteen (15) percent or greater.
- B. Unstable slopes, which exhibit one (1) or more of the following conditions:
 - 1. Boulder collapse
 - 2. Boulder rolling
 - 3. Rockfalls
 - 4. Slope collapse
 - 5. Talus slopes
- C. Special features, as described in the definitions (Section 3.100) and the Protected Peaks and Ridges Map:
 - 1. Boulder features
 - 2. Natural landmarks, including archaeological sites
 - 3. Protected peaks
 - 4. Protected ridges
- D. Watercourses:
 - 1. Major watercourses

Major Washes / Flood Plains



- 2. Minor watercourses
- E. Exposed/shallow bedrock
- F. Undisturbed native vegetation
- G. Wildlife habitat
- H. Landform classes as indicated on the ESLO Landforms and Protected Peaks and Ridges Maps:
 - 1. Lower desert landform
 - 2. Upper desert landform
 - 3. Hillside landform

(Ord. No. 3395, § 1, 12-11-01; Ord. No. 3501, § 1, 4-1-03)

Sec. 6.1022. Exemptions and exceptions.

- A. The ESL regulations shall apply to all public or private development projects within the ESL district, except as provided in Sections 6.1022B. and 6.1023, exemptions. In the event of a conflict between the ESL regulations and any other provision of the Zoning Ordinance, the ESL regulations shall prevail.
- B. New construction shall comply with the requirements of this Ordinance except for development approved prior to May 21, 2004 as shown on the ESLO exemptions schedule below:

ESLO EXEMPTIONS SCHEDULE - SPECIFIC DEVELOPMENT STANDARD⁽²⁾

Stage of development as of May 21, 2004	Selection of NAOS & 50 cfs wash protection	Building Height (24 feet) for Single Family Residential (R-1) Districts	Subdivision Perimeter Walls	Individual Lot Walls (lots zoned R1-35 or larger)	Construction Envelopes	Paint LRV
1) No approved plans	Not Exempt	Not Exempt	Not Exempt	Not Exempt	Not Exempt	Not Exempt
2) Approved rezoning with amended development standards	Exempt if addressed in amended standards	Exempt if addressed in amended standards	Exempt if addressed in amended standards	Exempt if addressed in amended standards	Not Exempt	Not Exempt
3) Approved Masterplan Development ⁽¹⁾	Exempt	Exempt	Exempt if addressed in the Master Plan	Exempt	Exempt	Exempt
4) Approved residential Preliminary Plat	Exempt	Exempt if addressed in plat approval	Exempt if addressed in Plat Approval	Exempt if addressed in plat approval	Not Exempt	Not Exempt
5) DRB Approval (other than single-family residential)	Exempt	N/A	N/A	N/A	Not Exempt	Not Exempt
6) Approved Final Plat	Exempt	Exempt	Exempt if addressed in Plat Approval	Exempt if addressed in plat approval	Not Exempt	Not Exempt
7) Rezoning and Development under Hillside District	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
8) Building Permit	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt

Notes:

- 1) Masterplan Development is: At least eighty (80) acres in area, and a) contains at least two (2) zoning districts, and/or b) contains at least two (2) phases.
 - 2) Development Agreements control when they are in conflict with ordinance standards.
- C. Development exempted by Section 6.1022.B shall comply with the standards and processes applicable to the development at the date of such approval. New applications for exempted properties are strongly encouraged to follow as closely as feasible the most recent ESL standards.
- D. Hardship/exemption provisions—Upon an application by a property owner claiming that the application of an ESL amendment causes hardship, City Council may allow a property to develop under a previously adopted requirement of ESL, upon findings that:
1. A substantial hardship is demonstrated that would significantly reduce the ability to use a parcel(s),
 - 2.

The exception will be consistent with the intent and purpose of the Environmentally Sensitive Lands Ordinance, and

3. The application of the new ESL standards would not achieve significant benefit for the protection of the environment and the community.

(Ord. No. 3395, § 1, 12-11-01; Ord. No. 3540, § 1(Exh. 1), 4-20-04)

Sec. 6.1023. Hillside district exemptions.

The ESL regulations shall not apply to a development project, which was the subject of a pending application as of February 19, 1991, or development approvals under the provisions of the former hillside district, Section 6.800 through 6.810. For the purposes of this Section, "development approval" means rezoning, use permit, subdivision plat, master plan, Development Review Board, variance or building permit approval.

- A. *Applicability of hillside district regulations.* Exempt development projects shall be developed under the hillside district regulations and development standards in effect when the development project was approved, including rezoning stipulations.
- B. *Application of ESL regulations to exempt development projects.* The owner of a development project exempt under this Section may elect to develop under the ESL regulations. The election must be communicated in writing to the zoning administrator before application is made for further development approval following the effective date of ESLO (February 19, 1991).
- C. If the effect of an election to develop under the ESL regulations is to alter the densities or land uses approved under the hillside district, or changes the size or configuration of any hillside conservation (HC) zoned area, the election is conditioned upon City Council approval of a rezoning pursuant to the provisions of sections 1.300 and 6.1090
- D. If the owner of an exempt development project elects to apply the ESL regulations to only a portion of the development project, the owner must demonstrate that those portions of the project developed or to be developed under hillside district regulations meet all requirements of those regulations, including the preservation of hillside conservation areas through easement or dedication.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1024. Special exceptions from the ESL regulations.

- A. Special exceptions from the ESL regulations may be approved by the zoning administrator in the following circumstances:
 1. *Nonbuildable parcel.* If the application of the ESL regulations to a parcel, which was a legally constituted lot on which development would have been permitted prior to the adoption date of ESLO (February 19, 1991), would prevent the development of at least one (1) single-family dwelling, the parcel may be developed with one (1) single-family dwelling pursuant to the grant of a special exception, provided that such development otherwise conforms to the ESL regulations as closely as reasonably possible.
 2. *Nonhillside district development project approvals.* Modifications to development project approvals, or subsequent development approvals for development projects approved under nonhillside district zoning classifications prior to the effective date of ESLO (February 19, 1991) are subject to the ESL regulations. However, it is the intent of these regulations that such development project be brought into compliance with the ESL regulations as closely as reasonably possible without creating undue hardship on the owner.
- B.

Special Exception Submittal Requirements. In addition to the submittal requirements described in section 6.1090, applications for special exceptions from the ESL regulations authorized in this section shall include the following:

1. Documentation of existing development approvals for the development site and the special exception eligibility of the parcel.
2. Environmental mapping necessary to identify the ESL regulation(s) from which the special exception is requested.
3. A development plan showing the approved land uses and the areas that will be affected by the proposed special exception.
4. A report describing the proposed exceptions from the ESL regulations and describing the rationale for the exceptions.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1030. Approvals Required.

Sec. 6.1031. Rezoning and use permits in Hillside Landform.

When reviewing the compatibility of rezoning and use permit applications in the Hillside Landform on land with slopes between fifteen (15) and twenty-five (25) percent that is not a severely constrained area, the following shall be considered:

- A. Grading and other site preparations are within the limits established by the Development Design Guidelines for Environmentally Sensitive Lands, and whether essential grading complements the natural land forms.
- B. Vehicular and pedestrian circulation conforms to the Development Design Guidelines for Environmentally Sensitive Lands, and is within the emergency standards acceptable for fire truck use.
- C. Views to development from viewpoints have been analyzed, and whether the applicant has demonstrated that satisfactory methods will be used for revegetation, plant protection/salvage, minimization of cuts and fills, and blending of structures with the site in terms of building mass and color hue, value, and chroma (from the Munsell Book of Color).
- D. Human lives and property are protected from unstable slopes, flooding, and other safety hazards.
- E. The placement, grouping, scale, and shaping of structures complements the natural landscape.
- F. Large, graded bare areas are fully revegetated.

(Ord. No. 3395, § 1, 12-11-01; Ord. No. 3920, § 1(Exh. § 71), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 182), 4-3-12)

Sec. 6.1032. Plats.

All applications for preliminary plats in the ESL Overlay District shall be reviewed for compliance with the ESL provisions and approved by the Development Review Board.

(Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1033. Individual Single-Family Applications in the Hillside Landform.

Single-family homes that are not part of a subdivision plat and proposed within the Hillside Landform shall be reviewed for compliance with specified site design criteria intended to promote public safety and shall be approved by the Development Review Board. (See Section 6.1070(C)).

Sec. 6.1034. Master Development Plan Applications.

- A. When a master development plan is required, a rezoning shall not be approved without the concurrent approval by the City Council of the site development, conceptual circulation, and conceptual phasing master plans, and conceptual open space master plan for the entire area to be rezoned.
- B. No on-site or off-site development for any phase of a master development plan shall begin until the circulation, phasing, parking, drainage, water, and wastewater master plans have been approved by the City, and the environmental design concept master plan has been approved by the Development Review Board.
 - 1. The master plans shall be provided for the entire development project unless it can be demonstrated to the City that the master plan can be prepared for one (1) or more discreet phases that can stand alone independent of the entire project.
- C. Approvals for individual buildings shall not be granted until the master development plan, including all the required parts of the plan, has been approved.
- D. Modifications to approved master development plans.
 - 1. Major changes to the permitted uses, density or gross floor area described in a site development master plan or to other master plans approved as part of a rezoning, use permit or City Council approved amended development standards must be reviewed and approved by the City Council subject to the notice and hearing provisions of Article I. In general, major changes are those that affect more than ten (10) percent of either the land or gross building square footage. A change may be major due to the impacts of the proposed changes, even where less than ten (10) percent of land or intensity is affected.

The transfer of units between parcels as provided in an approved master-planned development zoning case is not a major change.
 - 2. Minor changes to the site development plan and all other master plans, consistent in scope and intent with the originally approved plans, may be approved by the Zoning Administrator. In general, minor changes affect less than ten (10) percent of either the land area or gross building square footage.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3920, § 1(Exh. § 72), 11-9-10)

Sec. 6.1035. Site Preparation Limitations.

No person shall grade, clear, grub, remove plants or conduct any other form of construction or site preparation upon a property until any applicable Natural Area Open Space (NAOS) plan has been approved:

- A. By the Development Review Board as part of a case or preliminary plat, or by City staff as part of building or other applicable plans, and
- B. Appropriate permits have been issued.

(Ord. No. 3702, § 1, 2-20-07; Ord. No. 3920, § 1(Exh. § 73), 11-9-10)

Sec. 6.1040. ESL Use Restrictions.

Land uses shall be those permitted in the underlying zoning district except as follows:

Land uses in the hillside landform areas with land slopes over twenty-five (25) percent, special features or unstable slopes are restricted to the following, provided that uses must also be permitted by the underlying zoning: residential uses including resort units and related streets and utilities; the activities

identified in the Conservation Open Space (COS) district; (section 6.703 of the Zoning Ordinance) and golf tees. Ancillary resort uses, such as restaurants, meeting rooms or parking areas for more than five (5) cars are not permitted.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1050. Intensity of Development.

In applying the provisions of this section, applicants shall use the ESL Landforms and Protected Peaks and Ridges Maps, unless otherwise exempted by Section 6.1022B or 6.1023.

The intensity of development in the lower desert and upper desert landforms shall be determined by the underlying zoning district, and shall not exceed the maximum as provided in Table B, Section 6.1081. Where the NAOS density incentive or cluster option is used, Table B shall serve as the "base" intensity on the parcel.

The intensity of development in the hillside landform shall be determined as follows:

- A. The base and maximum intensities of development in the hillside landform on slopes less than twenty-five (25) percent, on exposed/shallow bedrock, or in major or minor watercourses, shall be as follows:

	Single-Family Detached D.U./Acre	Attached Multifamily D.U./Acre	Resort Hotel/Casita Units/Acre	Nonresidential Floor Area Ratio
Base	0.2	1.0	2.0	0.05
Maximum	1.0	3.0	8.0	0.20

- 1. The underlying zoning must permit the base intensities and uses.
- 2. Intensities above the base level up to the maximum intensity may be approved by the City Council after notice and hearing as provided in Section 1.600 and 1.700, and upon a finding that the proposed intensity meets the guidelines set forth in Section 6.1031
- 3. Resort hotel/casita units are limited to resort hotel guest rooms or casitas that do not have individual driveway access to each unit. Parking areas for more than five (5) cars, restaurants, meeting rooms, and other ancillary uses must be located on land that is not a severely constrained area.
- B. Except when modified as provided in subparagraph (E) of this section, the maximum permitted intensity on land in the hillside landform with slopes from twenty-five (25) to thirty-five (35) percent or boulder features, shall be one (1) dwelling or resort unit per twenty (20) acres (1/20 or .05 d.u./ac.). Ancillary resort uses, such as restaurants, are not permitted.
 - 1. Intensities up to a maximum intensity of one (1) dwelling or resort unit per five (5) acres (1/5 or .2 d.u./ac.) may be approved by the City Council, after notice and hearing as provided in Section 1.600 and 1.700, and upon demonstration by the applicant and finding by the City Council that the land proposed for the increased intensity is not visible from viewpoints, as defined in Section 3.100 and that the proposed intensity is compatible with the considerations listed in Section 6.1031. In making its determination, the City Council shall consider the following factors:
 - a. Visibility and viewpoints of the proposed developments from scenic corridors, collector and arterial streets.

- b. The impact of the development on the environmental conditions listed in Section 6.1021
- C. Except when modified as provided in subparagraph E. of this section, the maximum permitted intensity on land in the hillside landform with slopes over thirty-five (35) percent or on unstable slopes shall be one (1) dwelling or resort unit per forty (40) acres (1/40 or .025 d.u./ac.). Ancillary resort uses, such as restaurants, are not permitted.
- D. General guidelines.
 - 1. If a lot encompasses two (2) slope categories the intensity limit is determined by reference to the slope category of the land on which the majority of the construction envelope is located. The purpose of this provision is to provide flexibility in lot configuration.
- E. The City Council may grant a special exception from the maximum intensities allowed by subparagraphs B. and C. of this section for parcels which meet the following requirements:
 - 1. *Qualifications.* Only parcels, which meet the following qualifications, are eligible for development as a special exception under the provisions of this subparagraph E.:
 - a. The parcel consists of at least nine (9) acres, at least eighty (80) percent of which are severely constrained areas.
 - b. On February 19, 1991, the parcel was a legally constituted lot on which development would have been permitted under the terms of the ordinance in effect at the time the lot was created or was annexed to the city.
 - c. No density transfer is proposed.
 - d. The area which will be disturbed by the proposed development is less than twenty (20) percent of the development site area.
 - e. More than eighty (80) percent of the development site area will be preserved as natural area open space (NAOS).
 - 2. *Findings.* Higher intensities may be granted pursuant to the special exception permitted by this subparagraph only where the Council finds that:
 - a. The maximum intensities otherwise permitted by this ordinance would create a substantial disincentive to develop the site with a desirable and appropriate use and/or intensity, and the requested change is the minimum required in order to remove excessive constraints on the development of the site.
 - b. The requested intensity will not create increased health or safety hazards to people or property resulting from unstable slopes or other environmental hazards.
 - c. Units will be placed at lower elevations or at other locations on the property selected to reduce the grading which will be required to access the structures.
 - d. Visibility of development from viewpoints as defined in Section 3.100 is limited.
 - 3. *Procedure.*
 - a. Before the City Council hears an application for special exception, the Development Review Board shall review the plans to ensure that any development proposed for unstable slopes, special features or other environmental conditions, is appropriate to these conditions, and preserves them to the maximum extent possible.
 - b. Applications for exceptions under this section shall include the submittals set forth in Section 6.1090 of this Ordinance, and shall be subject to notice and hearing as provided in Sections 1.600 and 1.700
- F. The permitted development intensity in the hillside landform shall be calculated as follows:
 - 1.

Determine the location of each environmental condition referenced in section 6.1050A., B., and C. If more than one (1) condition is present on the same land area that which imposes the greatest restriction shall determine the intensity for development on that land area.

Slope Category	Landform Condition	Base Lot Area Per Dwelling Unit	Potential Density
Under 25%	Major/Minor washes protected peaks/ridges	5 acres	*Subject to Council Approval
25–35%	Exposed bedrock shallow bedrock	20 acres	*Subject to Council Approval
Over 35%	Boulders, unstable slopes	40 acres	*Subject to Council Approval

2. Determine the amount of land in acres impacted by each environmental condition.
3. Multiply the total acreage impacted by each environmental condition by the intensity permitted by section 6.1050A. through C. for that condition.
4. On parcels of twenty (20) or more gross acres, the permitted intensity for small areas of twenty thousand (20,000) square feet or less which have environmental conditions different than those of the surrounding area, shall be determined by the intensity permitted on the surrounding area. If a small area abuts both a lower and a higher intensity area, the small area shall be divided equally between the two (2) intensities.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3501, § 1, 4-1-03)

Sec. 6.1060. Open Space Requirements.

- A. *Natural Area Open Space (NAOS) requirements.* A percentage of the acreage containing natural desert shall be set aside as NAOS.
 1. Characteristics of NAOS. NAOS should:
 - a. Preserve sensitive environmental conditions;
 - b. Retain and protect meaningful desert open space that due to its size, function, visibility, accessibility, or strategic location is a community amenity or resource;
 - c. Maintain visual amenities;
 - d. Mitigate hazards; and
 - e. Promote the public health, safety and welfare.
 2. Amount of NAOS. The minimum percentage of NAOS based on slope and landform category is provided in Table 6.1060.A.
 NAOS requirements are determined by Table 6.1060.A., indicating slope and landform which corresponds to the location of other environmental conditions such as unstable slopes, undisturbed desert vegetation, boulder features, and watercourses. Where these provisions conflict with the minimum NAOS dimensions described in Section 6.1060.F., the more restrictive provisions of Section 6.1060.F. shall take precedence.

Table 6.1060.A.
Minimum Percentage NAOS Based on Slope and Landform Category

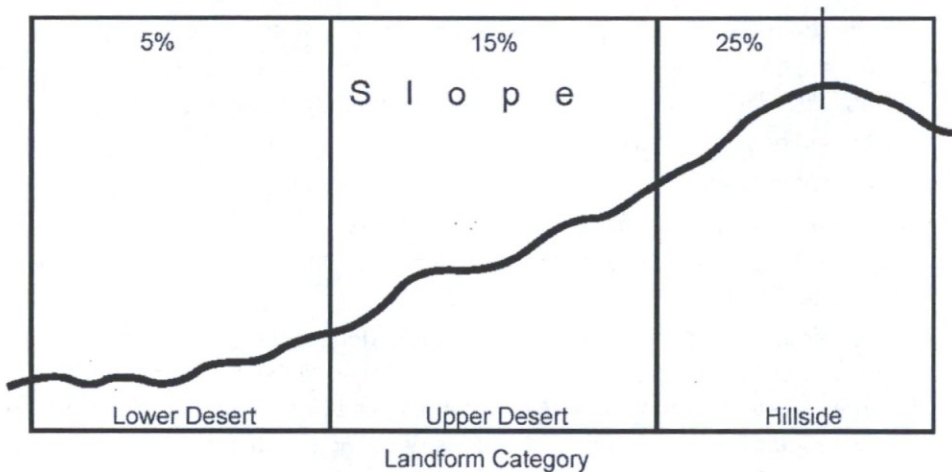
Slope	Lower Desert Landform	Upper Desert Landform	Hillside Landform
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0–2%	20%	25%	50%
Over 2% up to 5%	25%	25%	50%
Over 5% up to 10%	30%	35%	50%
Over 10% up to 15%	30%	45%	50%
Over 15% up to 25%	30%	45%	65%
Over 25%	30%	45%	80%
Minimum NAOS after reductions if applicable. (See Sec. 6.1060.B.)	15% (See Sec. 6.1060.F. for minimum dimensions)	20% (See Sec. 6.1060.F. for minimum dimensions)	40% (See Sec. 6.1060.F. for minimum dimensions)

3. Permanent maintenance of NAOS. The applicant shall demonstrate to the satisfaction of the City that the entire NAOS area will be permanently maintained as NAOS through easements, donation or dedication to the City and/or conservancy, land trust or similar entity. A similar entity is an organization that has goals and purposes consistent with permanently maintaining NAOS and can demonstrate its ability to maintain the NAOS to the satisfaction of the City.
4. If NAOS is located on individual lots (on-lot NAOS), the individual property owner shall be responsible for maintenance. (See Section 6.1100 for detailed information regarding maintenance of NAOS.)
5. Common-tract NAOS locations and boundaries, including precise acreage, shall be shown on the subdivision plat and/or map of dedication.
6. On-lot NAOS locations: In applications where NAOS is provided on individual lots, approximate boundaries and precise acreage of the proposed NAOS shall be shown on and conform to an exhibit approved by the City prior to or concurrent with filing a final subdivision plat and/or map of dedication.

Figure 6.1060.A.

