AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
January 19, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

REGULAR SESSION AT OR AFTER 5:00 PM
CALL TO ORDER
ROLL CALL

EXECUTIVE SESSION AT OR AFTER 5:00 PM
Pursuant to ARS 38-431. 03(A)(3) Legal Advice regarding annexation

RESUME REGULAR SESSION AT OR AFTER 6:00 PM
CALL TO ORDER
ROLL CALL
PLEDGE OF ALLEGIANCE
UPCOMING MEETING ANNOUNCEMENTS
COUNCIL REPORTS
DEPARTMENT REPORTS

The Mayor and Council may consider and/or take action on the items listed below:

ORDER OF BUSINESS: **MAYOR WILL REVIEW THE ORDER OF THE MEETING**

INFORMATIONAL ITEMS

CALL TO AUDIENCE – At this time, any member of the public is allowed to address the Mayor and Town Council on any issue ***not listed on today's agenda*** . Pursuant to the Arizona Open Meeting Law, individual Council Members may ask Town Staff to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "Call to Audience." In order to speak during "Call to Audience" please specify what you wish to discuss when completing the blue speaker card.

PRESENTATIONS

A. Oro Valley Police Explorer Troop Participation in Chandler Explorer Competition

CONSENT AGENDA
(Consideration and/or possible action)

A. Police Department - November 2010 Statistics

B. Tucson Regional Economic Opportunities, Inc. Quarterly Report: July 1, 2010 - September 30, 2010

C. Resolution No. (R) 11-05, Declaring as a public record that a certain document known as Oro Valley Zoning Code Revised, Chapter 21, Review and Decision-Making Bodies; Chapter 23, Zoning Districts; Chapter 24, Supplementary District Regulations, Sections 24.1, 24.2, 24.5 and 24.7; Chapter 27, General Development Standards, Sections 27.2 and 27.6; Chapter 31, Definitions, and a new Section 27.10, Environmentally Sensitive Lands, Attached Hereto as Exhibit "A", and an Environmentally Sensitive Lands Planning Map, Attached Hereto as Exhibit "B" and filed with the Town Clerk; and declaring an emergency to exist

D. Resolution No. (R) 11-06 Authorizing and Approving a Memorandum of Agreement Between the Town of Oro Valley and the Pima County Superior Court to Refer Juveniles Charged with Misdemeanor Domestic Violence Offenses to the Domestic Violence Alternative Center

E. Resolution No. (R) 11-07 Accepting From Lin Trust and TF Naranja Group L.L.C. a Special Warranty Deed for Dedication of Public Right-of-Way From Certain Real Property Located in Pima County Along La Cholla Boulevard

F. OV12-05-36B Copperstone Development LLC requests a time extension to January 19, 2013 for an approved development plan for property located between Hardy Road and Calle Concordia on the west side of Oracle Road

G. Resolution No. (R)11-08 Adopting the Town of Oro Valley 2011 Strategic Plan

REGULAR AGENDA

1. PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR GRAIN RIVER ASIAN BISTRO RESTAURANT LOCATED AT 12985 N. ORACLE ROAD #125

2. PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR J. MARINARA'S RESTAURANT LOCATED AT 8195 N. ORACLE ROAD #105.

3. DISCUSSION AND POSSIBLE ACTION REGARDING THE TEMPORARY SIGN WAIVER PROGRAM

4. PUBLIC HEARING - ORDINANCE NO. (O) 11-01 ADOPTING THE ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE, AMENDING THE ORO VALLEY ZONING CODE REVISED, CHAPTER 21, REVIEW AND DECISION-MAKING BODIES, CHAPTER 23, ZONING DISTRICTS, CHAPTER 31, DEFINITIONS, AND ADDING A NEW SECTION 27.10, ENVIRONMENTALLY SENSITIVE LANDS, ATTACHED HERETO AS EXHIBIT “A”, AND AN ENVIRONMENTALLY SENSITIVE LANDS PLANNING MAP, ATTACHED HERETO AS EXHIBIT “B”; REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE BEEN ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

FUTURE AGENDA ITEMS (The Council may bring forth general topics for future meeting agendas. Council may not discuss, deliberate or take any action on the topics presented pursuant to ARS 38-431.02H)

CALL TO AUDIENCE – At this time, any member of the public is allowed to address the Mayor and Town Council on any issue ***not listed on today's agenda***. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask Town Staff to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "Call to Audience." In order to speak during "Call to Audience" please specify what you wish to discuss when completing the blue speaker card.

ADJOURNMENT

POSTED: 1/7/11
4:00 p.m.
tlg

When possible, a packet of agenda materials as listed above is available for public inspection at least 24 hours prior to the Council meeting in the office of the Town Clerk between the hours of 8:00 a.m. – 5:00p.m.

The Town of Oro Valley complies with the Americans with Disabilities Act (ADA). If any person with a disability needs any type of accommodation, please notify the Town Clerk's Office at least five days prior to the Council meeting at 229-4700.

INSTRUCTIONS TO SPEAKERS

Members of the public have the right to speak during any posted public hearing. However, those items not listed as a public hearing are for consideration and action by the Town Council during the course of their business meeting. Members of the public may be allowed to speak on these topics at the discretion of the Chair.

If you wish to address the Town Council on any item(s) on this agenda, please complete a speaker card located on the Agenda table at the back of the room and give it to the Town Clerk. **Please indicate on the speaker card which item number and topic you wish to speak on, or if you wish to speak during "Call to Audience", please specify what you wish to discuss when completing the blue speaker card.**

Please step forward to the podium when the Mayor announces the item(s) on the agenda which you are interested in addressing.

1. For the record, please state your name and whether or not you are a Town resident.
2. Speak only on the issue currently being discussed by Council. Please organize your speech, you will only be allowed to address the Council once regarding the topic being discussed.
3. Please limit your comments to 3 minutes.
4. During "Call to Audience" you may address the Council on any issue you wish.
5. Any member of the public speaking must speak in a courteous and respectful manner to those present.

Thank you for your cooperation.

Item #: A.

Town Council Regular Session

Date: 01/19/2011

Requested by:	Daniel G. Sharp, Police Chief	**Submitted By:**	Colleen Muhr, Police Department
Department:	Police Department		

Information

SUBJECT:

Oro Valley Police Explorer Troop Participation in Chandler Explorer Competition

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

The Oro Valley Police Explorer Troop will be participating in a competition in Chandler January 14-16, 2011. Councilmember Garner requested that the Explorers present the results of their participation in this competition to the Town Council.

Additional information will be provided prior to the meeting.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Item #: A.

Town Council Regular Session

Date: 01/19/2011

Requested by:	Catherine Hendrix, Office Specialist	**Submitted By:**	Catherine Hendrix, Police Department

Information

SUBJECT:

Police Department - November 2010 Statistics

Attachments

Link: November 2010 Statistics

ORO VALLEY POLICE DEPARTMENT POLICE ACTIVITY SUMMARY

2010	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Total Calls	15751	1357	1343	1492	1345	1635	1371	1393	1527	1466	1463	1359	
Commercial Veh Enforcement	153	11	6	30	22	5	1	1	3	57	7	10	
Residential Burglaries****	53	3	8	2	7	2	4	4	6	8	5	4	
Non-Residential Burglaries****	19	3	1	3	2	2	3	0	1	0	2	2	
All Burglary Attempts****	15	1	0	0	0	2	1	0	0	3	2	6	
Thefts	574	32	45	42	62	69	38	61	70	64	43	48	
Vehicle Thefts****	24	3	2	1	2	4	0	4	4	1	2	1	
Recovered Stolen Vehicles****	9	1	1	0	0	1	0	1	1	0	4	0	
Attempted Vehicle Thefts****	5	1	0	1	0	2	0	1	0	0	0	0	
DUI	198	28	14	20	22	22	16	10	17	28	9	12	
Liquor Laws	43	4	4	1	8	7	1	2	5	3	5	3	
Drug Offenses	161	17	13	20	12	22	11	9	12	18	16	11	
Homicides	0	0	0	0	0	0	0	0	0	0	0	0	
Robbery	8	0	1	0	0	1	0	1	2	3	0	0	
Assault	125	12	7	8	11	13	5	10	16	12	14	17	
Total Arrests***	1793	174	193	164	179	217	144	118	175	168	135	126	
Assigned Cases	667	60	66	70	50	64	53	56	71	67	58	52	
Alarms (Residential)	822	56	68	69	61	69	104	100	81	66	74	74	
Alarms (Business)	473	28	44	49	50	46	41	55	43	38	41	38	
K9 Searches	237	26	10	33	18	18	24	30	20	35	7	16	
First Aid Calls	2201	177	184	207	208	212	197	190	209	185	222	210	
Accidents	447	48	41	41	42	43	38	23	39	50	46	36	
Citations (Traffic)**	5630	683	650	536	351	609	477	588	623	548	565	**	
Warnings	5906	723	612	531	426	491	492	614	590	539	442	446	
Repair Orders	1230	127	156	150	107	78	59	67	96	242	98	50	
Public Assists*	2016	175	201	264	228	196	95	141	250	167	134	165	
Reserve Man Hours	1093.5	133.5	132.5	140	176.5	140	46	67	81.5	42	51.5	83	
Dark House Checks*	15485	846	462	641	1215	1729	1219	2219	2684	1735	1504	1231	
Drug Task Force Arrest	99	6	1	28	25	5	11	2	8	5	1	7	
CVAP Dark House Cks	9426	413	145	204	767	1354	767	1474	1925	988	864	525	
CVAP Public Assists	781	81	66	97	104	96	39	59	90	40	39	70	
CVAP Total Hours	15635.5	1435	1448.5	1417	1544	1468	1186	1497	1727.5	1205.5	1438	1269	

(Arrest stats updated for the year 07/19/10)

** Total Includes CVAP*

*** Traffic data delayed 30 days due to data entry backlog*

**** As of 1/1/09 "Total Arrests" are compiled through the Spillman database and include all cite and release arrests along with all physical arrests.*

Based on further investigation, actual classifications may change resulting in small variances of case counts.