Slope Analysis



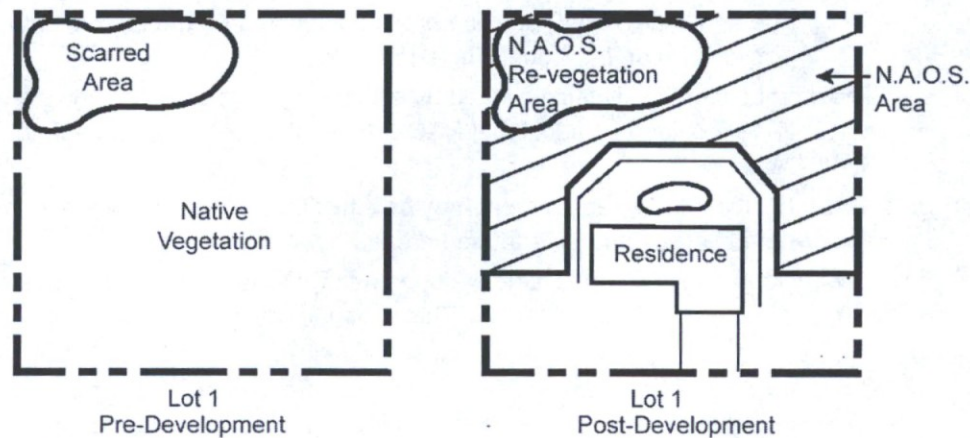
Slope Analysis

Until recordation of a document showing the City approved NAOS location, all land within a project is considered potential NAOS and shall be left in its natural topographic and vegetative condition.

- B. *NAOS reduction.* NAOS requirements may be reduced as provided herein. The minimum NAOS after reductions, for the gross lot area of the development project and for each development site or parcel shall be fifteen (15) percent in lower desert, twenty (20) percent in upper desert, and forty (40) percent in hillside landforms.
1. *Proportional reduction in NAOS for Conservation Open Space COS and Hillside Conservation HC areas.* An owner is entitled to reduce the required NAOS by calculating the percentage of the total parcel that is zoned Conservation Open Space (COS) and Hillside Conservation (HC) areas, and reducing the NAOS requirement for the remainder of the property by this same percentage.
 2. *Reduction for regional drainage facility.* Where a development site contains areas dedicated for regional stormwater management pursuant to approved city regional drainage and flood control plans developed by the city, having a design flow of two thousand (2,000) cfs or more and providing drainage for one (1) square mile (one (1) section) or more, the NAOS requirement shall be reduced as follows:
 - a. The NAOS requirement shall be reduced one (1) square foot for each revegetated one (1) square foot of the regional drainage facility (1:1).
 - b. The NAOS requirement shall be reduced one (1) square foot for each two (2) square feet of turf or similar improvements for recreational areas within the regional drainage facility (1:2). The reduction for improved areas shall not exceed fifty (50) percent of the original NAOS requirement.

Figure 6.1060.B.

N.A.O.S. Re-vegetation Credit



3. *Reduction for revegetation.* On land stripped of natural vegetation or scarred prior to January 1, 1990, the NAOS requirement for the parcel shall be reduced by two (2) square feet for every one (1) square foot of revegetated NAOS (2:1). This provision cannot be used to increase the maximum revegetated NAOS above the thirty (30) percent maximum referenced in Section 6.1060D.2.
4. *Reduction for designated historical or archaeological site.* Land designated as a permanently protected historical or archaeological site, approved by the city, shall be used to reduce the required NAOS by two (2) square feet for each one (1) square foot of approved site (2:1).
5. *Lower desert landform with minimal slopes and limited environmental conditions.* Sites within the lower desert landform having slopes of zero (0) percent—five (5) percent, may reduce the

required amount of NAOS to fifteen (15) percent if the applicant can demonstrate to the satisfaction of the Zoning Administrator that the property contains no boulder features, no minor or major watercourses and contains undisturbed native plant densities* with less than ten (10) trees/cacti per acre. Where these provisions conflict with the minimum NAOS dimensions described in Section 6.1060.F., the more restrictive provisions of Section 6.1060.F. shall take precedence.

*Native plants include the specific species defined in Article V, Protection Of Native Plants, Section 46-105 through 46-120 of the Scottsdale Revised Code.

C. *Density Incentive for increases in NAOS.*

1. A density incentive bonus up to twenty (20) percent of the density otherwise allowed under Table 6.1081.A., Base Intensity by Zoning Category, may be granted to applicants who provide more meaningful NAOS than is required in Section 6.1060.A. of this Ordinance. The bonus shall be subject to approval by the City Council after notice and hearing as provided in Sections 1.600. and 1.700., and providing further that the following criteria are met:
 - a. The bonus applies only in the Single-family Residential R1-43, Single-family Residential R1-70, Single-family Residential R1-130, and Single-family Residential R1-190 Districts.
 - b. The incentive must be calculated using the base NAOS standards for the development project, and cannot be used in combination with any reductions in NAOS.
 - c. The additional NAOS must be undeveloped natural area and cannot include revegetated areas.
 - d. The additional NAOS must respond to site conditions and the surrounding context to maximize connections with existing or planned open space on adjoining properties including the McDowell Sonoran Preserve. The locations of this additional NAOS shall be along major watercourses, along the frontage of collector or larger streets, along the boundary of the McDowell Sonoran Preserve or on slopes of twenty-five (25) percent or steeper.
 - e. The additional NAOS shall be provided in common area tracts and shall not be provided on an individual single-family lot.
2. The increase in density is calculated by multiplying the percent of gross land area of the parcel to be provided as additional NAOS, times the base density as established in Table 6.1081.A.

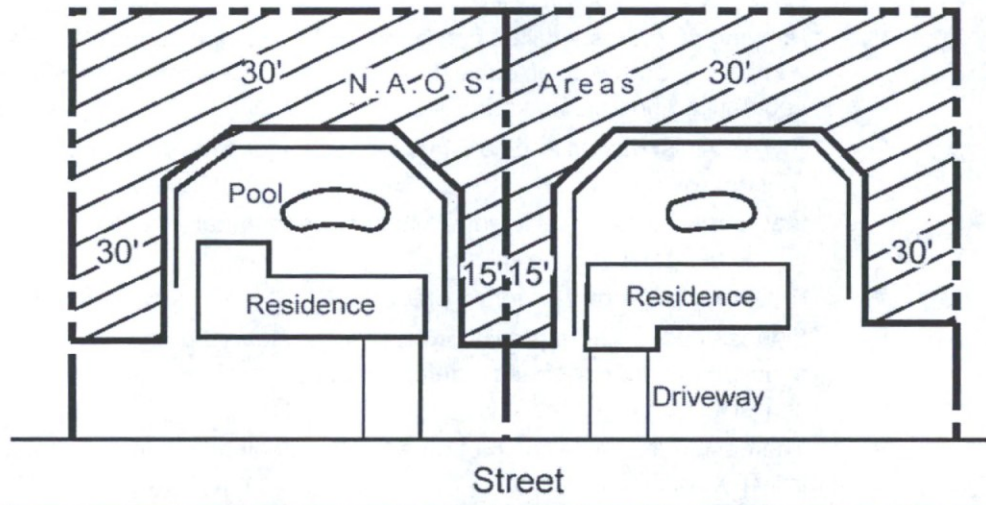
D. *Types of NAOS.* The NAOS requirement may be satisfied by two (2) types of open space: undeveloped natural areas and revegetated areas.

1. *Undeveloped natural areas.* Undeveloped natural areas shall constitute a minimum of seventy (70) percent of the required NAOS. This minimum applies to both "on-lot" and "common tract" NAOS.
 - a. *Infill.* When native plants in a designated undeveloped natural area are significantly less dense than under natural conditions because of man-made or natural disturbance to the land, the developer may increase the density and number of species of native plants to approximate the natural conditions of the vegetation community.
 - b. Infill areas shall count as undeveloped natural area for NAOS if approved by the City.
2. *Revegetated areas.* Revegetated areas shall qualify as NAOS, but shall not constitute more than thirty (30) percent of the required NAOS. These provisions cannot be used in conjunction with those contained in Section 6.1060.B.3. to increase the maximum percentage of revegetated NAOS above thirty (30) percent. Revegetated areas shall meet following requirements:
 - a.

- Planting programs for revegetated areas may include transplanted and seeded methods of application and shall include a list of proposed plant species and quantities. (See Section 6.1091.A.1.k.)
- b. Planting programs shall be consistent with the slope aspect of the surrounding natural vegetation, and shall be consistent with the species and density of surrounding vegetation and adjacent natural desert.
 - c. All materials, design and construction techniques for revegetation shall be subject to City approval.
 - d. Incorporate boulders and salvaged surface material to match and blend with surrounding desert character.
 - e. Provide a temporary watering program.
 - f. In those cases where previously scarred or cleared areas are to be restored, the plant species and density shall be determined by matching the existing natural vegetation on similar terrain in the vicinity.
 - g. The design and installation of revegetation shall help to minimize the downstream transport of sedimentation.
- E. *Improved open space.* When the required open space of the underlying zoning district exceeds the NAOS requirements imposed by the ESL District standards, the balance of the required open space may be either improved open space or NAOS. Improved open space includes landscape areas, turf areas, parks, golf courses and other recreation areas excluding any associated buildings.
- F. *Distribution of NAOS.*
1. *NAOS dimensions.*
 - a. The minimum contiguous area for NAOS is four thousand (4,000) square feet.
 - b. The minimum horizontal dimension for NAOS areas is thirty (30) feet, except that the minimum horizontal dimension for NAOS located along roadsides will be twenty (20) feet.
 - c. Where the minimum finished lot size is twenty-two thousand (22,000) square feet or less, NAOS shall be placed in common tracts, or on other lots within the same subdivision unless the minor application is approved with NAOS placement in contiguous areas on adjacent lots. See Section 6.1070.A. for on-lot NAOS design standards and Section 6.1090. for on-lot NAOS submittal requirements.
 2. *Modification of NAOS dimensions.* The minimum NAOS dimensions set forth above may be modified as a minor application, subject to the following criteria:
 - a. The NAOS location standards set forth in paragraph 3. are met.
 - b. Reductions in dimensions will maintain NAOS areas that are easily recognizable and that will not result in maintenance problems due to their proposed locations.
 - c. Adjacent land uses, such as streets, will not negatively impact the viability of vegetation or other features of the land to be preserved.

Figure 6.1060.C.

Minimum N.A.O.S. Dimensions



3. *NAOS selection and location.* The location of NAOS on a site plan or preliminary plat shall emphasize the following, however, in no event shall the provisions of this section require greater area of NAOS dedication than currently required by Section 6.1060.A., B. and C. of this Ordinance:
 - a. *Preservation of natural watercourses.* The need for unimpeded wildlife access and movement within and between NAOS areas is an important criteria. Therefore, minor and major watercourses, vista corridors and scenic corridors, particularly where located adjacent to the McDowell Sonoran Preserve, shall be given key consideration as riparian habitats associated with major and minor watercourses.
 - b. Continuity of open space within the development project and with adjacent developments or with the McDowell Sonoran Preserve.
 - c. Continuity of "on-lot" open spaces on adjoining lots.
 - d. Preservation of the most significant features and vegetation, including rock outcroppings, and significant concentrations of native vegetation in relation to the surrounding development project.
 - e. Distribution throughout the developed area and avoidance of concentration in one (1) location.
 - f. Location in areas where a buffer is desirable along the property boundary, or where it is contiguous with NAOS on adjacent property, including property within the McDowell Sonoran Preserve.
 - g. Location in areas visible from streets or common areas.
 - h. The City has prepared high priority NAOS location maps to provide guidance on the location of NAOS. Each site plan submitted shall demonstrate how the applicant will consider the best means to achieve the delineations of NAOS areas as depicted on these maps in order to meet City policies.
4. *NAOS distribution within master planned developments.* Where a master plan developer elects to provide NAOS in excess of the minimum NAOS requirement for specific development sites, such excess NAOS may be credited against NAOS requirements for other development sites on the master plan, provided that the NAOS credits are documented on an open space master plan which identifies excess NAOS by development site and allocates such excess to specific development sites elsewhere on the property. The master plan developer must authorize the allocation in writing.

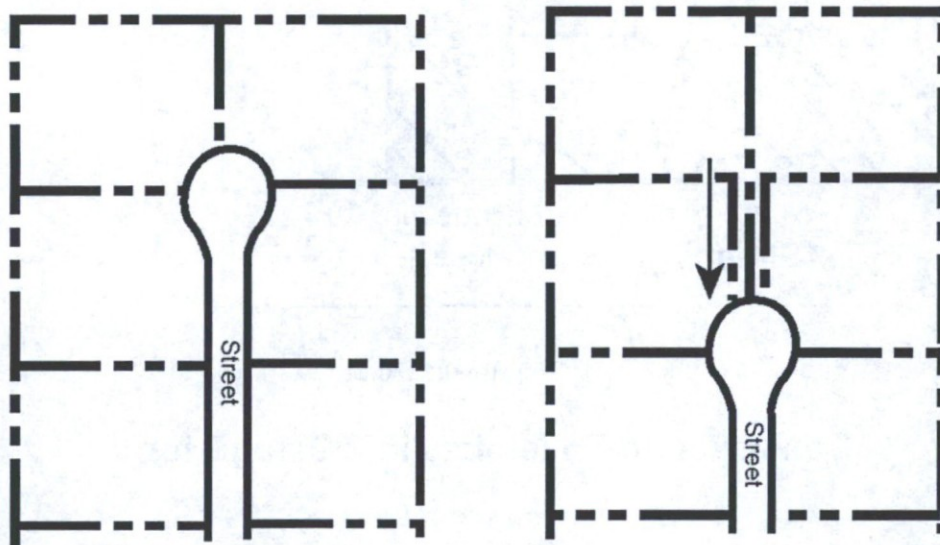
Sec. 6.1070. Design Standards.

A. General Standards.

1. Development projects shall employ design techniques which reduce the disruption of the severely constrained areas (SCA) of a parcel defined in Section 6.1081.A.1., reduce the amount of streets and pavement, maximize open space, reduce the length of water and sewer systems, and minimize the restructuring of natural drainage systems.

Figure 6.1070.A.

2. Reduce the Amount of Streets



The intensity calculated in Sections 6.1050 and 6.1080 shall be the maximum permitted intensity. A construction envelope that is located in more than one (1) density category in Section 6.1050.B. and C. shall be considered as located in the higher density area if the majority of the floor area or construction envelope area (over fifty (50) percent) is in the less restricted condition and the incursion into a lower intensity area extends less than twenty (20) feet for structures or thirty-five (35) feet for construction envelopes.

Figure 6.1070.B.

Construction Envelope

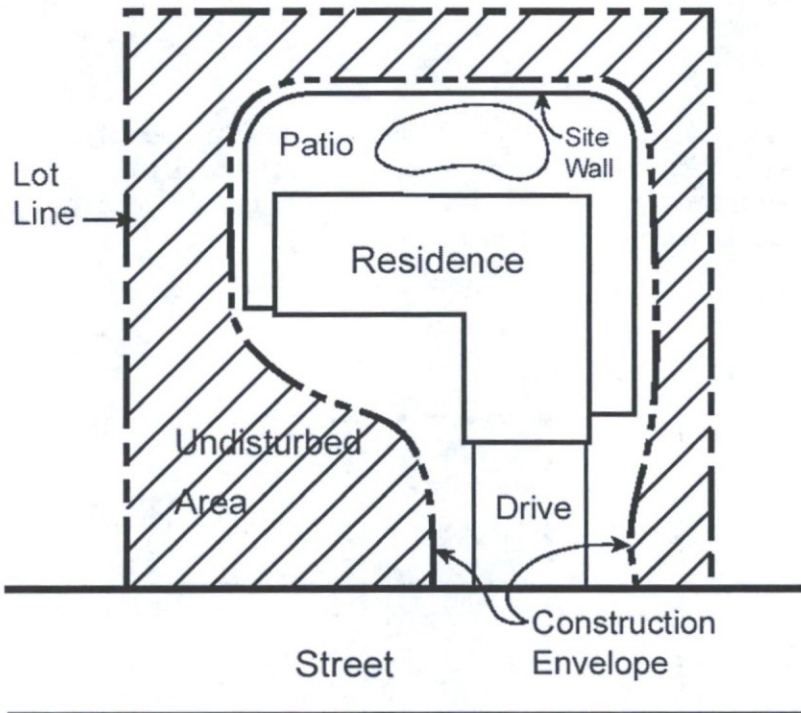
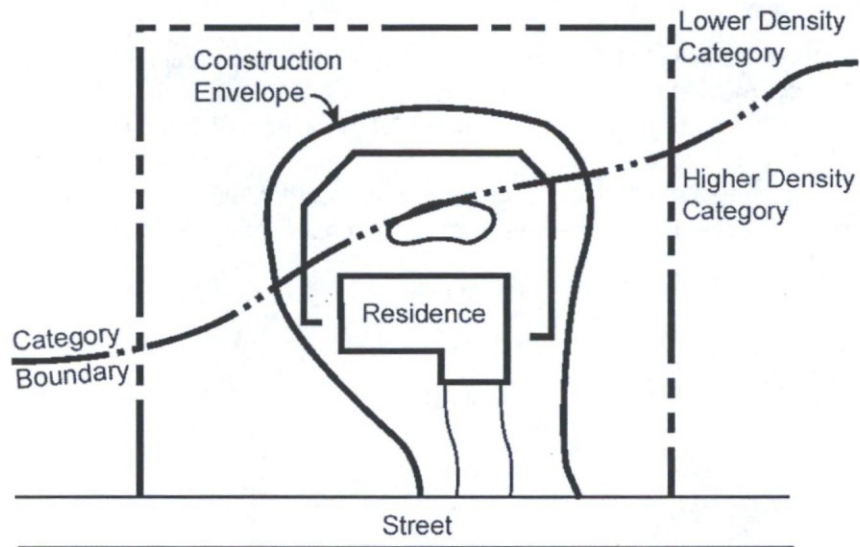


Figure 6.1070.C.

3. Construction Envelopes in 2 Categories



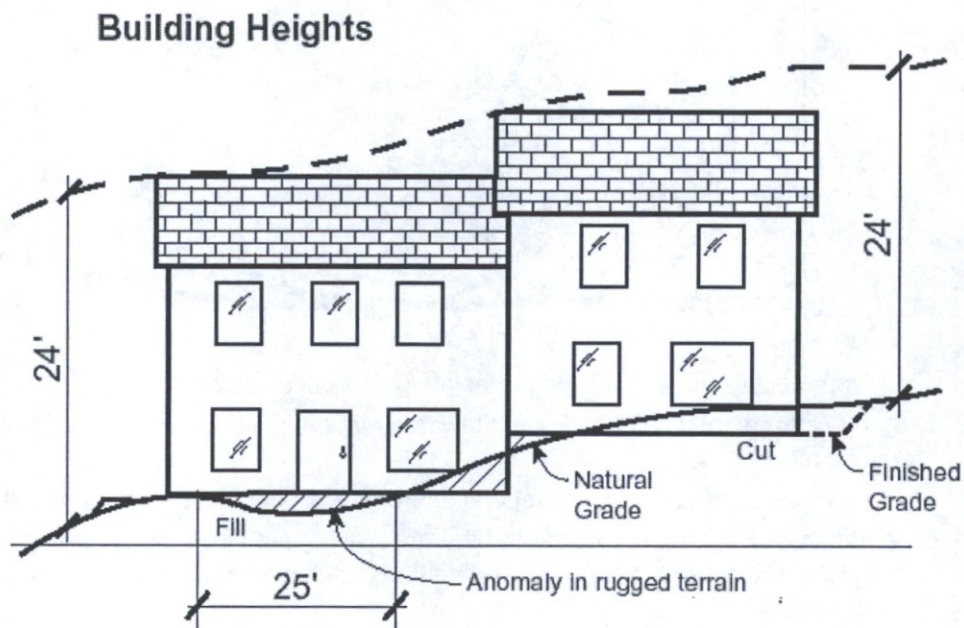
4. Construction envelopes are required when NAOS is proposed on individual lots.
4. Underground utility corridors and drainage improvements not located in construction envelopes shall be included in the revegetated areas.
5. The NAOS shall be clearly identified and protected during building by methods and techniques approved by the City.

6. On-lot NAOS shall be designed with consideration of the surrounding context to connect with existing or planned open space on adjacent properties so that continuous areas of meaningful open space are formed.
7. On-lot NAOS shall not be located within the required front yard where the front yard depth is less than forty (40) feet.

B. *Building heights.*

1. The maximum building height is that prescribed by the underlying district except as modified by the following:
 - a. The maximum building height in the ESL shall be established by a plane measured vertically above the existing natural terrain elevation prior to grading; as the natural grade rises, the maximum height will rise accordingly. Small areas of rugged terrain inconsistent with this plane will not increase or reduce building height. Small areas are those features with a maximum width of twenty-five (25) feet.
 - b. The maximum building height for all buildings in single-family residential (R1) districts including the Foothills Overlay, shall be twenty-four (24) feet unless exempted pursuant to Section 6.1022

Figure 6.1070.D.



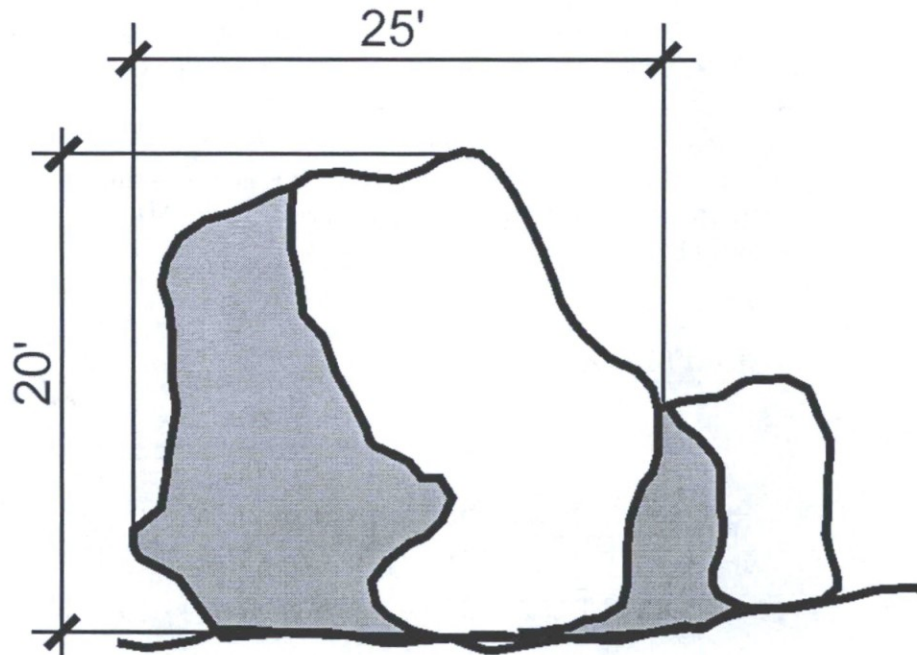
- c. The maximum building height in the hillside landform shall be the height prescribed by the underlying district or thirty (30) feet whichever is lower, except as modified by Section 6.1070.B.1.d. below.
 - d. The Development Review Board may permit additional building heights in the hillside landform up to a maximum height of forty (40) feet where the applicant demonstrates that the additional height will reduce the visual impact of the structure or site work from established viewpoints, and will reduce the area required for grading, or other land disturbance activities, on sensitive conditions.
- C. Hillside Landform Site Design Criteria: Hillside lands are prone to natural hazards. In order to protect lives and property from disasters resulting from poorly designed hillside development and to mitigate the potential for increased erosion, boulder rolling, rockfalls, and landsliding, the Development Review Board shall review the individual site plans located within the hillside landform that are not part of a subdivision plat against the following criteria:

1. All construction shall be set back a minimum of twenty (20) feet from boulder features. The Development Review Board may approve exceptions to these criteria where specific design solutions protect public safety.

Figure 6.1070.E.

2.

Boulder Feature

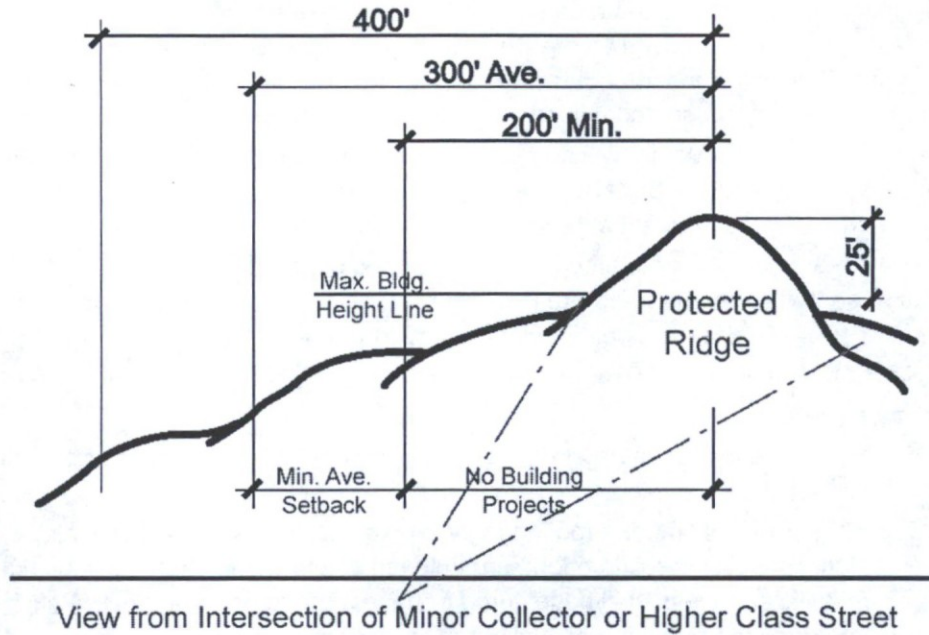


Unprotected slopes shall be protected from focused stormwater flows.

3. All storm runoff shall be directed towards natural channels using best practices for erosion control.
 4. Minimize removal of native vegetation from areas not located in construction envelopes.
 5. Minimize incidental impact from other natural hazards including erosion, subsidence, boulder rolling, rockfalls, flooding, flood related mud slides, unstable slopes and landsliding relating to the site and surrounding property.
- D. *Protected Peaks and Ridges.*
1. All building projects shall be set back an average of three hundred (300) feet horizontally and a minimum of two hundred (200) feet from a protected peak or a protected ridge.

Figure 6.1070.F.

Viewpoints - Protected Ridges



2. The maximum elevation of any structure within four hundred (400) feet horizontally of a protected peak or ridge shall be at least twenty-five (25) feet below the elevation of the nearest point of a protected peak or ridge.
 3. Protected peaks and ridges shall be identified on ESL Protected Peaks and Ridges Maps prepared by the City, and may be revised as follows:
Request for map refinement shall include a visual analysis from viewpoints as defined in Section 3.100, and be subject to subsection E., below.
 4. Protected peaks and ridges on a property shall be shown on final plats at the time of City Council approval.
- E. *Revisions of ESL Landform and Protected Peaks and Ridges Maps.* Landforms are identified on the ESL Landforms and Protected Peaks and Ridges Maps by the City. The maps may be revised as follows:
1. Applicants for a specific development project may request a change in all or part of the landform boundaries on the ESL Landforms and Protected Peaks and Ridges Maps prior to or concurrently with a development project application. The applicant shall submit technical data to support the request. If the request represents more than a minor refinement, the requested landform boundary change shall be prepared by an Arizona State registered geologist and shall include a technical analysis to support the requested map revision. The definitions of the three (3) landform areas shall be used by consulting geologists for their analysis of changes in the landform boundaries.
 2. Minor refinements to the ESL Landforms and Protected Peaks and Ridges Maps shall be subject to the approval of the City.
 3. Major revisions of the ESL Landforms and Protected Peaks and Ridges Maps shall be subject to Development Review Board approval. Development Review Board approval shall occur prior to the Planning Commission and City Council public hearings if the request is made concurrently with a submittal for a rezoning or use permit approval.
 4. A property owner may request a revision of the ESL Landforms and Protected Peaks and Ridges Maps on their property independently from a submittal for a specific project. Such

submittals shall follow all processes and requirements in Section 6.1070.E.1. and shall be subject to approval of the Development Review Board.

- F. *Boulder Features.* Development shall not be permitted on or immediately adjacent to boulder features within the ESL District and a setback of twenty (20) feet is required around the boulder feature unless otherwise approved by the Development Review Board. The Development Review Board may permit development on boulder features which meet this definition where the applicant demonstrates that the proposed construction will meet the following criteria:
1. When a proposed structure will be occupied, the applicant shall submit a technical analysis prepared by an Arizona State registered geologist demonstrating that the boulder feature is stable and does not present a threat to the proposed structure.
 2. The applicant has demonstrated that the proposed construction will blend into the boulder feature so that the boulder feature is still substantially visible from public or private streets, and the structure does not detract significantly from the character of this special feature.
- G. *Site and Structure Development Design Standards.*
1. *Within the ESL:*
 - a. Mirrored surfaces or any treatments which change ordinary glass into a mirrored surface are prohibited.
 - b. Reflective building and roofing materials (other than windows) including materials with high gloss finishes and bright, untarnished copper, aluminum, galvanized steel or other metallic surfaces, shall be textured or have a matte or non-reflective surface treatment to reduce the reflection of sunlight onto other property.
 - c. Materials used for exterior surfaces of all structures shall blend in color, hue, and tone with the surrounding natural desert setting to avoid high contrast.
 - d. Surface materials of walls, retaining walls or fences shall be similar to and compatible with those of the adjacent main buildings.
 - e. Development design and construction techniques should blend scale, form and visual character into the natural landform and minimize exposed scars.
 - f. Exterior lighting should be low scale and directed downward, recessed or shielded so that the light source is not visible from residential development in the area or from a public viewpoint.
 - g. No paint colors shall be used within any landform that have a LRV greater than thirty-five (35) percent.
 - h. Exterior paint and material colors shall not exceed a value of six (6) and a chroma of six (6) as indicated in the Munsell Book of Color.
 - i. Plant materials that are not indigenous to the ESL area shall be limited to enclosed yard areas and non-indigenous plants that have the potential of exceeding twenty (20) feet in height are prohibited. A list of indigenous plants is available from the City. Outdoor community recreation facilities, including parks and golf courses shall be allowed turf as specified in Section 6.1070.G.1.j.
 - j. Turf shall be limited to enclosed areas not visible offsite from lower elevation. Outdoor recreation facilities, including parks and golf courses, shall be exempt from this standard.
 - k. All equipment appurtenant to underground facilities, such as surface mounted utility transformers, pull boxes, pedestal cabinets, service terminals or other similar on-the-ground facilities, shall have an exterior treatment that has a LRV of less than thirty-five (35) percent or otherwise screened from view from the adjoining properties.
 - l. It is the intent of this Ordinance to leave washes in place and in natural conditions where practical. When necessary, modifications to natural watercourses and all walls and fences crossing natural watercourses shall be designed in accordance with the standards and policies specified in Chapter 37 (Floodplain and Stormwater Regulation)

of the Scottsdale Revised Code, and the Design Standards & Policies Manual. Requests to modify, redirect, or divert watercourses of fifty (50) cfs or greater flow in a one hundred-year event shall include the following:

- i. Justification for the request.
- ii. Plans showing:
 - (1) That the application will result in an equal or enhanced quality of open space.
 - (2) That any proposed wash modification will include restoration of the watercourse with vegetation of the same type and density removed for the modifications.
 - (3) If a wash is being redirected or modified that it enters and exits the site at the historic locations, and that the result will not impact drainage considerations for adjacent properties.
 - (4) If a wash is being diverted into a structural solution (e.g. underground pipe), that the change will not impact the drainage conditions on adjacent properties and will not reduce the integrity of any upstream or downstream corridor as meaningful open space.

An application for the modification of a wash mentioned above, may be granted by the Zoning Administrator subject to approval of the design solution for the drainage facilities and subject to the finding that the purpose of this overlay district (Section 6.1011.) has been achieved. However, in no event shall the provisions of this section require greater area of NAOS dedication than currently required by Section 6.1060.A., B. and C. of this Ordinance.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3501, § 1, 4-1-03; Ord. No. 3540, § 1(Exh. 1), 4-20-04; Ord. No. 3920, § 1(Exh. §§ 79—81), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 188—191), 4-3-12)

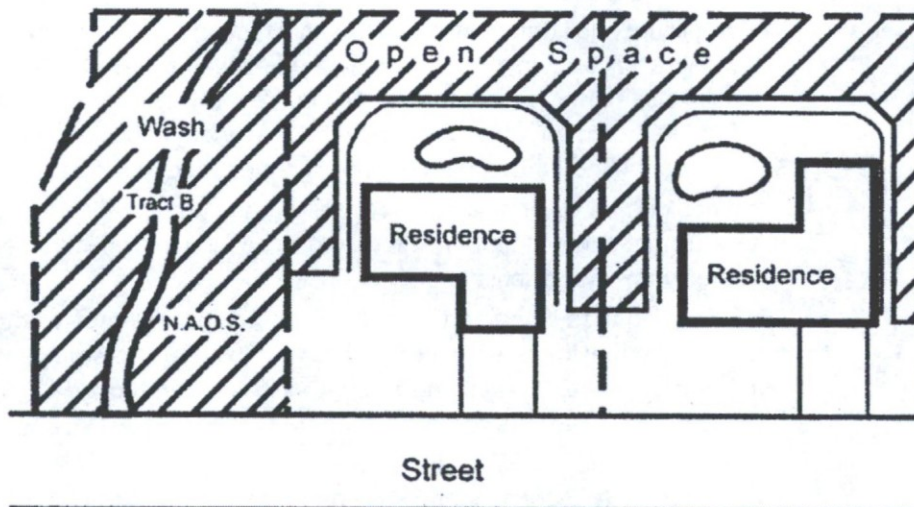
Sec. 6.1071. Design guidelines.

A. General Guidelines.

1. Clustering, density transfer, NAOS or CA should be used to protect the most sensitive areas on a plat.
2. Unless specifically approved by City Council:
 - a. NAOS shall not be enclosed by walls that disrupt its continuity with NAOS on adjacent properties;
 - b. Walls are prohibited from disrupting the continuity of NAOS corridors and wildlife corridors or habitats located along major and minor watercourses;
 - c. Walls shall not enclose or disconnect contiguous NAOS or be permitted to cross washes of fifty (50) cfs greater flow in a one hundred-year event;
 - d. Fences shall not block wildlife movement in and through NAOS and/or natural watercourses.
3. Subdivision walls are prohibited unless as allowed pursuant to the hardship exemption in Section 6.1022.D. When approved, perimeter walls shall be subject to the Development Review Board and shall incorporate the following criteria:
 - a. These walls shall incorporate alignments and vertical designs that undulate in a manner that blends with the character of the site's terrain and protects major native plant specimens and boulders;
 - b. These walls shall contain ground level openings of at least nine (9) square feet in area with a dimension of three (3) by three (3) feet, and be spaced no more than two hundred (200) feet apart, including openings for drainage ways, in order to allow wildlife movements and passage of localized stormwater flows;

- c. These walls shall be built of materials that blend into the heavy textures and rustic character of the vegetation, boulders and other features of the natural desert setting; and
 - d. These walls shall be set back from the perimeter property line a minimum of:
 - 1. Fifteen (15) feet where the subdivision or master planned development is adjacent to a vacant property;
 - 2. Fifteen (15) feet or a distance equal to the required side yard for the underlying zoning district, whichever is greater, where the subdivision or master planned development is adjacent to a parcel that has an existing residence, an existing subdivision or the McDowell Sonoran Preserve; or
 - 3. Zero (0) feet where the subdivision is adjacent to natural area open space (NAOS) or conservation area (CA) tract within the same subdivision or master planned development that the walls are located within.
 - 4. On single family residential parcels containing thirty-five thousand (35,000) square feet or larger, individual lot or site walls, where permitted by this Ordinance, shall be setback a minimum of fifteen (15) feet from a side or rear property line unless the parcel is adjacent to natural area open space (NAOS) or conservation area (CA) within a separate tract as a part of a master planned development or subdivision.
 - 5. Sensitive site planning that responds to the environmental conditions will frequently lead to smaller average lot sizes, a reduction in disturbed land area, or fewer lots. The applicant has the burden of demonstrating that the proposed intensity can be developed on the site in a sensitive manner that is consistent with this Ordinance, the Development Design Guidelines for Environmentally Sensitive Lands, and other approved City policies and guidelines.
 - 6. The specific location of a construction envelope shall be shown on the site plan submitted for the permit and shall be clearly fenced or contained during construction of the improvements permitted. Disturbance to sites during construction should be minimized and limited to the portions of the site on which improvement is shown on the approved site plan. All clearing, grading, grubbing etc, may occur only within the approved construction envelopes.
No grading permits shall be issued on lots with Single-family Residential R1-190, Single-family Residential R1-130, Single-family Residential R1-70, Single-family Residential R1-43 or Single-family Residential R1-35 zoning unless they are submitted in conjunction with building plans for on-site structures, except for drainage facilities, driveways or utilities required with the approved subdivision plans to serve the subdivision or adjacent properties.
- B. *Guidelines for the McDowell Sonoran Preserve Boundary.*
- 1. NAOS not in the McDowell Sonoran Preserve boundary should be oriented to maintain habitat and unimpeded wildlife movement to and from the preserve.
 - 2. Promote continuity of open spaces at the preserve boundary.

Meaningful Open Space



3. Maximize the provision of NAOS at the preserve boundary to create a natural buffer to the preserve.
4. Any trail development through NAOS areas adjacent to the preserve must be coordinated with the Preserve Trail Plan.

(Ord. No. 3395, § 1, 12-11-01; Ord. No. 3501, § 1, 4-1-03; Ord. No. 3540, § 1(Exh. 1), 4-20-04; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 192, 193), 4-3-12)

Sec. 6.1080. Sensitive Design Options

Sec. 6.1081. Density transfer.

The density transfer option is intended to provide an incentive for developers to move construction from portions of their parcel with severe environmental constraints to less constrained areas. A density transfer may be approved through the use of amended development standards and the approval processes in Sections 6.1083.A. and B. The benefits of transfer decline as development in the most sensitive areas increases. The use of this option can lead to the preservation of significant areas of environmentally sensitive lands including land slopes over fifteen (15) percent, watercourses, and special features.

A. *Density transfer for Conservation Area (CA).*

1. In order to qualify for the maximum rate of density transfer (1:1) the severely constrained areas (SCA) must be designated CA. The severely constrained areas are those portions of the hillside landform containing or surrounded by any one (1) of the following environmental conditions; provided that for purposes of density transfer only, SCA shall not include areas of ten (10) acres or more which do not contain any of the environmental conditions specified below, even if the area is surrounded by one (1) or more conditions, so long as any development proposed for the surrounded area is not visible from viewpoints established on the City's special features map:
 - a. Land slopes over twenty-five (25) percent.
 - b. Unstable slopes as listed in Section 6.1021.B.
 - c. Special features as listed in Section 6.1021.C.

The rate of transfer for the parcel is reduced in proportion to reductions in the amount of SCA that is designated as CA.

2. The applicant may request that undisturbed natural areas and land stripped of natural vegetation or scarred prior to January 1, 1990, which has been revegetated be established as CA as follows:
 - a. The applicant shall demonstrate to the satisfaction of the City that the entire NAOS area will be permanently maintained as Natural Area Open Space through easements, donation or dedication to the City or other entity. If NAOS is located in a common tract owned by a homeowners association, the property shall be maintained through a common maintenance agreement.
 - b. Land designated CA may also be rezoned to the conservation open space (COS) district except that only the unimproved land in the COS district is eligible for density transfer calculations.
 - c. The receiving area is the portion of the property that will receive the density transfer. The maximum permitted density in the receiving area is equal to the number of units being transferred from the CA or unimproved COS areas, plus the base intensity for the receiving area from Table 6.1081.A.
3. Density transfer calculations. The base intensity for the existing zoning shall be determined using Table 6.1081.A. and shall be permitted to be transferred to another area of the parcel as follows:
 - a. Determine the acreage of SCA on the gross parcel.
 - b. Determine the percent of SCA that is designated CA by dividing the CA acreage by the SCA acreage. This percentage is the rate of density transfer for the parcel. Only the area of NAOS to be designated CA may be included in the calculation of land eligible for density transfer.
 - c. Determine the base intensity for the land designated CA by multiplying the CA acreage times the intensity in Table 6.1081.A. for the applicable zoning district. Sensitive lands that are not SCA may also be selected by the applicant for CA in order to transfer density to less constrained areas.
 - d. Determine the number of units eligible for density transfer by multiplying the percent of land designated CA (b. above) times the base intensity for the land designated CA (c. above).
 - e. The calculation established in a. through d. above may be summarized by the following formula:

Percentage of SCA designated CA	X	Acres designated CA	X	Base intensity of designated CA	=	Total permitted density transfer for the CA area
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- B. *Density transfer bonus for regional drainage.* In order to promote regional drainage and flood control, the applicant may request that the land area required for regional drainage facilities, as part of an approved City regional drainage and flood control plan developed by the City, may be used for a density transfer as follows:
 1. A one-hundred (100) percent transfer of the intensity permitted under the existing zoning by Table B may be used for a density transfer.
 2. The land area from which the density is transferred must be legally secured through conservation or open space easements or dedication. The land may be designated CA or rezoned to the open space district (OS) where appropriate.
- C. *Eligible receiving areas.* The portion of the development project that can receive density transfer shall have less sensitive environmental conditions than the CA or COS land from which the density is transferred. Eligible receiving areas are any portions of the development

project that do not contain slopes over twenty-five (25) percent, unstable slopes, special features, minor watercourses or major watercourses.

- D. *Off-site transfers.* Density transfers to noncontiguous parcels may be approved, in order to encourage the transfer of development rights from more sensitive areas to those that are less sensitive. Noncontiguous transfers permit the owners of less sensitive lands to join in a single application with the owner of more sensitive areas, and to transfer development potential from the more sensitive to the less sensitive areas without the need for rezoning.

An application to make a noncontiguous transfer must be signed by the owners of both parcels, and must meet the procedural requirements of this section, and Section 6.1083., and the following criteria:

1. On February 19, 1991, the parcel was a legally constituted lot on which development would have been permitted under the terms of the Ordinance in effect at the time the lot was created or was annexed to the City.
2. At least eighty (80) percent of the parcel from which density will be transferred (the "transfer parcel") must consist of severely constrained areas.
3. No development will be permitted on the transfer parcel.
4. The transfer parcel must be permanently secured as CA through easements, donation or dedication to the City or other entity, by a means approved by the City or zoned COS.
5. The parcel to which density will be transferred (the "receiving parcel") must be located within the ESL in the upper desert or lower desert landform.
6. No permits will be issued for the receiving parcel, until the transfer parcel has been permanently secured as CA or rezoned COS.

Table 6.1081.A.
Base Intensity by Zoning Category*

*These numbers shall be used in calculating the following:

- a. The number of units or intensity to be used in a density transfer.
- b. The maximum number of units for any parcel where a density transfer is not being used.
- c. The "base" intensity on a parcel before the NAOS density incentive is applied.
 1. *Residential uses, excluding guest rooms.*

District	Factor (DU/AC)	District	Factor (DU/AC)
R1-190	0.21	R-3	12.93
R1-130	0.31	R-4	8.31
R1-70	0.55	R-4R	7.54
R1-43	0.83	R-5	23.00
R1-35	1.04	S-R	12.44
R1-18	1.87	PNC	4.00
R1-10	3.12	PCC	4.00
R1-7, MH	4.16	PCoC	4.00
R1-5	5.00	PCP	25.00
R-2	7.28		

2. *Hotels, motels, and resorts.*

District	Factor (Guest Rooms/Acre)
R-4R	10.62
R-5	33.00
C-2	43.56
C-3	43.56
PRC	21.78
WP	43.56

3. *Nonresidential uses.*

District	Factor (Floor Area Ratio)
S-R	0.4
C-O, I-G, I-1,	0.6
C-1, C-2, C-3, C-4, C-5, SS, PRC, WP, PCP	0.8
PNC, PCC	0.3
PcoC	0.2
P-3	1.0

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3920, §§ 1(Exh. § 82, 83), 11-9-10)

Sec. 6.1082. Cluster development option. 

The cluster development option is intended to provide an opportunity for more flexibility in platting lots and for site planning under ESL regulations than in the underlying zoning districts. The Development Review Board may approve clustering if the application is in compliance with the standards in Section 6.1083A. This option allows for increased sensitivity to site conditions and permits the clustering of the development onto less land area so portions of the land remain undisturbed. These standards cannot increase the intensity allowed on a development site. Clustering may enable applicants to use the land more efficiently or to utilize more of the allowable intensity. The following limitations apply:

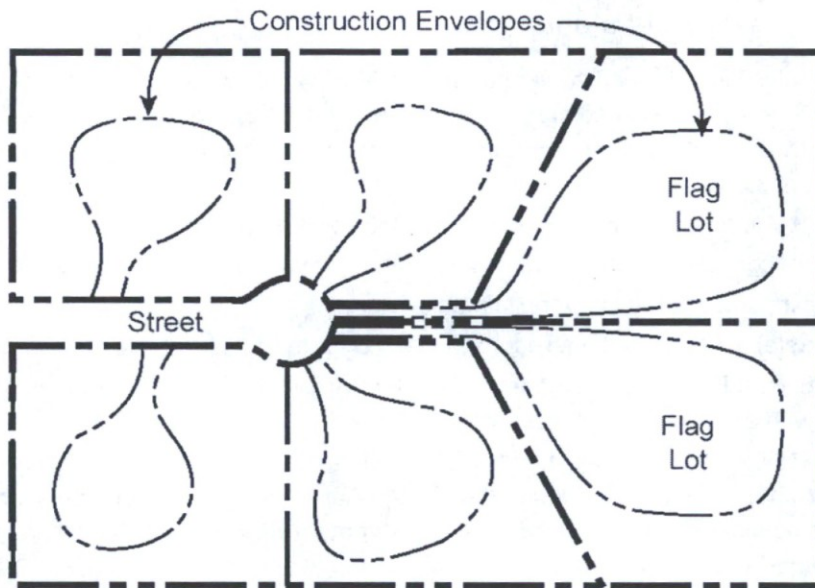
- A. The density shall not exceed the applicable density for the parcel. Before this site planning option is applied to a parcel, a determination of density must be approved according to the options and applicable procedures available including:
 1. Using Table B to determine the base intensity under existing zoning.
 2. Using Sections 6.1050B. and C. to determine permitted density.
 3. Using the density transfer procedures to increase the density.
 4. Rezoning the parcel.
- B. The density that has been approved for any parcel may be allocated to any areas of a parcel with a plat or site plan subject to the following limitations:
 1. Development standards may only be modified in compliance with the requirements of Section 6.1083
 2. The site plan, or plat, must comply with the requirements of Section 7.858, site planning standards and guidelines.

Sec. 6.1083. Amended development standards.

- A. To encourage sensitivity to site conditions and provide flexibility in site planning, development standards may be amended upon finding that the amended development standards achieve the purposes of the Environmentally Sensitive Lands ordinance in Section 6.1011 better than the existing development standards.
- B. The Development Review Board may approve amended development standards for:
 - 1. A subdivision, concurrent with a preliminary plat approval;
 - 2. A land division, concurrent with a building site plan;
 - 3. Any lot not established through a recorded plat, concurrent with a building site plan; and
 - 4. Any lot established through a recorded plat before application of the ESL overlay district, concurrent with a building site plan.
- C. The Development Review Board delegates its authority to approve amended development standards for all applications other than subdivisions to the Zoning Administrator. The Zoning Administrator shall sign the building site plan, if approved. The Development Review Board shall hear any appeal of the decision by the Zoning Administrator.
- D. All applications for amended development standards:
 - 1. Are subject to the application and public hearing requirements of Section 1.900
 - 2. Are for existing zoning districts and single-family dwellings only; and
 - 3. Shall comply with Table B, base intensity by zoning category, in Section 6.1081
- E. The Development Review Board, or the Zoning Administrator, may approve amended development standards in conformance with the following limitations:
 - 1. In a subdivision or land division, the minimum lot area may be reduced up to twenty-five (25) percent.
 - 2. For lots not in a subdivision or land division, the minimum lot area of the underlying zoning district shall not be reduced.
 - 3. Minimum setbacks and minimum building separations may be reduced up to twenty-five (25) percent.
 - 4. The minimum setback of a garage or carport that opens towards the street shall be twenty (20) feet from the back of curb, or back of sidewalk, when present.
 - 5. The minimum side yard or rear yard, where the side yard or rear yard is adjacent to a designated open space tract, may be reduced to five (5) feet.
 - 6. Setbacks on the perimeter of a subdivision or land division shall be equal to or greater than the setbacks of the underlying zoning on adjacent parcels.
 - 7. The minimum perimeter wall setback required in Section 6.1071.A.3.d. may be reduced to ten (10) feet.

Figure 6.1083.A.

Flag Lots



8. Minimum lot width may be reduced up to twenty-five (25) percent. However, if the applicant demonstrates that a flag lot design better achieves the purposes of the Environmentally Sensitive Lands Ordinance, flag lots may have a twenty (20) feet minimum lot width.
9. If the underlying zoning is R1-18, R1-10, R1-7 or R1-5, one (1) of the side yard setbacks may be zero (0), if the dwellings are single-family detached homes. The minimum building separation shall be five (5) feet.
10. The subdivision or land division shall be served by public or private water and sanitary sewer facilities if the minimum lot sizes are less than sixty thousand (60,000) square feet.
11. Before any permit is issued, the required common open space shall be permanently maintained as natural open space in documents satisfactory to the City.
12. Planned Residential Development (PRD) shall conform to the design criteria in Section 6.205
13. The amended development standards shall be recorded on the final plat or other applicable final recorded document. Within five (5) days of recordation, the applicant shall submit a copy of the recorded document to the City.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3501, § 1, 4-1-03; Ord. No. 3540, § 1(Exh. 1), 4-20-04; Ord. No. 3696, § 1(Exh. 1), 9-26-06; Ord. No. 3920, § 1(Exh. §§ 84, 85), 11-9-10)

Sec. 6.1090. ESL Submittal Requirements

Sec. 6.1091. All applications.

- A. In addition to any other information required by the Zoning Ordinance and the Scottsdale Revised Code, applications for development approval under ESL District shall include the following:
 1. Base submittal requirements for all projects:
 - a. Location and size of project boundaries, including any phasing plans.
 - b. Project description.
 - c. A.L.T.A. survey.
 - d. Site development plan showing all existing and proposed construction, including density calculations.
 - e. Aerial map.

- f. Site plan superimposed on the aerial map.
 - g. Topography map (two-foot contours intervals).
 - h. Slope analysis superimposed on the topography map with NAOS calculation table.
 - i. NAOS analysis plan, including proposed civil improvements and proposed construction envelopes.
 - j. Environmental features map, including applicable landforms, protected peaks and ridges, unstable slopes, boulder features, watercourses, vegetation and wildlife habitats, viewsheds, and manmade or fire scarring.
 - k. Native plant submittal and revegetation plan and program, including transplanting and/or reseeding methods and the list of plants and density of application.
 - l. Geotechnical report for sites with shallow bedrock and/or boulders.
 - m. Drainage and grading report and plan.
 - n. Archaeology data, reports, and/or plans as required by Chapter 46 of the City Code.
2. Additional submittal requirements for master planned projects:
- a. Master environmental design concept plan.
 - b. Phasing plan.
 - c. Circulation plan.
 - d. Water and wastewater plan.
3. Additional submittal requirements for preliminary plat and Development Review Board submittals:
- a. Master environmental design concept plan.
 - b. Cuts and fills site plan.
 - c. Amended development standard justification report.
 - d. Vista/scenic corridors, including cross section details.
 - e. Public trail plan.
 - f. Landscape plan.
 - g. Color and material samples.
 - h. Wall plans.
 - i. Boulders that exceed six (6) feet in width and six (6) feet in height.
 - j. If proposing modification per Section 6.1070.G.1.I., the delineation of natural watercourses of fifty (50) cfs or greater flow in a one hundred-year event.
4. Additional submittal requirements for single family residential permits:
- a. Boulders that exceed six (6) feet in width and six (6) feet in height;
 - b. If proposing modification per section 6.1070.G.1.I., the delineation of natural watercourses of fifty (50) cfs or greater flow in a one hundred-year event.
5. Additional submittal requirements for land divisions.
- a. The following information shall be shown on the building site plan:
 - i. The location of all yards as required by the underlying zoning district.
 - ii. The location of all setbacks for walls and fences as required in Section 6.1071.A.3.d, the underlying zoning district, and the Foothills Overlay FO District, if applicable.
 - iii. The location of all proposed drainage easements.
 - iv. The setbacks and minimum building separations for adjacent lots and the location of any existing improvements within forty (40) feet of the perimeter of the land division.
 - v. The location of any boulder features, rock outcroppings and areas with land slopes exceeding twenty-five (25) percent.

- b. Verification of notice to all owners of land within fifty (50) feet of the perimeter of the land division, including details of the notification method and the response of the owners notified.
- 6. Additional submittal requirement for lots not in a subdivision or land division. A complete site plan for the main dwelling and all other proposed improvements to the lot.
- 7. Modified submittal requirements. The City may require additional information to identify or analyze specific environmental conditions, or may waive submittal requirements determined unnecessary for appropriate review of the project.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3501, § 1, 4-1-03; Ord. No. 3540, § 1(Exh. 1), 4-20-04; Ord. No. 3696, § 1(Exh. 1), 9-26-06; Ord. No. 3920, § 1(Exh. § 86), 11-9-10; Ord. No. 4005, § 1 (Res. No. 8947, Exh. A, § 194), 4-3-12)

Sec. 6.1092. Master Development Plan Submittal.

- A. A master development plan shall be submitted where:
 - 1. The Land Divisions Ordinance requires a development master plan.
 - 2. The underlying zone requires a master development plan, e.g., Section 5.4002, Planned Commerce Park District (PCP), Section 6.204, Planned Residential Development (PRD) or Section 5.2103, Planned Community District (PC);
 - 3. The Zoning Administrator determines that a master plan is necessary for the orderly development of the project, in accordance with the requirements of this Ordinance.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3920, § 1(Exh. § 87), 11-9-10)

Sec. 6.1100. Maintenance and Violations.

- A. *Maintenance—Improved areas.* The owner of private property on which grading or other work has been performed pursuant to a grading plan approved under the ESL regulations, shall maintain in perpetuity and repair all graded surfaces and erosion control devices, retaining walls, drainage structures or devices, and planting and ground covers according to specifications established by the City.
- B. *Maintenance—Natural Area Open Space (NAOS).*
 - 1. NAOS shall be permanently preserved in its natural condition to be self-sustaining.
 - 2. The removal of small amounts of man-made trash and debris that may accumulate within NAOS is permitted.
 - 3. Clearing, pruning, raking, and landscaping within NAOS areas is prohibited except as provided in Subsections 4., 5., and 6. below.
 - 4. Maintenance of public non-paved trails within NAOS shall be subject to specific approval by the City.
 - 5. The removal of man-made dumping piles, and specified invasive, non-indigenous plants and weeds within NAOS shall be subject to specific approval by the City.
 - 6. A defensible space will be permitted to be established and maintained around homes in Wildland/Urban Interface and Intermix areas as defined in Section 3.100. The removal of flash fuels, which include invasive annual grasses, for an area of thirty (30) feet from a habitable structure, to provide for fire safety around dwellings, is permitted, but shall not result in the destruction of native plants* within NAOS.
 - 7. Dead or dying native plants within NAOS shall be left in place to provide wildlife habitat.
 - 8. NAOS easements may be released by the Zoning Administrator only to the extent such releases conform to the standards set forth in Section 6.1060.F.

*Native plants include the specific species defined in Article V, Protection of Native Plants, Section 46-105 through 46-120 of the Scottsdale Revised Code.

C. *Violations.*

1. A violation of any provision of the Environmentally Sensitive Lands Ordinance shall be subject to the violation and penalty provisions in Article I of the Zoning Ordinance.
2. Upon conviction for a violation of any provision of Section 6.1100 or the conditions of a permit issued hereunder, the court shall impose a fee of fifty dollars (\$50.00) for a preservation fund, in addition to any other fines or penalties.
3. Funds obtained from this fee shall be used to supplement the City's preservation efforts through deposit into the Trust for McDowell Mountain Land Acquisition.
4. In addition to the penalties proscribed in Section 1.1402, an owner or owner's agent who is found in violation of Section 6.1035 shall fully restore the property to its natural topographic and vegetative condition, to the satisfaction of the City. The restoration shall be complete within one hundred twenty (120) days after the finding of violation. Failure to complete restoration within one hundred twenty (120) days is deemed authorization for the City to complete restoration at the expense of the property owner. The cost of the City's restoration shall become a lien against the property. All fees to apply for development approval on the property shall be twice the usual fees for such applications.

(Ord. No. 3395, § 1, 12-11-01; Ord. No. 3702, § 1, 2-20-07; Ord. No. 3920, § 1(Exh. § 88), 11-9-10)

Sec. 6.1110. Appeals.

The applicant may appeal a decision of the Zoning Administrator to the Development Review Board. The appeal must be in writing, filed with the City within fifteen (15) days of the date on which written notice of the decision was mailed to the applicant, and must state the reasons for appeal, and the relief requested. The Zoning Administrator shall place the appeal on the next available Development Review Board agenda and shall notify the applicant in writing of the time and place at which the Development Review Board will consider the appeal. Decisions of the Development Review Board may be appealed to the City Council as provided in Section 1.907 of this Ordinance.

(Ord. No. 3395, § 1, 12-11-01; Ord. No. 3501, § 1, 4-1-03; Ord. No. 3920, § 1(Exh. § 89), 11-9-10)

Sec. 6.1200. Downtown Overlay (DO).

Editor's note—

Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 21), adopted November 14, 2012, repealed former §§ 6.1200—6.1209, and enacted provisions designated as new §§ 6.1200—6.1206 to read as herein set out. Prior to inclusion of said ordinance, § 6.1200 et seq. pertain to similar subject matter. See also the Code Comparative Table.

Sec. 6.1201. Purpose.

- A. This district is to promote the goals and policies of the Downtown Plan and provide increased intensities to revitalize Downtown Area properties. This district encourages urban design forms to accommodate additional dwelling units in mixed-use developments and stimulates sustainable live/work lifestyles within a vital urban environment.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 21), 11-14-12)

Sec. 6.1202. Applicability.

- A. The DO District shall only be applied to property within the Downtown Area.

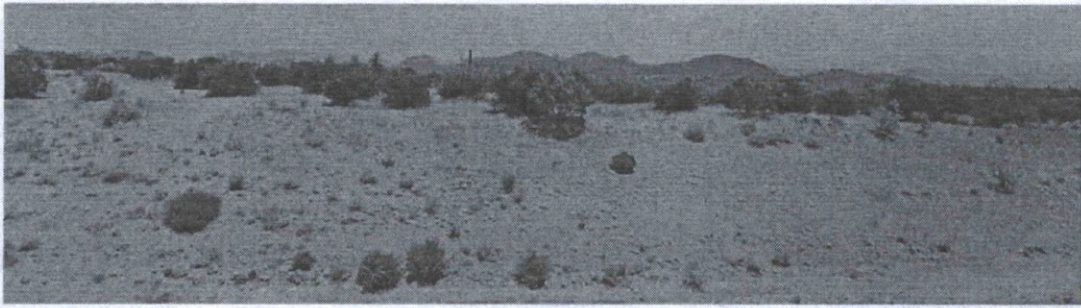
(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 21), 11-14-12)

Sec. 6.1203. Approval requirements.

Project Summary

Zoning Project Narrative

**118th Street & Jomax Road
504-PA-2016**



Owner:
Toll Brothers

Prepared by:
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I. Purpose of Request

The request is for rezoning on an 80+/- acre site located at the northeast corner of 118th Street and Jomax Road (the "Property"). The Property is currently zoned a combination of R1-190 Environmentally Sensitive Lands Overlay ("ESL") and R1-130 ESL. The applicant is seeking to retain R1-190 ESL and R1-130 ESL zoning along Redbird Road, with the balance of the property rezoned to R1-70 ESL and R1-43 ESL. Proposed is a gated single-family residential community, with amended development standards, a total of 52 lots and an overall density of 0.62 dwelling units per acre ("du"). The site plan has been designed in an environmentally sensitive manner consistent with Environmentally Sensitive Lands Ordinance ("ESLO") requirements. Both the lot and street layouts have been planned to preserve natural features and vegetation on site as well as respect the existing terrain.

Location Map



About the Developer

Toll Brothers is a publicly owned, Fortune 1000 company that has been building luxury communities around the nation for almost 50 years. Toll Brothers' commitment to excellence is exemplified by being awarded the Lifestory Research 2015 America's Most Trusted Home Builder Award as well as the Best Model Home in 2015 from the National Home Builders Association. Toll Brothers has been active in building luxury homes in north Scottsdale. Projects include Talon Ranch, Turquesa, Saguaro Estates and Treviso.

II. History/Surrounding Context

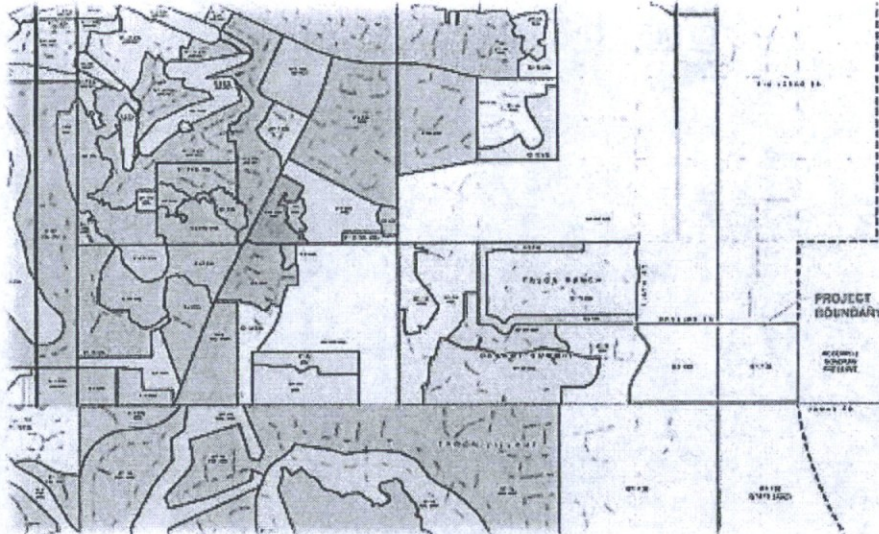
The Property is in an area of single-family residential developments with a range of zoning designations from R1-18 to R1-190. State Trust Land is located at the southeast corner of the Property and the McDowell Sonoran Preserve adjoins the east boundary.

Property Context



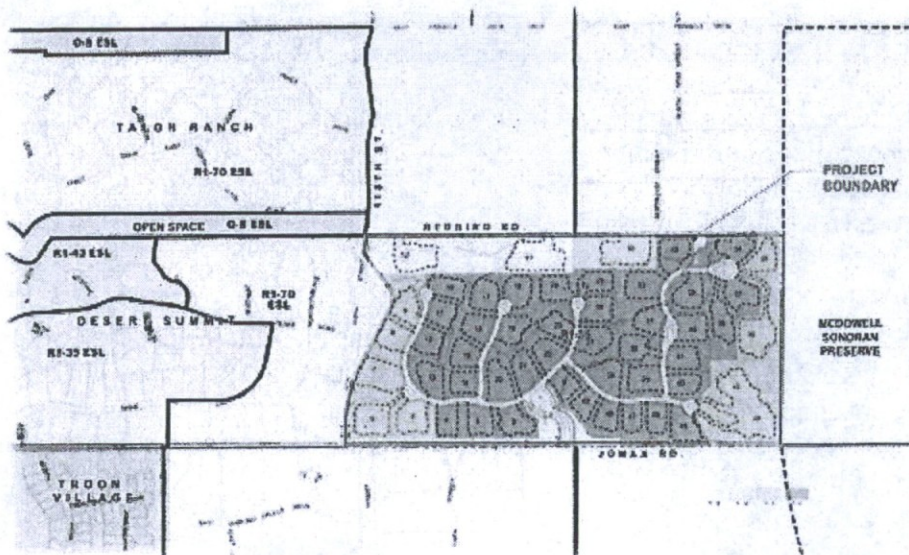
Existing Zoning

Existing zoning on the property is R1-130 on the east half and R1-190 on the west half.



Proposed Zoning

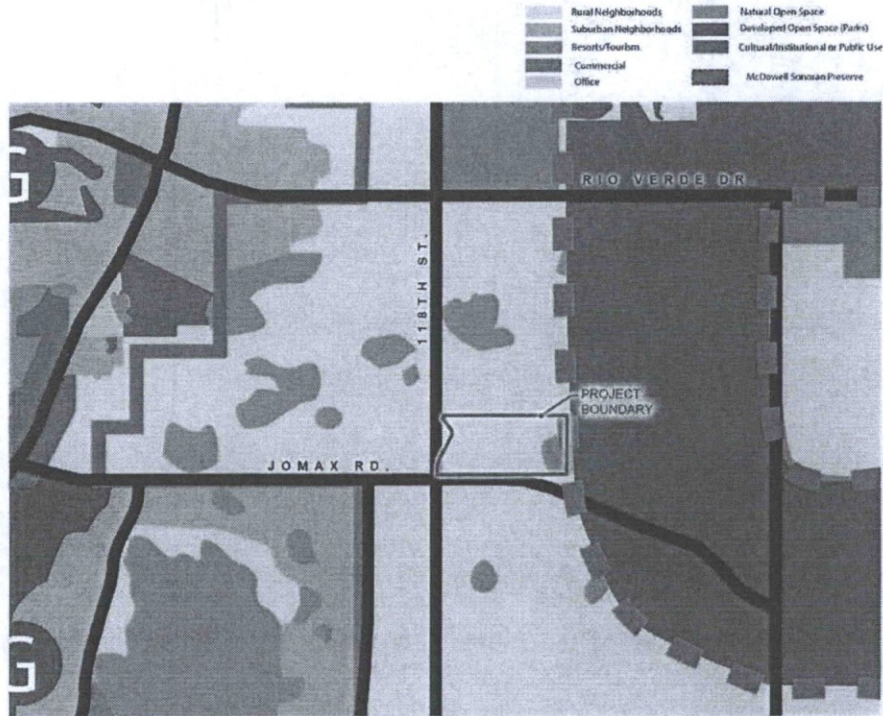
Zoning on the north and west sides of the property is proposed to match that of adjoining, existing residences. Along Redbird Road, R1-190 ESL and R1-130 ESL zoning is proposed. On the west, across 118th Street from Desert Summit, R1-70 ESL is proposed, identical to the zoning of existing residences on the west side of the street. R1-70 ESL zoning is proposed along the east boundary, next to the Preserve, and wrapping the Jomax/118th Street intersection. Internal areas of the site are proposed at R1-43 ESL.



III. Conformance with General Plan Goals, Policies and Approaches

This request is in conformance with the 2001 Scottsdale General Plan. The Plan shows the entire property as being within the Rural Neighborhoods land use category. The proposed development, at 0.65 units per acre, is within the density anticipated in the General Plan (up to 1.0 dwelling units per acre).

Existing General Plan Land Use Category



The Guiding Principles of the General Plan

Six Guiding Principles articulate how the appropriateness of a land use change to the General Plan is to be qualified. These six Guiding Principles are as follows:

1. Value Scottsdale's Unique Lifestyle & Character
2. Support Economic Vitality
3. Enhance Neighborhoods
4. Preserve Meaningful Open Space
5. Seek Sustainability
6. Advance Transportation

There are twelve "elements" or sections of the General Plan containing the City's policies on the following sub-categories: 1) character and design, 2) land use, 3) economic vitality, 4) community involvement, 5) housing, 6) neighborhoods, 7) open space and recreation, 8) preservation and environmental planning, 9) cost of development, 10) growth areas, 11) public services and facilities and 12) community mobility.

These Elements further break down into goals and approaches established in each chapter, for the purpose of integrating the Guiding Principles into the planning process, and to determine if the City's Guiding Principles are being achieved in the context of general land use planning.

Following this section is a description of how this application and corresponding development of the Property satisfies and is emblematic of the Guiding Principles found within the City's General Plan.



A. Guiding Principle: Value Scottsdale's Unique Lifestyle & Character

The Character and Lifestyle Guiding Principle contains two elements, the Character and Design Element and the Land Use Element.

i. CHARACTER AND DESIGN ELEMENT

The Character and Design Element seeks to promote quality development and redevelopment that is sustainable and appropriate in striking a balance between natural desert settings, historically significant sites and structures and the surrounding area. This zoning request is consistent with the following goals and approaches contained within the Character and Design Element

(2001 General Plan Page 43):

Goal 1: Determine the appropriateness of all development in terms of community goals surrounding area character and the specific context of the surrounding neighborhood.

Bullet 1: Respond to regional and citywide contexts with new and revitalized development in terms of:

- Scottsdale as a southwestern desert community*
- Relationships to surrounding land forms, land uses, and transportation corridors.*
- Consistently high community quality expectations.*
- Visual impacts (views, lighting, etc.) upon public settings and neighboring properties.*

Bullet 2: Enrich the lives of all Scottsdale citizens by promoting safe, attractive, and context compatible development.

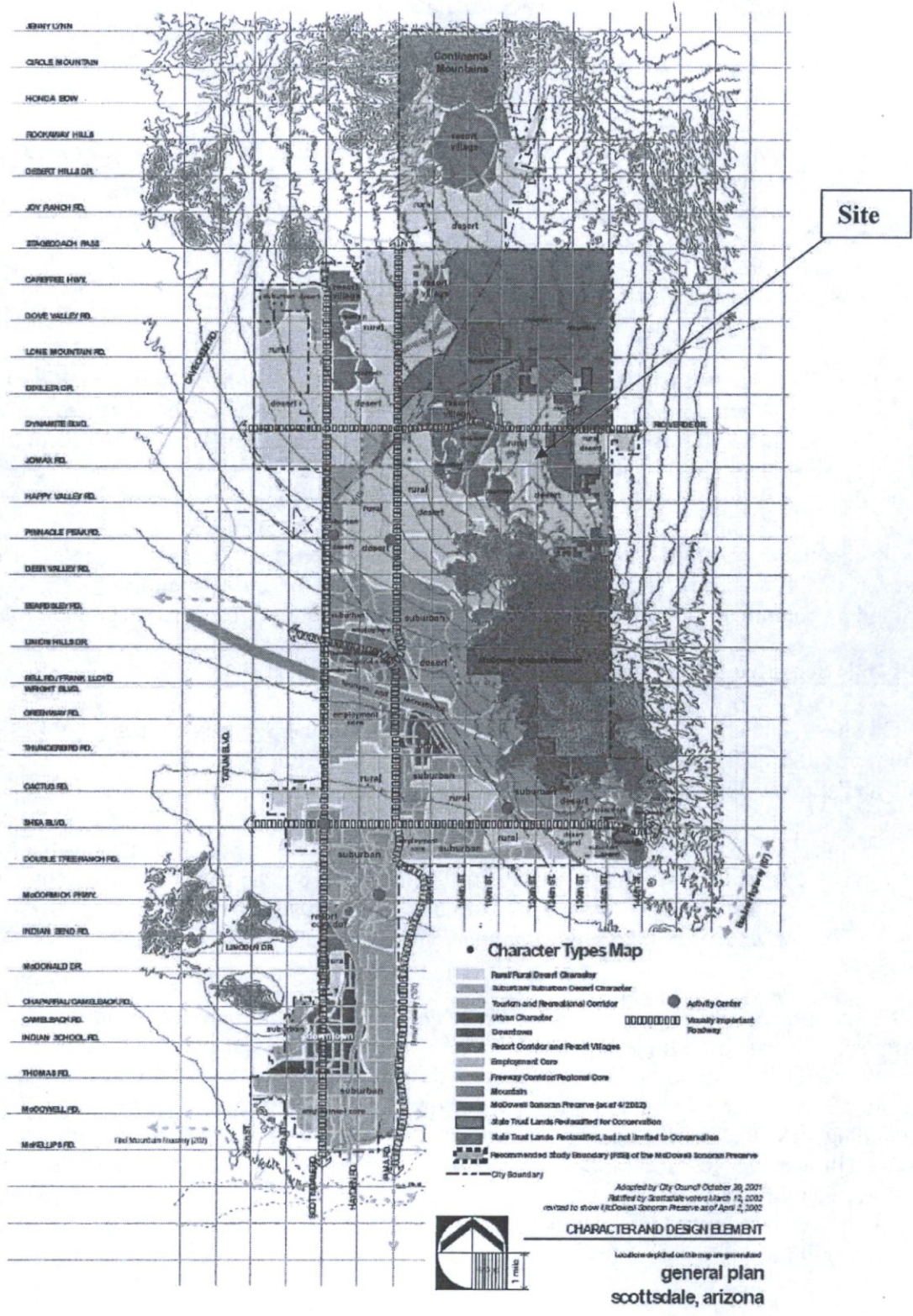
Bullet 3: Encourage projects that are responsive to the natural environment, site conditions, and unique character of each area, while being responsive to people's needs.

Bullet 4: Ensure that all development is part of and contributes to the established or planned character of the area of a proposed location (i.e., Rural Desert Character Type)

Response: The Character Types Map of the General Plan designates the Property as a "Rural/Rural Desert" character type. The General Plan identifies the Rural Desert character type as containing relatively low-density residential neighborhoods including horse privileged neighborhoods and low-density resorts. These areas provide a rural lifestyle that includes preservation of the natural desert character while maintaining vista corridors and meaningful open space. The proposed large-lot residential community is a low-density residential neighborhood (0.65 dwelling units/acre). The General Plan character type description states that "desert vegetation is to be maintained in either common open space or on individual lots, with natural buffers on the perimeter of developments." The proposed development provides buffers along perimeter streets and desert vegetation throughout, with Natural Area Open Space ("NAOS") provided that exceeds the amount required.

Lot sizing, placement and orientation will be designed in a manner that respects the natural terrain and native plants. Additionally, the proposed development contributes to the Southwestern character of its surrounds through density, open space and environmental sensitivity enriching the lives of Scottsdale citizens promoting a safe, attractive, and context compatible development. Low-level lighting and low-scale building profiles nestled within an open space setting will minimize visual impacts to neighboring properties.

Character Areas are sets of neighborhoods that share the same overall character type and often have other unifying elements that distinguish the area. The subject Property is within the Dynamite Foothills Character Area (discussed in Section IV of this narrative).



Goal 2: Review the design of all development proposals to foster quality design that enhances Scottsdale as a unique Southwestern desert community.

Bullet 2: Recognize that Scottsdale's economic and environmental well-being depends a great deal upon the distinctive character and natural attractiveness of the community, which are based in part on good site planning and aesthetics in the design and development review process.

Bullet 5: Promote development that respects and enhances the unique climate, topography, vegetation and historical context of Scottsdale's Sonoran Desert environment, all of which are considered amenities that help sustain our community and its quality of life.

Bullet 6: Promote, evaluate and maintain the Scottsdale Sensitive Design Principles that when followed will help improve and reinforce the quality of design in our community.

Response: The site plan and building design (residential lot layout and internal road design envisioned for the Property) will respect and enhance the unique climate, topography, vegetation and historical context of the local desert environment. The Toll Brothers' development will contribute towards sustaining Scottsdale's economic and environmental quality of life by representing the desert character and the developer's well-known high level of design quality associated with north Scottsdale.

This residential community will promote the Scottsdale Sensitive Design Principles. The applicant's approach to the proposed development is in harmony with the built environment and densities of the surrounding communities. Following are responses to Scottsdale's Sensitive Design Principles.

Scottsdale Sensitive Design Principles

The City has established a set of design principles, known as the Scottsdale's Sensitive Design Principles, to reinforce the quality of design in our community. The following Sensitive Design Principles are fundamental to the design and development of the Property.

The Principles are based on the philosophy "Development should respect and enhance the unique climate, topography, vegetation and historical context of Scottsdale's Sonoran desert environment, all of which are considered amenities that help sustain our community and its quality of life."

Source: <http://www.scottsdaleaz.gov/planning/citywide-policies/sensitive-design/sensitive-design-principles>

1. The design character of any area should be enhanced and strengthened by new development.

Response: The proposed lot layout is respectful of the natural topography, boulders and vegetation. The property was badly scarred by the Rio Fire and there are very few mature trees or masses of significant vegetation remaining. Building design will consider the distinctive qualities and character of the surrounding desert and development context and incorporate those qualities in its design. Building designs will achieve this in the following ways: desert contemporary architecture, low-scale structures (no more than 24 feet above natural grade), earth-tone paint and indigenous exterior accents in keeping with the ESLO and Scottsdale Sensitive Design Guidelines, shaded outdoor spaces, overhangs, recessed windows, building pads that integrate with the natural terrain, and preservation of view corridors and boulders.

2. Development, through appropriate siting and orientation of buildings, should recognize and preserve established major vistas, as well as protect natural features such as:

Response: There are no significant washes that traverse the Property. The east end of the property includes boulder features. Major vistas are of the McDowell Mountains, to the east. The goal will be to maintain the McDowell Mountains vista corridor, while preserving views of boulder features within the property and enhancing the views through revegetation of burned areas. Preservation of the vista corridor will comply with ESLO guidelines.

3. Development should be sensitive to existing topography and landscaping.

Response: The Property has relatively gentle terrain. The site design and home placement will respond to the terrain of the site by blending with the natural shape and texture of the land. The specific site plan/lot layout has not been determined at this time, but will comply with ESLO and reference the Implementation Guidelines of the Dynamite Foothills Character Area Plan.

4. Development should protect the character of the Sonoran desert by preserving and restoring natural habitats and ecological processes.

Response: The developer proposes to set aside Natural Area Open Space exceeding ESLO requirements. The development will preserve and restore natural habitats and ecological processes by revegetation of burn areas and by including native vegetation and desert appropriate plant materials throughout the development. The open space (both active and passive) will protect and enhance the existing wildlife habitat found in this area.

5. The design of the public realm, including streetscapes, parks, plazas and civic amenities, is an opportunity to provide identity to the community and to convey its design expectations.

Response: Streetscapes will provide continuity through use of cohesive desert landscaping. Placement of residential lots and internal streets will complement the natural terrain. A NAOS buffer will be provided along Jomax Road. There is no "public realm" in the traditional sense within the development but connectivity will be provided to nearby public trails.

6. Developments should integrate alternative modes of transportation, including bicycles and bus access, within the pedestrian network that encourage social contact and interaction within the community.

Response: The project will result in construction of bicycle lanes along 118th Street. There is no transit service to the area. Walking and biking will be encouraged through both walking paths and connections to Preserve trails from Jomax. Public trail connections will be along Jomax Road for pedestrians, equestrians, and bicycles.

7. Development should show consideration for the pedestrian by providing landscaping and shading elements as well as inviting access connections to adjacent developments.

Response: Within the property, walking will be encouraged through provision of native vegetation such as mesquite or palo verde trees that can shade pathways and streets. Landscaping already on the site will be restored and enhanced.

8. Buildings should be designed with a logical hierarchy of masses:

Response: Homes will be designed with building massing and articulation that promote a logical hierarchy with respect to the surrounding context and scale and massing of the nearby homes, similar to the homes at the adjacent Talon Ranch (also by Toll Brothers).

9. The design of the built environment should respond to the desert environment:

Response: Homes will embrace the desert setting through the use of Sonoran Desert inspired building materials and architectural detailing with ample outdoor/patio spaces. Features such as shade structures, deep roof overhangs and recessed windows will be incorporated.

10. Developments should strive to incorporate sustainable and healthy building practices and products.

Response: Design strategies and building techniques which minimize environmental impact, reduce energy consumption, and endure over time, will be utilized including but not limited to, sustainable building materials and techniques, low-scale structures with overhangs, shaded outdoor spaces, indigenous exterior accents, recessed windows with low-e glass, low-flow plumbing fixtures and the integration of low-water use native vegetation.

11. Landscape design should respond to the desert environment by utilizing a variety of mature landscape materials indigenous to the arid region.

Response: The character of the area will be enhanced through the careful selection of desert planting materials in terms of scale, density, and arrangement in conformance with the City's ESLO standards.

12. Site design should incorporate techniques for efficient water use by providing desert adapted landscaping and preserving native plants.

Response: The community will consist of predominately low-water use desert appropriate plant and hardscape material and preservation of native plant materials.

13. The extent and quality of lighting should be integrally designed as part of the built environment.

Response: Lighting will be designed to minimize glare and invasive overflow, to conserve energy, and to reflect the character of the area consistent with the City's dark-skies policy. The selected lighting standards will be low-scale in terms of height.

14. Signage should consider the distinctive qualities and character of the surrounding context in terms of size, color, location and illumination.

Response: Community signage will be designed to be complementary to the architecture, landscaping and design theme for the site, with due consideration for visibility and legibility.

Goal 3: Identify Scottsdale's historic, archeological and cultural resources, promote an awareness of them for future generations, and support their preservation and conservation.

Bullet 3: Continue the process of identifying Scottsdale's historic, archeological, and cultural resources.

Bullet 10: Develop partnerships with groups such as the Scottsdale Historical Society, State Historic Preservation Office, and other local, regional, and national historic and archaeological boards and commissions in support of these goals.

Response: No historic, archaeological or cultural resources have been identified on the Property. The Property has been significantly degraded by the Rio Fire, jeep trails and past clearings and intrusions.

Goal 4: *Encourage “streetscapes” for major roadways that promote the City’s visual quality and character and blend into the character of the surrounding area.*

Bullet 5: Ensure compatibility with natural desert in Natural streetscape areas. Plant selection should be those that are native to the desert and densities of planting areas should be similar to natural conditions.

Bullet 9: Apply the Scenic Corridor designation in circumstances where a substantial landscape buffer is desired to maintain views, the desert character is a vital part of the neighborhood setting, and buffering of roadway impacts is important. This allows for larger landscaped areas that can minimize the impact of highly traveled roads and adjacent neighborhoods.

Bullet 16: Keep street lighting to a minimum in low-density areas, rural areas and areas near the McDowell Sonoran Preserve, and shield the light fixtures to maintain a dark sky.

Response: The General Plan Streetscapes Map designates “Natural Streetscapes” adjacent to the Property. Within this type of streetscape plant selections should be those native to the desert and the density of planting areas should be similar to natural conditions. Landscaping along Jomax and 118th Street will meet these standards.

Jomax Road is a designated Scenic Corridor. The Jomax Road frontage of the Property will meet the adopted Scenic Corridor Guidelines and supports the Scenic Corridor Vision Statement. A scenic desert landscape setback will be provided behind the right-of-way and preserved as NAOS. Utilities will be underground and any required improvements will be designed to mitigate impacts on the desert, consistent with Scottsdale Sensitive Design Principles. There will be no perimeter development walls. The trail along Jomax will be buffered as required in the Guidelines. Landscape character will be a combination of Preserved Natural and Revegetated types.

Lighting along streets will meet City standards. The lighting of the development entry and any lighting within the development will be low-level and consistent with the City’s “dark sky” guidelines.

Goal 6: *Recognize the value and visual significance that landscaping has upon the character of the community and maintain standards that result in substantial material landscaping that reinforce the character of the City.*

Bullet 1: Require substantial landscaping be provided as part of new development or redevelopment.

Bullet 2: Maintain the landscape materials and patterns within a character area.

Bullet 3: Encourage the use of landscaping to reduce the effects of heat and glare on buildings and pedestrian areas as well as contribute toward better air quality.

Bullet 4: Discourage plant materials that contribute to airborne pollen.

Bullet 5: Encourage landscape designs that promote water conservation, safe public settings, erosion protection, and reduce the “urban heat island” effect.

Bullet 6: Encourage the retention of mature landscape plan materials.

Response: The development proposal promotes a rich desert landscape palette as part of the overall site plan design to enhance the surrounding character, minimize building mass, and naturally integrate with adjacent properties. The applicant is committed to creating a uniquely designed environment that upholds superior architecture as well as distinctive landscaping. The vision for the Property is a contemporary Sonoran Desert residential community that celebrates the unique character and quality of the natural desert and the adjoining McDowell Sonoran Preserve. With all landscape design initiatives, sustainable practices such as water conservation and the protection/ relocation of mature plant material will be followed. Landscaping will be used to reduce the effects of heat and glare on buildings and pedestrian areas and enhance air quality. Plant materials that contribute towards airborne pollen will be strongly discouraged. Any significant mature landscape features (post-fire, not much, except for boulders) will be retained, as feasible.

Goal 7: Encourage sensitive outdoor lighting that reflects the needs and character of different parts of the City.

Bullet 2: Encourage lighting designs that minimize glare and lighting intrusions into neighborhood settings.

Bullet 3: Encourage creative and high quality designs for outdoor lighting fixtures and standards that reflect the character of the local context.

Bullet 4: Discourage lighting that reduces viability of astronomical observation facilities within Arizona.

Bullet 5: Allow for lighting systems that support active pedestrian uses and contribute towards public safety.

Response: Lighting will be compatible with the existing surrounding residential development and will be designed in manner to minimize glare and lighting intrusion into adjacent residential properties and promote “dark skies” in keeping with the City’s policies. Lighting will not impact astronomical observation facilities within Arizona. Unique lighting standards will be selected to coincide with the high quality design of the overall project and will be low-scale in terms of height.

ii. LAND USE ELEMENT

The Land Use Element section of the Character and Lifestyle Guiding Principle embraces the concept that land uses should complement each other visually, aesthetically, socially, and economically, and should avoid conflicting, damaging or otherwise unwanted land uses from compromising the overall character of a site, a neighborhood, or the community. The Property is within the land use area designated "Rural Neighborhoods", which anticipates homes at a maximum of one unit per acre. Proposed density of the development is 0.65 units per acre. *See General Plan map on page 9.*

"RURAL NEIGHBORHOODS: This category includes areas of relatively large lot single-family neighborhoods. Densities in Rural Neighborhoods are usually one house per one acre (or more) of land. Native desert vegetation dominates many areas and special care is required to preserve the area's open desert character and environmental features. Much of the terrain includes gentle to moderate slopes and rolling ground, intersected by several washes. Grading often requires extra care in areas with moderate slopes. Clustering is encouraged to preserve desert vegetation, washes, and natural features."

2001 Scottsdale General Plan

This zoning request is consistent with the following goals and approaches contained within the Land Use Element:

2001 General Plan Page 65

Goal 3: Encourage the transition of land uses for more intense, regional and citywide activity areas to less intense activity areas within local neighborhoods.

Bullet 1: Ensure that neighborhood edges transition to one another by considering appropriate land uses, development patterns, character elements and access to various mobility networks.

Response: The location of the Property and the neighborhood-sensitive development goals proposed for this community contribute towards an appropriate transition with respect to development pattern, intensity and character.

The surrounding mix of existing land uses in the immediate area includes zoning from R1-18 to R1-190. See the "Existing Zoning" map on page 5. Zoning proposed for the property (see also page 5) represents a compatible transition to the developments around it. Lots along Redbird Road, the north boundary of the Property, will be zoned R1-130 ESL and R1-190 ESL, matching zoning to the north. Lots along 118th Street will be zoned R1-70 ESL, matching existing zoning across the street at Desert Summit. R1-43 ESL is limited to interior portions of the Property. A buffer of R1-70 ESL lots is provided adjacent to the Preserve.

Goal 4: Maintain a balance of the land uses that support a high quality of life, a diverse mixture of housing and leisure opportunities and the economic base needed to secure resources to support the community.

Response: The General Plan encourages a diversity of residential uses and supporting services that provide for the needs of the community and of the neighborhoods. Maintaining a citywide balance of land uses is an important planning goal that supports changes to meet the evolving needs of a neighborhood. The proposed residential community will provide an array of context-sensitive housing

options for the residents of North Scottsdale in a unique desert setting while providing abundant open space and preserving view corridors.

Goal 5: Developed land use patterns that are compatible with and support a variety of mobility opportunities/choices and service provisions.

Bullet 6: Provide an interconnected open space system that is accessible to the public, including pedestrian and equestrian links, recreation areas, and drainageways.

Response: A rich mix of lifestyles that enhances the values that make each place unique is a core Scottsdale value. As such, the proposed development plan provides an environmentally sensitive residential opportunity for residents of Scottsdale who chose to purchase a home in this development. A trail will be provided along Jomax Road, with future linkages into the McDowell Sonoran Preserve through a gate on State Trust Lands. Bike lanes will be added to 118th Street connecting along Jomax into the Preserve and to the citywide bicycle facilities and trail systems.

Goal 7: Sensitively integrate land uses into the surrounding physical and natural environments, the neighborhood setting and the neighborhood itself.

Bullet 2: Incorporate appropriate land use transitions to help integration into surrounding neighborhoods.

Bullet 5: Incorporate open space, mobility, and drainage networks while protecting the area's character and natural systems.

Response: As with all of Toll Brothers' developments, the site plan for the Property has been designed with careful consideration given to the natural terrain/washes, boulder features, native vegetation and vista corridors as well as to the existing built environment of single family residential to the north, west and southwest. Land use transitions will be provided as discussed on page 15 (Goal 3). The home sites have been masterfully integrated with the terrain to take advantage of views and protect significant boulder features.

Goal 8: Encourage land uses that create a sense of community among those who work, live, and play within local neighborhoods.

Bullet 3: Promote development patterns and standards that are consistent with the surrounding uses and reinforced an area's character.

Response: The proposed development is consistent with the surrounding uses and character. The developers have worked closely with the adjacent communities to earn their support and have made significant changes in response to community requests and concerns.

B. Guiding Principle: Sustain Economic Vitality

i. ECONOMIC VITALITY ELEMENT

The Economic Vitality Guiding Principle is intended to secure Scottsdale's future as a desirable place to live, work and visit based on the foundation of a dynamic, diversified and growing economic base that complements the community.

While highlighted in other elements of the General Plan (Housing and Neighborhoods), the Economic Vitality Element recognizes that variety and quality of housing is crucial to the stability of the local economy. Discussion specific to the importance of housing and neighborhoods as it relates to the overall of sustainability of Scottsdale's community is summarized in the following section.

Response: Toll Brothers is known for building high-quality homes in communities that are sustainable and designed to blend with their environments. The requested zoning will strengthen Scottsdale's economic base by providing a new opportunity for people to live in North Scottsdale.

C. Guiding Principle: Enhance Neighborhoods

i. COMMUNITY INVOLVEMENT ELEMENT

Public participation is a key component to the successful planning of new development within a community. Citizens and business owners are an important part of the public process, which is why Scottsdale requires a thorough outreach effort for any new development. The development team began outreach efforts earlier this year with surrounding property owners and the Arizona State Land Department. These outreach efforts and dialogue with the community will continue throughout the public process. In response to this outreach, the site plan and lotting arrangements have been modified considerably.

2001 General Plan Page 90

Goal 1: Seek early and ongoing involvement in project/policy-making discussions.

Bullet 1: Maximize opportunities for early notification of proposed projects, or project/issues under consideration using signs, information display boards, web postings, written correspondence, and other methods, as they become available.

Response: As mentioned above, outreach began early and has been ongoing (and will continue to be ongoing) throughout the entitlement process with the City. In addition to meetings with the Desert Summit HOA Board, the State Land Department, property owners to the north and other area stakeholders, a neighborhood meeting was held on October 17 at Talon Ranch. The site was posted and a mailing was sent to all property owners within 750 feet of the Property as well as other interested parties. A complete Citizen Outreach Report is provided with the application.

ii. HOUSING ELEMENT

Scottsdale has historically been a community that embraces a variety of housing opportunities to enhance the character, diversity, and vitality of the City, as well as respect and conserve the Sonoran Desert. The General Plan states "Our vision is to incrementally, but steadfastly expand housing opportunities for

current and future citizens.” Scottsdale encourages housing options that provide a wide range of opportunities for people living, working, and retiring in the community.

This zoning request is consistent with the following goals and approaches contained within the Housing Element:

2001 General Plan Page 98

Goal 2: *Seek a variety of housing options that blend with the character of the surrounding community.*

Bullet 1: *Maintain Scottsdale’s quality-driven development review standards for new housing development.*

Response: The proposed residences will be single-family for-sale homes with an estimated selling price of \$2.0 to \$2.5 million. This development will uphold North Scottsdale’s quality standards and complement the existing upscale lifestyle and character. Architectural themes and design elements are in the early conceptual stage, but will include desert contemporary architecture and an emphasis on Southwest living with the implementation of context appropriate building elements, earth-tone palettes, indigenous materials, recessed windows, and desert shade trees. Design will be consistent with the Scottsdale Sensitive Design Principles.

iii. NEIGHBORHOOD ELEMENT

The Neighborhood Element of the General Plan focuses on Scottsdale’s vision to preserve, reinforce, and where appropriate, revitalize the characteristics and stability of neighborhoods. This is accomplished by making sure that neighborhoods are in harmony with their existing character and defining features. Particular attention is paid to the unique character and special qualities of each individual neighborhood within the City.

The Neighborhood’s Guiding Principle of the General Plan identifies several policies intended to ensure that Scottsdale is a desirable place to live, work and visit and, in conjunction with a stable economic base, the General Plan recognizes that neighborhood viability and sustainability is as equally important as a strong economic base.

This zoning request is consistent with the following goals and approaches contained within the Neighborhood Element:

2001 General Plan Page 105

Goal 1: *Enhance and protect diverse neighborhoods so they are safe and well maintained.*

Response: The proposed residential community will provide a safe and well-maintained environment for residents. A property owners association will be put in place to ensure long-term preservation of community quality and character, while preserving the Property’s abundant open space and view corridors and promoting high desert living.

D. Guiding Principle: Preserve Meaningful Open Space

i. OPEN SPACE AND RECREATION ELEMENT

It has long been a priority of the City to conserve significant natural areas and open spaces for both recreational and preservation purposes.

The Open Space and Recreation guiding principle found within the General Plan specifically addresses the significance of the Scenic Corridors, natural and urban open spaces and recreational opportunities. A well-managed system that provides active and passive open space/recreational opportunities is considered an indispensable community feature, one that should be available to all ages on a year-round basis in the City of Scottsdale. Maintaining connected open space corridors such as vista corridors through the site and the Jomax Road Scenic Corridor provides continuous visual linkages within and between local neighborhoods reinforcing the regional open space network.

This requested zoning is consistent with the following goals and approaches contained within the Open Space and Recreation Element:

General Plan Page 113

Goal 1: *Protect and improve the quality of Scottsdale's natural and urban environments as defined in the quality and quantity of its open space.*

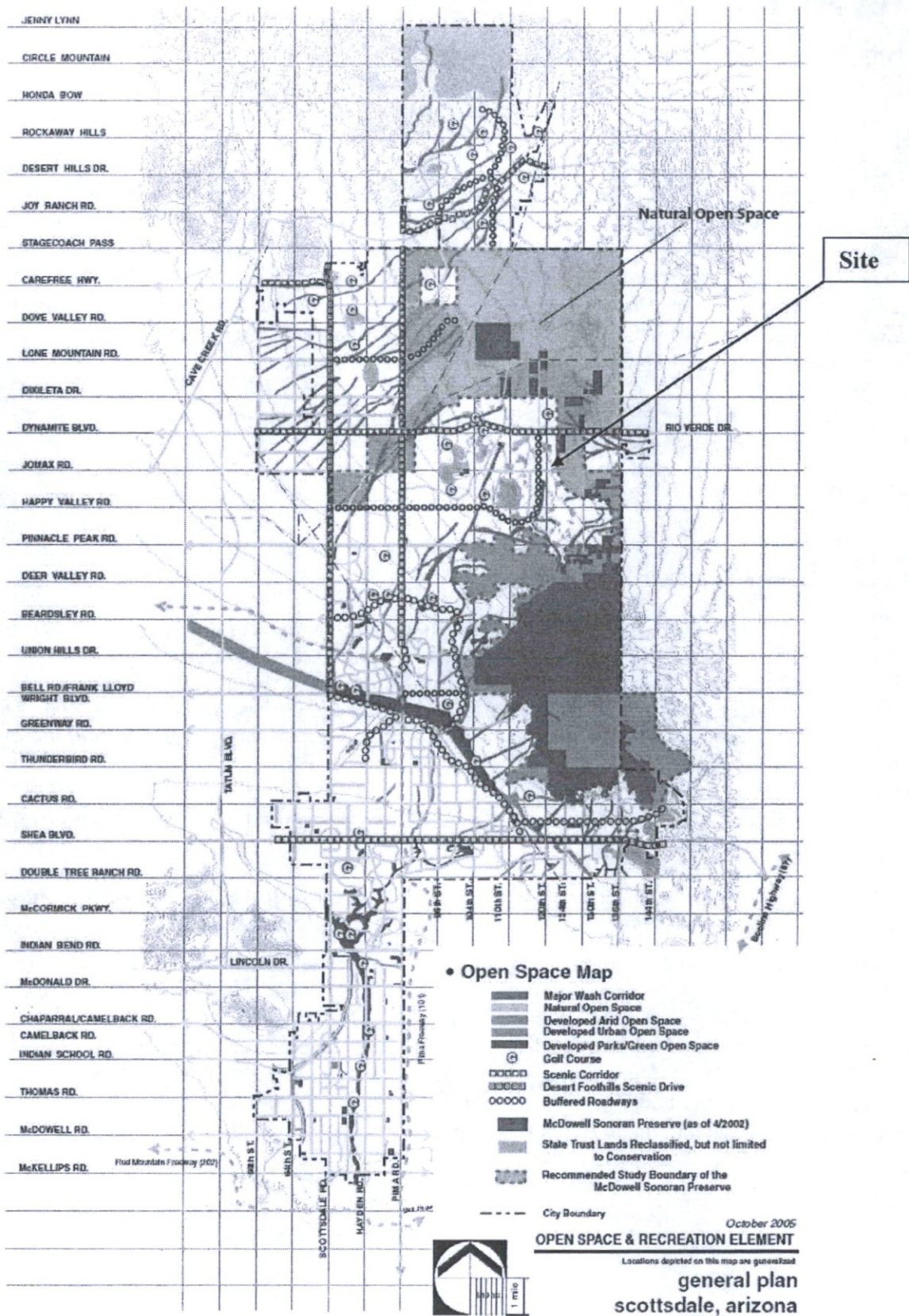
Bullet 1: *Provide ample opportunity for people to experience and enjoy the magnificent Sonoran Desert and mountains, balancing access and preservation.*

Bullet 2: *Provide a variety of opportunities for passive and active outdoor recreational activities, such as hiking, horseback riding, mountain biking, rock climbing and wildlife observation.*

Bullet 15: *Preserve scenic views and vistas of mountains, natural features, and rural landmarks.*

Bullet 16: *Protect and use existing native plants, the design themes of character areas within which they are sited, and respond to local conditions in landscape designs.*

Response: The proposed development provides opportunities for passive and active outdoor recreational activities through the preservation of NAOS and connections for bicyclists and hikers to the Preserve and the City's trail and bicycle facility system. Overall there will be almost 40% of open space provided on the Property and integrated into the residential community. This large amount of open space will have the additional benefit of preserving scenic views and mountain vistas that are well known in the area. Additionally, as with the building envelopes, local conditions (terrain and vegetation) will be respected and have been factored into the overall site design.



ii. PRESERVATION AND ENVIRONMENTAL PLANNING ELEMENT

The preservation of our community relies on a built environment that is sustainable and in harmony with the natural environment. There are several ways to accomplish this goal which include, but are not limited to minimizing congestion and pollution, encouraging green building standards and environmentally sensitive design philosophies, and maintaining meaningful, connective open space. The overlying theme is to bring a close and supportive relationship between natural resources, environmental quality and the economy of the area.

This zoning request is consistent with the following goals and approaches contained within the Preservation and Environmental Planning Element:

General Plan Page 132

Goal 2: Enhance the quality of life in Scottsdale by safeguarding the natural environment.

Bullet 4: Encourage developments to retain and integrate the desert ecosystem where appropriate.

Bullet 6: Preserve local plants, wildlife, and natural resources to maintain the biodiversity and long-term sustainability of the area's ecology.

Bullet 8: Maintain scenic views to preserve the aesthetic values of the area for all to enjoy and for its contribution to the quality of life for residents and visitors.

Response: The Property, in the high desert of north Scottsdale, has relatively gentle terrain, with scenic boulder features, primarily in the east part of the site. The site design and home placement will respond to the terrain and environmental features of the site. The proposed home sites are respectful of the terrain, boulders and vegetation. Building design will consider the distinctive qualities and character of the surrounding context and incorporate those qualities in its design.

Goal 4: Reduce energy consumption and promote energy conservation.

Response: Toll Brothers intends to promote sustainable building techniques and materials, provide both natural and man-made shading, promote opportunities for energy efficiency.

Goal 9: Protect and conserve native plants as a significant natural and visual resource.

Bullet 1: Enhance, restore and sustain the health, productivity and biodiversity of our Sonoran Desert ecosystem through native plant retention.

Bullet 2: Retain and preserve native plants to retain a Sonoran desert character.

-and-

Goal 10: Encourage environmentally sound "green building" alternatives that support sustainable desert living.

Bullet 3: Protect and enhance the natural elements of all development sites.

Bullet 5: Use low impact building materials.

Response: The development proposal promotes a rich desert landscape palette and preservation of existing native vegetation and boulders as part of the overall site plan design to enhance the surrounding character, minimize building mass, and integrate with adjacent properties. Toll Brothers is committed to creating a specially designed environment that has superior architecture as well as distinctive landscaping. The vision for the Property is a Southwestern residential community in a desert setting that celebrates the unique character and quality of the natural Sonoran Desert. With all landscape design initiatives, sustainable practices such as water conservation and the protection/ relocation of mature plant material will be followed.

Design strategies and building techniques, which reduce energy consumption and endure over time, will be utilized where feasible.

Homes will embrace the desert setting through the use of Sonoran Desert-inspired building materials and desert contemporary architectural detailing with ample outdoor/patio spaces. Features such as shade structures, deep roof overhangs and recessed windows will be incorporated, consistent with Scottsdale Sensitive Design Principles.

E. Guiding Principle: Seek Sustainability

The issue of sustainability is addressed within three Elements of the General Plan that include 1) cost of development; 2) growth areas; and 3) public services and facilities. These chapter and the discussion of “sustainability” (for the purposes of the General Plan discussion) relates more to effective management of Scottsdale’s finite and renewable environmental, economic, social, and technological resources to ensure that they serve future needs.

The City has long held the philosophy that new development should “pay for itself” and not burden existing residents and property owners with the provision of infrastructure and public services and facilities. Through the zoning process and development review process the City can evaluate appropriate dedications, development fees and infrastructure provisions.

Response: The developer will incur any, reasonable costs and fees associated with infrastructure requirements including the extension of 118th Street and providing opportunity for future connections to the State Trust Lands.

F. Guiding Principle: Enhance Transportation

i. COMMUNITY MOBILITY ELEMENT

This section of the General Plan addresses mobility choices to provide alternatives to the automobile and to increase accessibility, improve air quality, enrich the community and its neighborhoods, and contribute to the community’s quality of life. In general, the Community Mobility Element relates to protecting the function and form of regional air and land corridors, protecting the physical integrity of regional networks to reduce the number, length and frequency of automobile trips. Additionally, this section of the General Plan seeks to prioritizing regional connections to safely and efficiently move people and goods beyond City boundaries, to relieve traffic congestion, to optimize

mobility, maintain Scottsdale's aesthetics, emphasize live, work and play opportunities, and to protect neighborhoods from the negative impact of regional and Citywide networks. Finally, the General Plan recognizes that there is diversity throughout neighborhoods and that each neighborhood may, in fact, have different mobility needs.

This zoning request is consistent with the following goals and approaches contained within the Community Mobility Element:

Goal 6: Optimize the mobility of people, goods and information for the expected buildout of the city.

Response: Approval of this zoning request will result in the long-planned extension of 118th Street to Dynamite Road/Rio Verde Drive. This improvement is shown in Scottsdale's Transportation Master Plan and will provide an important access to the Jomax Road area.

Goal 7: Maintain Scottsdale's high aesthetic values and environmental standards in the city's transportation system.

Response: Streets and streetscapes bordering the Property will be designed to reflect Scottsdale's high aesthetic values. They create a first impression of the Property and must reflect the quality and care that are the hallmark of Toll Brothers' development ethos. Jomax Road will be designed to meet all criteria associated with its designation as a Scenic Corridor.

IV. Dynamite Foothills Character Area Plan

The Property is within the Dynamite Foothills Character Area

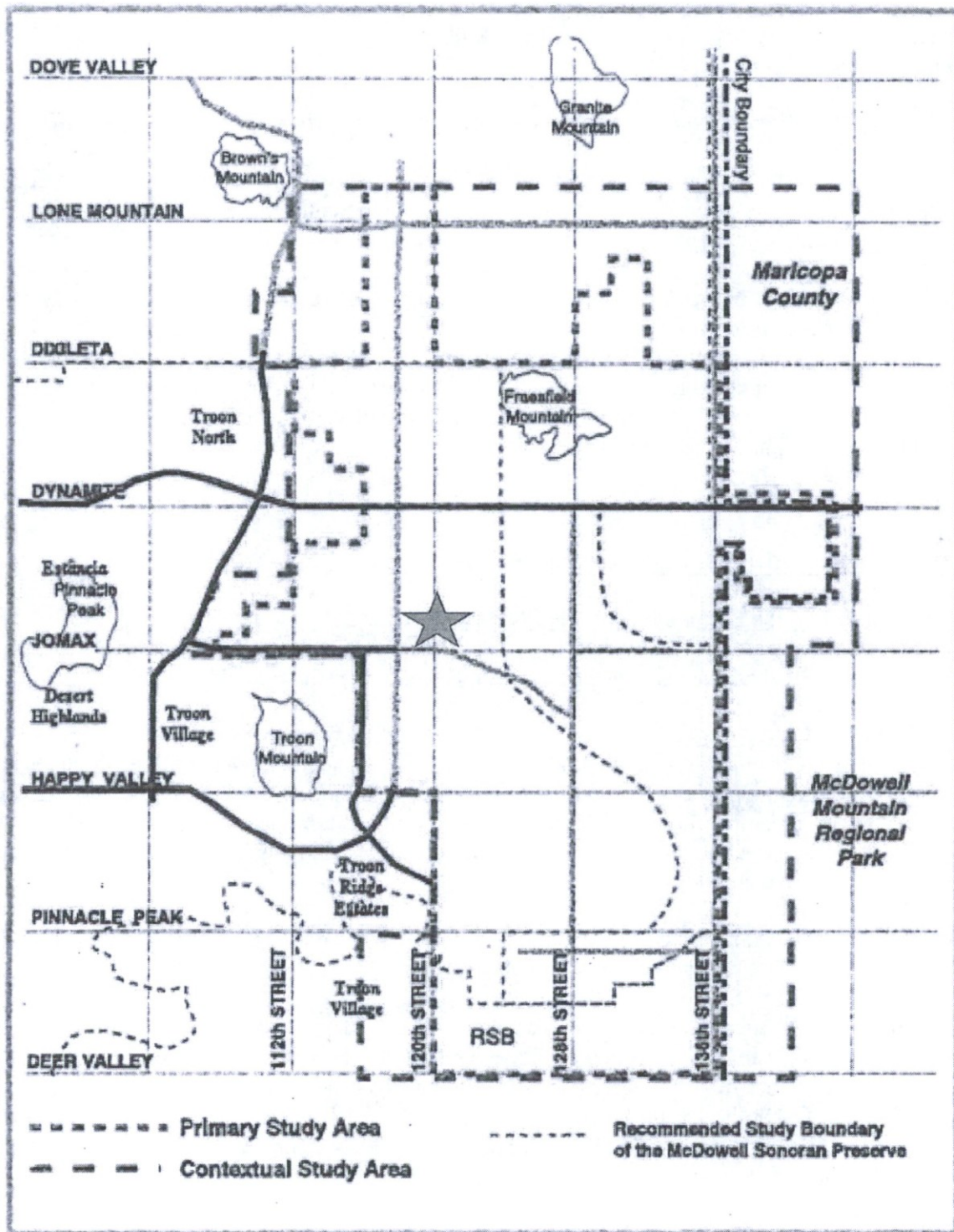
The Dynamite Foothills area is located in far northeast Scottsdale between the McDowell Mountains and the Lone Mountain Road alignment, and east of 112th Street to the City boundary at 136th Street.

RURAL DESERT CHARACTER

The vision for this area is that of a Rural Desert character. Key to achieving a Rural Desert character is the element of openness. Openness is not limited to open space although that is a large part of it. Rural Desert character relies on creating a feeling of openness through natural undisturbed desert, minimal impact of development, open view corridors, low building heights, and maintaining the natural desert vegetation which will shield visual obstructions.

Rural Desert areas in Arizona are typified by the dominance and continuity of the desert itself and a diversity of built structures and people's individual lifestyles.

The Dynamite Foothills area with a Rural Desert character can act as a low density buffer from the more suburban type development found in nearby developments, to the sensitive desert environments to the south, east, and north that may be preserved. An important consideration when looking at development opportunities in the Dynamite Foothills area is flexibility. The needs of existing and future residents, land owners, and the community at large should be balanced



Goal 1: Preserve the existing Rural Desert character for the Dynamite Foothills which will result in a unique desert community distinguished from other parts of Scottsdale and the Valley.

Strategy 1. Existing allowable densities (under current zoning and General Plan designations) are appropriate for all but a few areas on the fringes of the character area as identified on the map below.

Response: Allowable densities for Rural Neighborhoods, as specified in the General Plan, cannot exceed 1 unit per acre. Proposed density is 0.65 units per acre. Per this strategy, the proposed density is allowed.

Strategy 2. Use infrastructure to preserve the Rural Desert character.

Streets/Transportation Infrastructure

Street design must provide for the safe movement of vehicles, bicyclists and pedestrians and provide for adequate drainage as well as emergency and maintenance vehicle access. In general, design guidelines from the Environmentally Sensitive Lands Ordinance (ESLO) should be used to minimize impacts on the natural environment.

Bullet 1: *The City may consider new standards which minimize street widths in residential areas as much as possible to protect important natural features, and enhance the rural look of the streets.*

Bullet 3: *Encourage street alignments that respond to the natural terrain where possible.*

Bullet 4: *Maintain the "dark skies" in the area by discouraging street lights on local and collector streets. Use street lights only where needed for safety at selected intersections.*

Bullet 5: *Allow the use of ribbon curbs on collector and residential streets where rolled or vertical curbs are not required for drainage mitigation*

Bullet 7: *Encourage a connected public trail system, separate from the streets, in lieu of concrete sidewalks where net residential density is low. Where appropriate, encourage the use of stabilized decomposed granite for sidewalks, consistent with city standards, where concrete sidewalks would otherwise be required.*

Bullet 8: *Provide links between these trails and the shared use trails shown in the Trails Plan of the Circulation Element.*

Bullet 9: *If sidewalks are built, they should be located away from, and separated by a vegetation buffer from the back of curb, when possible.*

Bullet 10: Provide bike lanes on Dynamite Boulevard, 128th Street and 118th Street (per the Bicycle Facilities Plan of the Circulation Element and the Bicycle/Pedestrian Transportation Plan), using ESLO design guidelines. Promote the development of off-road shared-use trails for cyclists and pedestrians.

Bullet 11: Encourage and promote the use of appropriate colors and textures on all man-made elements to blend into the adjacent natural desert environment.

Response: The project will be developed using ESLO standards and the Scottsdale Sensitive Design Principles to minimize impact on the natural environment and to create homes that blend with their desert setting. With regard to the bullet points, the proposed development will:

- Minimize street width, where feasible, to protect boulder formations and enhance rural character.
- Street alignments will follow the natural terrain where possible, minimizing cuts and fills.
- Street lighting will be designed to City standards, maintaining a “dark sky” environment.
- Ribbon curbs will be used on streets within the community, except in cases where vertical curbs are required for drainage purposes.
- A public trail will be provided along Jomax Road, which will connect, through State Trust Lands, to the trail system in the Preserve. The trail will be built to City standards using colors and materials that blend with the natural desert environment.
- Future trail connections to Preserve trails, through adjoining State Lands, will be accommodated.
- Sidewalks, where feasible, may be separated from roadways by vegetation buffers.
- Bicycle lanes will be provided on 118th Street from Jomax to Dynamite Road, closing a major gap in the bicycle facilities system.
- Man-made elements within the community will use colors and textures that blend with the desert environment.

Strategy 3. Promote the use of site planning techniques which minimize the visual impact of development and promote a Rural Desert character.

Bullet 1: Encourage the use of vegetation screens, berming that fits the nature of the local terrain, rail fencing and the like, instead of solid walls.

Bullet 2: Encourage use of native or desert landscaping. Discourage turf in areas visible from surrounding properties or roadways.

Bullet 3: Discourage the use of perimeter walls.

Bullet 4: Where walls are used (yard enclosures) they should undulate with the natural terrain, use desert tone colors to blend into adjacent natural desert, should provide breaks or gaps for indigenous wildlife migration routes, and maintain open vista corridors.

Bullet 5: Use alternative development patterns which create a sense of openness and provide meaningful desert open space, such as: flag lots and/or shared driveways.

- *Building envelopes to minimize disturbance of the natural site.*

Bullet 6: Designate grading/construction envelopes during the development of a site to protect the surrounding natural desert areas from construction encroachment.

Bullet 7: Encourage development proposals which exceed the existing natural area open space (NAOS) and design requirements of the ESLO.

Bullet 8: Promote the environment and the terrain in forming the building design and site layout. ESLO design guidelines are appropriate benchmarks.

Bullet 9: Promote building envelopes to minimize disturbance of the natural site, to create a sense of openness, and to provide meaningful open space.

Response: The proposed site plan is intended to minimize visual impacts of development and promote Rural Desert Character by:

- Encouraging use of walls on individual lots that reflect the natural terrain and maintain an open character, as feasible.
- No perimeter walls are planned.
- Within the community, walls built on individual lots will use desert colors and textures, be designed to protect vistas and wildlife corridors. Wall alignment is planned to follow site topography.
- Building envelopes will be used to minimize site disturbance and create a sense of openness.
- Grading/construction envelopes will be designated at the time of platting.
- NAOS will be provided that exceeds that required by ESLO.
- ESLO guidelines will be respected in home design.

***Strategy 5.** Use native vegetation in streetscapes. All hardscape should assume a rustic style appropriate to the area.*

Response: Native vegetation will be used in streetscapes and throughout the community. Hardscape will be appropriate to the desert environment.

***Strategy 7.** Transition development adjacent to conservation areas or the McDowell Sonoran Preserve by using appropriate setbacks, building scale, building massing, and open space.*

Response: Lots and grading/development envelopes along the east boundary of the property are proposed to transition into the McDowell Sonoran Preserve through NAOS that protects boulder formations and other open space, use of flag lots, appropriate building scale, massing and setbacks.

***Goal 2:** Recognize the topographic diversity of the Dynamite Foothills area and provide guidelines for balancing the relationship of different types /of development to the unique environmental nature of the area.*

***Strategy 4.** Encourage property developers to provide meaningful open space following the guidelines of the Desert Preservation Task Force. For example, connect open spaces like wash corridors/floodplains, natural area open space (NAOS), conservation open space (COS), etc. (See meaningful open space definitions in Appendix D - Desert Preservation Task Force Strategic Plan and Standards report).*

Response: Meaningful open space, per the Desert Preservation Task Force definition, will be provided, primarily on the east part of the property where it will be visible to the public from the Preserve.

Goal 3: *Promote open space in accordance with CityShape 2020 Guiding Principles and recommendations of the Desert Preservation Task Force, and support the efforts of the McDowell Sonoran Preserve Commission to provide open space.*

Strategy 3. *Use open space and conservation/preservation areas to preserve a Rural Desert character through the following methods:*

Bullet 1: *Provide visual open space amenities along and near streets and use natural open space between new developments and existing roadways to minimize the impact on existing views.*

Bullet 2: *Encourage the use of natural area open space in site planning and subdivision layout to ensure an overall openness to subdivisions, individual development, and the planning area.*

Bullet 4: *Sustain natural flora and fauna resources and systems through the provision of natural area open space.*

Bullet 5: *Encourage the integration of natural area open space throughout development projects and on the perimeter of projects to ensure open space connections and a feel of openness throughout the area.*

Bullet 6: *Encourage the location of natural area open space where it will be a visual, recreation, or character enhancing amenity for development projects and the planning area.*

Bullet 9: *Provide building setbacks which are not all in a straight line and avoid giving the image of being in a straight line along the edges of projects and open space buffers.*

Bullet 14: *Encourage open spaces throughout development projects and on the perimeter of projects where appropriate, to promote an open space transition from development to development, to ensure open space connections and a feel of openness throughout the area.*

Response: Visual and natural area open space will dominate views of the community. Used along roadways and throughout the property landscaping and homes will be sited to maximize a sense of openness and minimize impacts on views. Natural flora and fauna resources will be sustained, as feasible, although flora systems were badly degraded in the Rio Fire. Building envelopes have been designed to reflect the terrain of individual lots. The homes will not be on a straight line, but rather will create a more informal street view appropriate to the desert.

Strategy 4. Encourage open spaces throughout development projects and on the perimeter of projects where appropriate, to promote an open space transition from development to development, to ensure open space connections and a feel of openness throughout the area.

Response: Open spaces on the perimeter and internal areas of the community will be designed as appropriate transitions to adjoining properties.

V. Dynamite Foothills Character Area Plan and Implementation Program: Design and Performance Guidelines

The Character Area Plan's design and performance guidelines focus is on Rural Desert character.

The key to achieving this character is the element of openness through:

- *natural undisturbed desert*
- *minimal impact of development*
- *open view corridors*
- *low building heights*
- *maintaining the natural desert vegetation which will shield visual obstructions*

An important consideration when looking at development opportunities in the Dynamite Foothills area is flexibility. The needs of existing and future residents, recreational users, land owners, and the community at large should be balanced.

Response: The proposed community at 118th Street and Jomax Road supports the Implementation Program Design and Performance Guidelines in the following ways:

- I. Less than existing allowable General Plan densities.
2. Uses appropriate colors and textures on all man-made elements to blend into the adjacent natural desert environment.
3. Promotes the use of site planning techniques which minimize the visual impact of development and promote a Rural Desert character.



- Will not have perimeter walls.
 - Uses alternative development patterns which create a sense of openness and provide meaningful desert open space, such as:
 - Flag lots and/or shared driveways.
 - Building envelopes to minimize disturbance of the natural site.
 - Cluster development where the topography will allow.
 - Designates grading/construction envelopes during the development of the site to protect the surrounding natural desert areas from construction encroachment, minimize disturbance of the natural site, create a sense of openness and provide meaningful open space.
 - NAOS provided exceeds the existing natural area open space (NAOS) requirements of the ESLO.
 - Uses native vegetation in streetscapes. All hardscape will assume a rustic style appropriate to the area.
4. Provides meaningful open space with NAOS covering the boulder field adjacent to the Preserve.
 5. Provides visual open space along and near streets; uses natural open space between new developments and existing roadways to minimize the impact on existing views.
 6. Integrates natural area open space throughout the development and on the project perimeter to ensure open space connections and a feel of openness.
 7. Encourages the location of natural area open space where it will be a visual, character enhancing amenity for the development project and the planning area.
 8. Provides building setbacks which are not all in a straight line and avoids giving the image of being in a straight line along the edges of projects and open space buffers.
 9. Provides open visual corridors between homes to provide a gradual transition into the large open space.
 10. The maximum building height will be 24 feet, in keeping with low-scale buildings common to rural areas

VI. Environmentally Sensitive Lands Ordinance

Sec. 6.1011. - Purpose.

The purpose of the ESL District is to identify and protect environmentally sensitive lands in the city and to promote the public health, safety and welfare by providing appropriate and reasonable controls for the development of such lands. Specifically, the ESL District is intended to:

- A. Protect people and property from hazardous conditions characteristic of environmentally sensitive lands and their development. Such hazards include rockfalls, rolling boulders, other unstable slopes, flooding, flood-related mud slides, subsidence, erosion, and sedimentation.*
- B. Protect and preserve significant natural and visual resources. Such resources include, but are not limited to, major boulder outcrops and large boulders, major ridges and peaks, prime wildlife habitat and corridors, unique vegetation specimens, significant washes, and significant riparian habitats.*
- C. Protect renewable and nonrenewable resources such as water quality, air quality, soils, and natural vegetation from incompatible land uses.*
- D. Minimize the costs of providing public services and facilities in ESL District areas such as streets, water, sewer, emergency services, sanitation services, parks, and recreation. Costs associated with the design and development of infrastructure in environmentally sensitive areas can be higher than costs in other areas of the city due to the unique and fragile nature of such lands.*
- E. Conserve the character of the natural desert. Guide the location and distribution of meaningful on-lot and common tract open space and protect sensitive environmental features to sustain the unique desert character found in ESL District areas.*

Response: The Environmentally Sensitive Lands Ordinance (ESLO) was established “to identify and protect environmentally sensitive lands in the city and to promote the public health, safety and welfare by providing appropriate and reasonable controls for the development of such lands.” The proposed development upholds the ESLO in the following ways:

- Preservation of NAOS.
- Sensitive placement of internal roadways and other improvements to complement the natural landscape.
- Preservation of undisturbed native vegetation and revegetation of areas with ESLO desert plantings where disturbed by construction.
- Protection and preservation of significant topographic features, washes, large boulder outcroppings and vista corridors.

- Protection of wildlife habitats through preservation of natural washes and connective NAOS.
- Utilization of desert appropriate architecture and materials through the integration of deep overhangs, recessed windows, indigenous building materials, and context appropriate color palette, to name a few.

Sec. 6.1070 – Design Standards.

G. Site and Structure Development Design Standards.

1. Within the ESL:

- a. Mirrored surfaces or any treatments which change ordinary glass into a mirrored surface are prohibited.*

Response: Mirrored surfaces and exterior building treatments that have a mirrored reflective surface will be prohibited.

- b. Reflective building and roofing materials (other than windows) including materials with high gloss finishes and bright, untarnished copper, aluminum, galvanized steel or other metallic surfaces, shall be textured or have a matte or non-reflective surface treatment to reduce the reflection of sunlight onto other property.*

Response: Reflective building materials and roofing materials shall have a matte or non-reflective finish to reduce the reflection of sunlight.

- c. Materials used for exterior surfaces of all structures shall blend in color, hue, and tone with the surrounding natural desert setting to avoid high contrast.*

Response: Materials used for exterior surfaces will blend in color, hue and tone with the surrounding natural desert setting in keeping with the ESLO.

- d. Surface materials of walls, retaining walls or fences shall be similar to and compatible with those of the adjacent main buildings.*

Response: Surface materials of walls, retaining walls and fences shall be similar and compatible with those of the adjacent single-family homes.

- e. Development design and construction techniques should blend scale, form and visual character into the natural landform and minimize exposed scars.*

Response: Development design and construction techniques will blend in terms of scale, form and visual character to the natural surround landform.

- f. Exterior lighting should be low scale and directed downward, recessed or shielded so that the light source is not visible from residential development in the area or from a public viewpoint.*

Response: Exterior lighting will be low-scale and directed downward in conformance with the City's dark sky policies. Recessed and shielded light standards will be utilized throughout so that the light source and glare is not visible from surrounding properties.

- g. No paint colors shall be used within any landform that has a LRV greater than thirty-five (35) percent.*

Response: Exterior paint colors will conform the maximum 35% LRV standard.

- h. Exterior paint and material colors shall not exceed a value of six (6) and a chroma of six (6) as indicated in the Munsell Book of Color.*

Response: Exterior paint colors and materials will not exceed the value and chroma of 6 per the Munsell Book of Color.

- i. Plant materials that are not indigenous to the ESL area shall be limited to enclosed yard areas and non-indigenous plants that have the potential of exceeding twenty (20) feet in height are prohibited. A list of indigenous plants is available from the City. Outdoor community recreation facilities, including parks and golf courses shall be allowed turf as specified in Section 6.1070.G.1.j.*

Response: Plant materials that are not indigenous to the areas will be limited to enclosed yard areas and limited to no more than 20 feet in height. The developer will reference the list of indigenous plant available at the City.

- j. Turf shall be limited to enclosed areas not visible offsite from lower elevation. Outdoor recreation facilities, including parks and golf courses, shall be exempt from this standard.*

Response: Turf areas shall be limited to enclosed areas not visible to offsite properties.

- k. All equipment appurtenant to underground facilities, such as surface mounted utility transformers, pull boxes, pedestal cabinets, service terminals or other similar on-the-ground facilities, shall have an exterior treatment that has a LRV of less than thirty-five (35) percent or otherwise screened from view from the adjoining properties.*

Response: All mechanical equipment shall have an exterior treatment that complies with the maximum 35% LRV standard.

- l. It is the intent of this Ordinance to leave washes in place and in natural conditions where practical. When necessary, modifications to natural watercourses and all walls and fences crossing natural watercourses shall be designed in accordance with the standards and policies specified in Chapter 37 (Floodplain and Stormwater Regulation) of the Scottsdale Revised Code, and the Design Standards & Policies Manual. Requests to modify, redirect, or divert watercourses of fifty (50) cfs or greater flow in a one hundred-year event shall include the following:*

- i. Justification for the request.*

- ii. Plans showing:*

- (1) That the application will result in an equal or enhanced quality of open space.*
- (2) That any proposed wash modification will include restoration of the watercourse with vegetation of the same type and density removed for the modifications.*

- (3) *If a wash is being redirected or modified that it enters and exits the site at the historic locations, and that the result will not impact drainage considerations for adjacent properties.*
- (4) *If a wash is being diverted into a structural solution (e.g. underground pipe), that the change will not impact the drainage conditions on adjacent properties and will not reduce the integrity of any upstream or downstream corridor as meaningful open space.*

An application for the modification of a wash mentioned above, may be granted by the Zoning Administrator subject to approval of the design solution for the drainage facilities and subject to the finding that the purpose of this overlay district (Section 6.1011.) has been achieved. However, in no event shall the provisions of this section require greater area of NAOS dedication than currently required by Section 6.1060.A., B. and C. of this Ordinance.

Response: No significant washes (50+ cfs) are located on the Property.

VII. Native Plant Ordinance

Sec. 7.500. - Native Plant

Purpose. *These regulations are intended to establish procedures that insure the preservation of indigenous plant materials as specified below. These specified materials are found to enhance the City's physical and aesthetic character, contribute to the preservation of the fragile desert environment by preventing erosion and providing wildlife habitat, increase valuation of real property, and provide scenic opportunities unique to this region. Preservation of these specified plant materials is found to be a part of the General Plan and is found to be in the furtherance of the public health, safety and welfare.*

Sec. 7.503. - Criteria.

Protected native plants shall not be destroyed, mutilated, or removed from the premises, or relocated on the premises except in accordance with an approved native plant program required in conjunction with the issuance of a native plant permit. No native plant program shall be approved until it has been demonstrated that the following criteria have been met:

- (1) The density/intensity of development for the approved land use shall be an important element in the determination of the base requirements for plant retention and salvage. The proposed relocation program shall provide reasonable plant salvage, protection, and storage and shall insure consistency with existing neighborhood character.***

Response: Native plant protection and salvage was given special consideration as part of the site planning process for the proposed residential community. Toll Brothers has a high regard for the natural environment and preservation of native plants. The development of this property will provide meet this criterion.

- (2) The site plan shall be designed to protect and incorporate significant on-site natural amenities (i.e. aesthetic, unique, historic, etc.) and minimize the number of salvageable plants which need to be removed to allow reasonable construction on the site. These relationships shall promote and enhance the character of the native environment rather than contrast or domesticate it.***

Response: The site plan has been designed to protect and incorporate significant natural amenities and minimize the relocation of native plants to the extent possible. The relationship of the built environment to the natural environment will be embraced and celebrated.

- (3) A vegetation inventory and analysis shall provide a clear, comprehensive overview and listing of plant materials, their condition and physical relationships on-site so as to aid the site planning and determination of plant salvageability.***

Response: A native plant plan will be provided consistent with the City's requirements.

- (5) *A conceptual analysis and design of the site revegetation and/or landscaping shall insure that the character of the project be consistent with the natural density, distribution, and maturity of vegetation on adjacent properties.*

Response: The site revegetation and new landscape palette will maintain the desert character of the area and complement the density, distribution and maturity of vegetation on adjacent properties to create a seamless transition to neighboring developments. Areas scarred by the Rio Fire will be revegetated.

- (6) *The native plant program shall include a relocation program for excess salvageable plants.*

Response: A relocation program for excess salvageable plants will be provided if deemed necessary.

VIII. Design Standards & Policies Manual

Scottsdale has established a set of guidelines for the design of public and private projects within the city. These guidelines are contained within the Design Standards and Policy Manual, commonly known as the DS&PM. The DS&PM is made up of 12 chapters all dealing with various areas of public and private development issues and is intended to provide direction during final design and preparation of the construction documents for development within the City of Scottsdale.

Detailed design for the Property following zoning approval; therefore, specific design is not complete at this time. However, the standards and policies conveyed by the DS&PM will be pursuant to following:

- Natural site features such as washes, boulder outcrops and native vegetation will be left in their natural state as much as possible. Improvements that are required to natural washes will complement their natural function and appearance.
- Concrete for exposed drainage structures, sidewalks, curbs, gutters and driveways will be integrally colored to match the surrounding environment.
- Roadway cross-sections will comply with ESL (Environmentally Sensitive Lands) standards as illustrated in the DS&PM.
- Only local native rock will be used if needed for erosion protection.
- Roadway and driveway alignments will be selected to minimize disruption to the natural topography and drainage patterns of the site. Where crossings are necessary, detailed analysis will be done to ensure that there are no adverse impacts downstream to flow patterns, flow rates, erosion and sediment transport.
- Cut & fill slopes will be graded to blend back into the natural terrain. Where retaining walls are required heights will be kept to a minimum and terracing will be incorporated to avoid "tall" wall impacts.

- Emergency access will meet or exceed Scottsdale Fire Department requirements.
- Gated entrances will comply with the standards of figure 2.1-3 of the DS&PM.
- Storm water storage basins and drainage channels will comply with DS&PM standards. In addition, they will be shaped to be “free-form” so as to blend into the natural desert surroundings. Landscape material will generally be native plants capable of surviving periodic inundation such as the species identified in section 2-1.903 of the DS&PM.
- To minimize impact, utility lines will be located in road and driveway corridors as much as possible. In cases where utility lines cannot follow a road or driveway corridor, they will be located in easements or separate tracts and where desert materials are damaged due to the installation, revegetation will be provided.

IX. Conclusion

This zoning request will result in numerous benefits to the communities, which are summarized below:

- Single-family for-sale homes reflect the character and uses in the surrounding residential communities.
- Conforms to the General Plan.
- Density of 0.65 units/acre, less than permitted in the “Rural Neighborhoods” General Plan category.
- Consistent with the Dynamite Foothills Character Area Plan and Implementation Program
- Utilizes Scottsdale Sensitive Design Principles
- Homes will embrace their desert setting through the use of Sonoran Desert inspired building materials, desert contemporary architecture and native vegetation.
- Meets ESLO requirements
- Provides more NAOS than required in ESLO, integrated throughout the site. Approximately 40% of the Property is preserved as NAOS.
- Extends 118th Street to Dynamite, consistent with the Transportation Master Plan
- Provides a Jomax Road trail leading to Preserve access
- A luxury residential community developed by Toll Brothers, a recognized leader in building quality communities.
- Adjoining property owners are in support of the zoning request.



Site data		
Gross Ac.	Units	Density
80.28 Ac.	52 Units	0.65 DU/Ac.



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118TH & JOMAX

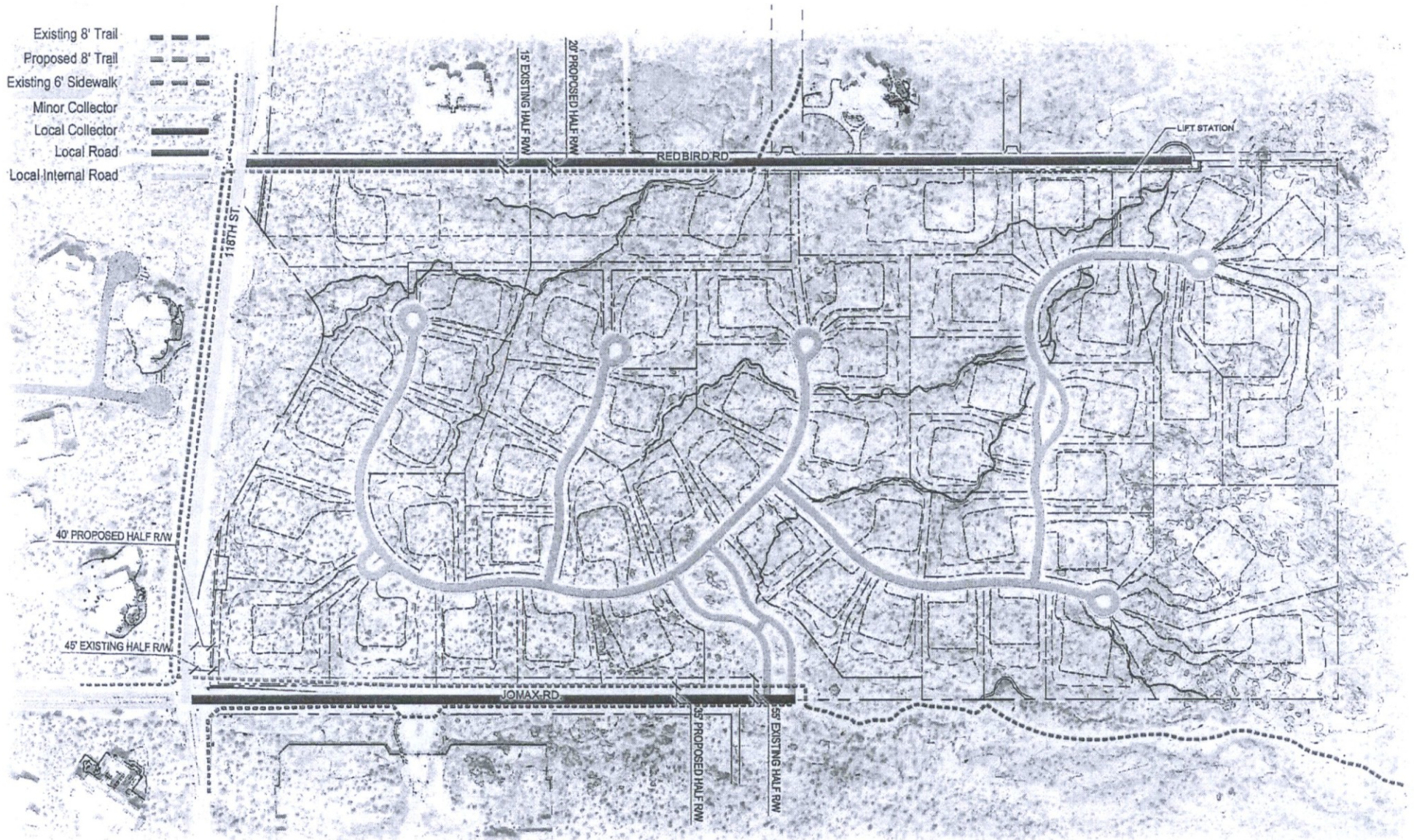
Site Plan

plan scale 1:100
date: 10.20.16

andersonbaron
plan - design - achieve
50 N. MONTANA DRIVE, 1101
CHANDLER, ARIZONA 85226
PH. 480.899.7350 FAX 480.600.7986

25-ZN-2016
10/26/2016

- Existing 8' Trail 
- Proposed 8' Trail 
- Existing 6' Sidewalk 
- Minor Collector 
- Local Collector 
- Local Road 
- Local-Internal Road 




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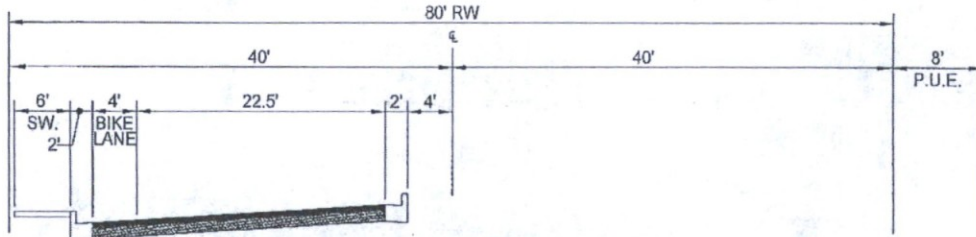
Circulation Plan

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date: 10.25.16

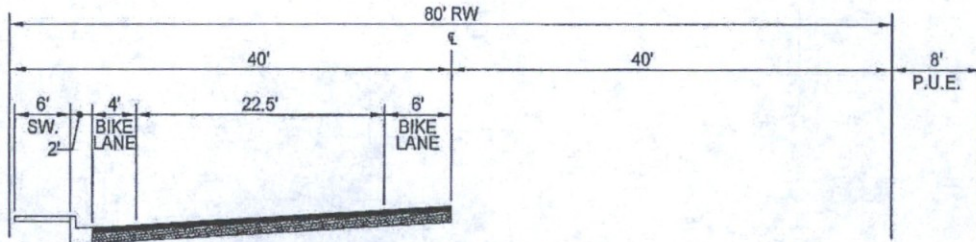
 Argus Consulting

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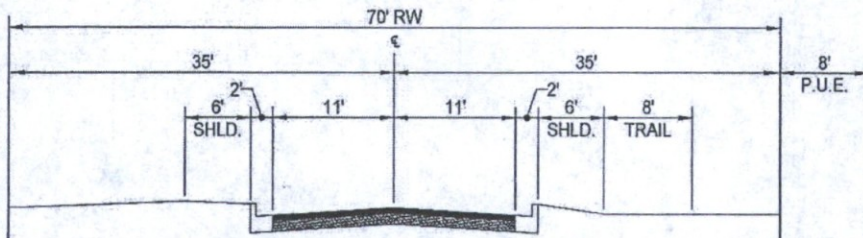
25-ZN-2016
10/26/2016



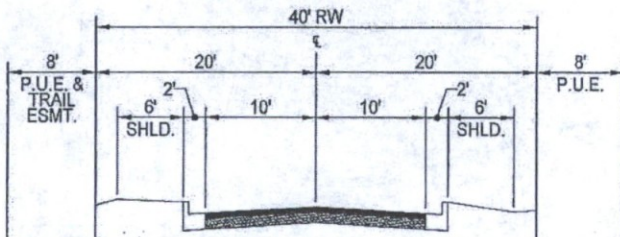
MINOR COLLECTORS - RURAL/ESL CHARACTER WITH TRAILS
(118th Existing - Jomax to Redbird Looking North)



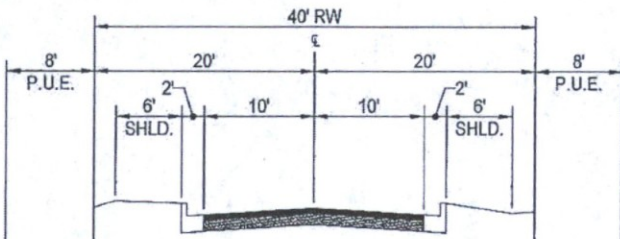
MINOR COLLECTORS - RURAL/ESL CHARACTER WITH TRAILS
(118th Proposed - Jomax to Redbird Looking North)



LOCAL COLLECTORS - RURAL/ESL CHARACTER WITH TRAILS
(Jomax Rd Looking West)



LOCAL RESIDENTIAL - RURAL/ESL CHARACTER
(Redbird Road Looking West)



LOCAL RESIDENTIAL - RURAL/ESL CHARACTER
(Internal streets)

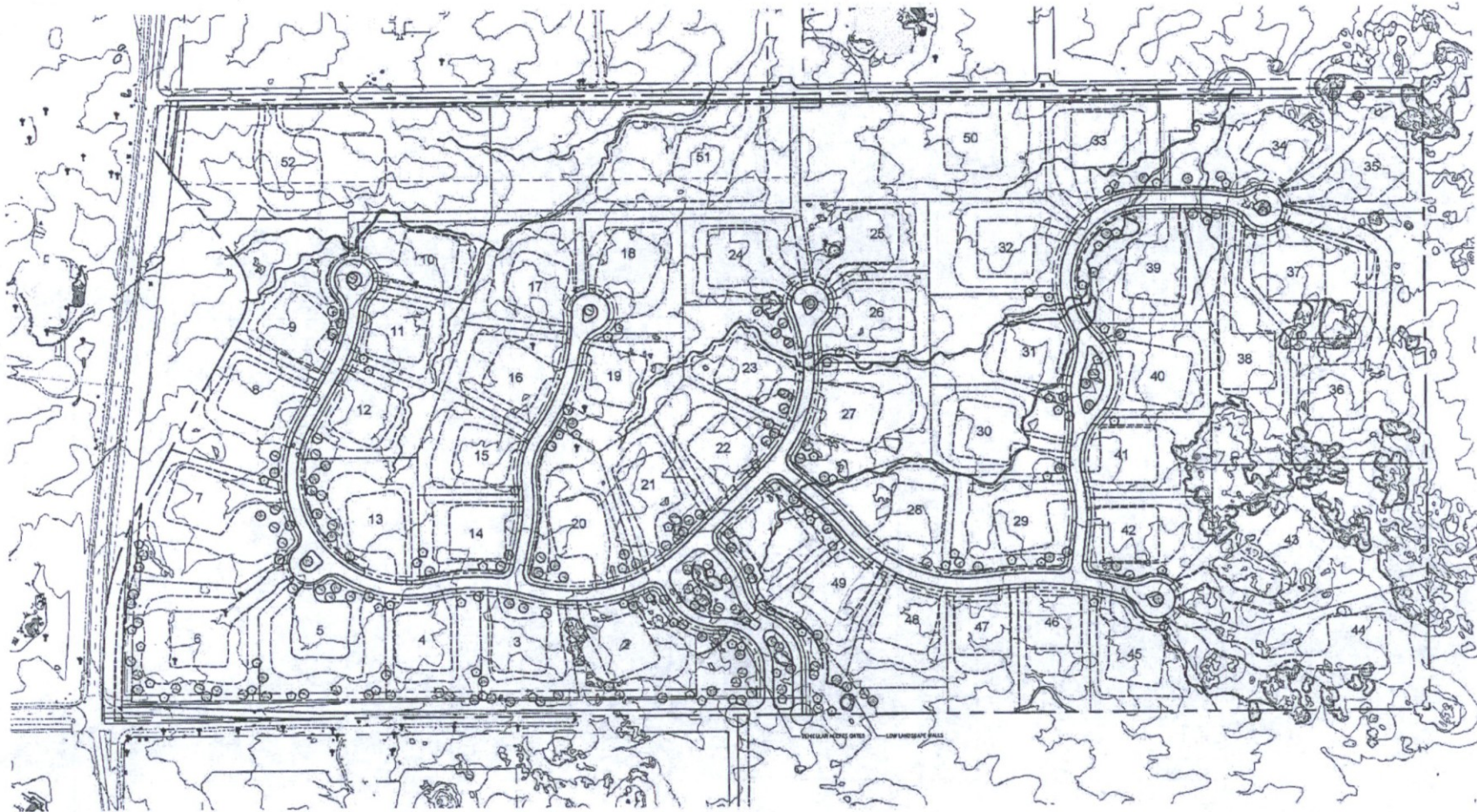
25-ZN-2016
10/26/2016



118 & Jomax

Street Sections





PLANT MATERIAL LEGEND

Plant Types	
Trees	<ul style="list-style-type: none"> Qinghai Juniper Desert Ironwood Franklinia Fortune Blue Palm Yucca Palmetto maculosa Florida Star Yucca Prosopis juliflora Yucca brevifolia
Large Shrubs	<ul style="list-style-type: none"> Larrea tridentata Opuntia
Medium Shrubs	<ul style="list-style-type: none"> Encelia torralba Turpentine Bush Sisyrinchium aridum Flax Leaf Bush
Ground Cover	<ul style="list-style-type: none"> Bulbosa microcarpa Desert Marigold Melospiza leucantha Blackfoot Daisy
Cacti / Succulents / Accents	<ul style="list-style-type: none"> Agave schottii Sisal Agave Artemisia tridentata Orange Leaf Sursage Daylily Desert Sage Fouquieria splendens Cactus Opuntia engelmannii Engelmann's Phlox Opuntia basilaris Chalkhill Cholla Opuntia vesicaria Staghorn Cholla Yucca baccata Bonnie Yucca
Soil	<ul style="list-style-type: none"> Desert Cobble

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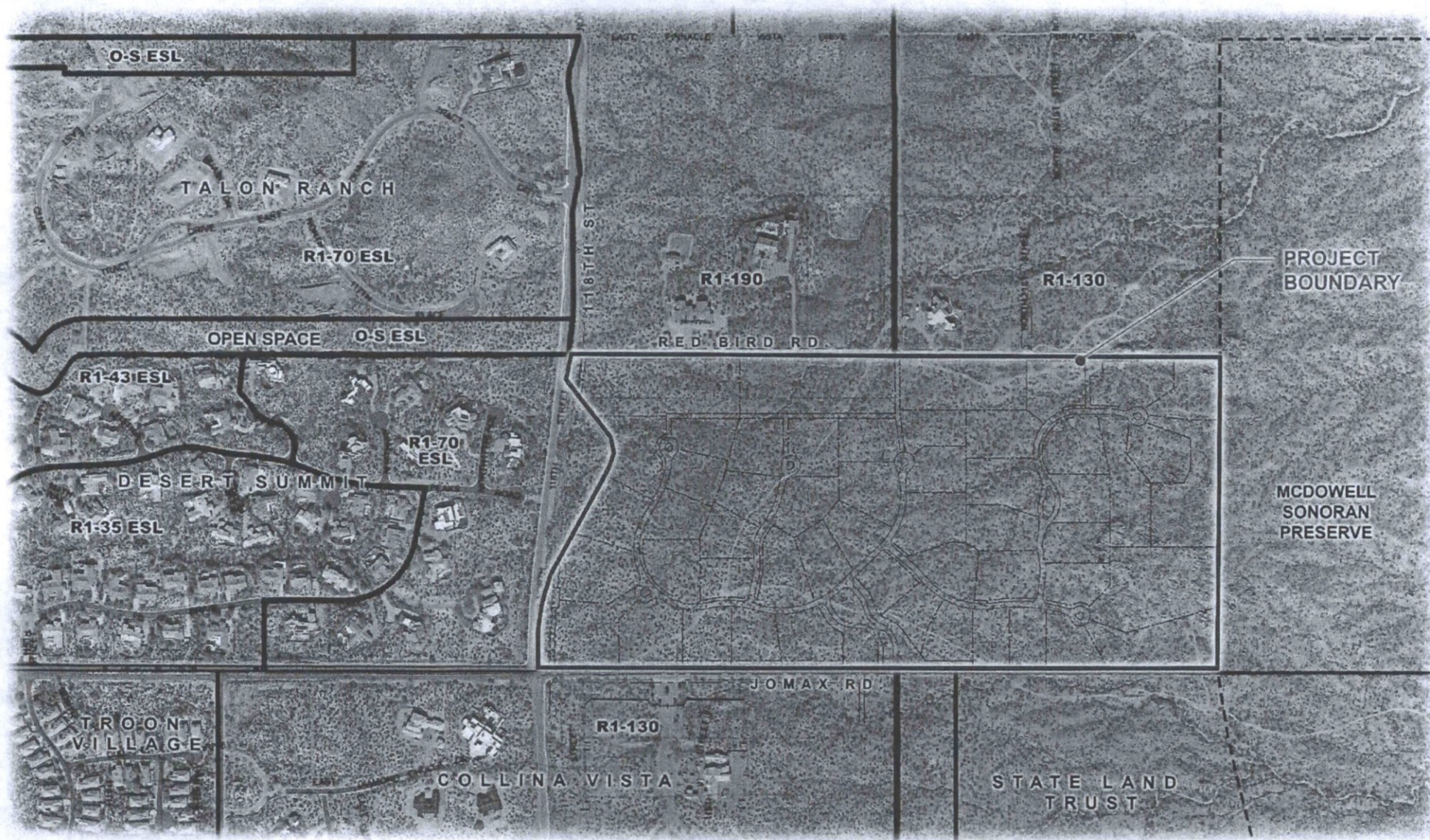
118TH & JOMAX

LANDSCAPE PLAN

plan scale 1:100
date: 10.20.16

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Aerial Context Map

plan scale NTS
date: 10.04.16

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ph. 480.999.7950 | 480.999.7959

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