*****Burglary Attempts and Non-Residential Burglaries/Vehicle Theft Attempts and Stolen Vehicle Recoveries have been separated from total counts as of August, 2010*

ORO VALLEY POLICE DEPARTMENT
MONTHLY BREAKDOWN OF CITATIONS BY VIOLATION

Citations 2010	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
TOWN CODE	155	18	17	7	1	13	19	15	18	10	37		
TITLE 28 VIOLATIONS													
SIZE, WEIGHT, LOAD	2	0	1	1	0	0	0	0	0	0	0		
INSURANCE VIOLATION	1232	168	149	112	83	112	103	141	139	105	120		
REGISTRATION VIOLATION	664	116	72	51	33	66	55	57	63	65	86		
DRIVERS LICENSE VIOLATION	458	65	53	50	35	66	46	40	52	42	9		
DUI	191	28	15	20	23	22	16	10	17	28	12		
RECKLESS/AGGRESSIVE DRIVING	18	1	1	1	3	1	3	1	2	3	2		
SPEEDING	1604	151	163	130	98	123	177	210	235	137	180		
LANE VIOLATIONS	203	20	21	17	11	26	23	19	22	23	21		
RED LIGHT	108	10	19	10	5	13	11	7	11	9	13		
STOP SIGN	91	18	13	8	11	5	2	2	22	4	6		
FAILURE TO YIELD	98	12	18	8	9	12	7	7	8	7	10		
SEATBELT VIOLATION	409	26	44	53	2	77	19	42	14	71	61		
CHILD RESTRAINT	11	1	1	1	1	2	1	0	1	2	1		
EQUIPMENT VIOLATIONS	240	29	37	36	9	38	9	31	16	17	18		
PARKING	15	2	0	1	1	2	3	1	2	0	3		
LITTERING	15	1	0	2	2	4	2	3	0	0	1		
ALL OTHER CITATIONS	299	49	38	33	25	40	21	17	19	35	22		
Total Citations	5637	697	645	534	351	609	477	588	623	548	565		

Based on further investigation and updating of information, actual classifications may change resulting in small variances in counts.

Item #: B.

Town Council Regular Session

Date: 01/19/2011

Requested by: Amanda Jacobs, Economic Development Manager

Submitted By: Amanda Jacobs, Town Manager's Office

Department: Town Manager's Office

Information

SUBJECT:

Tucson Regional Economic Opportunities, Inc. Quarterly Report: July 1, 2010 - September 30, 2010

RECOMMENDATION:

This report is for information only.

EXECUTIVE SUMMARY:

The 2010/11 Financial Participation Agreement (FPA) between the Town of Oro Valley and Tucson Regional Economic Opportunities, Inc. (TREO) stipulates that a quarterly report be compiled by TREO and submitted to the Economic Development division and the Town Council. The enclosed report satisfies the FPA requirement for the first quarter of FY 10/11.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

The FY 10/11 FPA between the Town of Oro Valley and TREO is in the amount of $43,521.

SUGGESTED MOTION:

This report for information only.

Attachments

Link: FY2010-11 TREO Financial Participation Agreement

Link: TREO 1st Quarter Report

RESOLUTION NO. (R) 10- 59

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING A FINANCIAL PARTICIPATION AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND TUCSON REGIONAL ECONOMIC OPPORTUNITIES, INC.

WHEREAS, the Town of Oro Valley is a political subdivision of the State of Arizona vested with all associated rights, privileges and benefits and is entitled to the immunities and exemptions granted municipalities and political subdivisions under the Constitution and laws of the State of Arizona and the United States; and

WHEREAS, pursuant to A.R.S. § 9-500.11, the Town may appropriate public monies for and in connection with economic development activities as long as there is adequate consideration; and

WHEREAS, the Town desires to continue to promote a business environment in Oro Valley that enhances economic vitality and improves the quality of life for its residents; and

WHEREAS, the Town of Oro Valley desires to enter into a Financial Participation Agreement with Tucson Regional Economic Opportunities, Inc. (TREO); and

WHEREAS, it is in the best interest of the Town to enter into the Financial Participation Agreement with TREO, attached hereto as Exhibit "A" and incorporated herein by this reference, to set forth the terms and conditions of the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, that:

SECTION 1. The Financial Participation Agreement between the Town of Oro Valley and Tucson Regional Economic Opportunities, Inc., attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby authorized and approved.

SECTION 2. The Mayor and other administrative officials are hereby authorized to take such steps as necessary to execute and implement the terms of the Agreement.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 15 day of September, 2010.

TOWN OF ORO VALLEY

Satish I. Hiremath, Mayor

ATTEST:

Kathryn E. Cuvelier, Town Clerk

Date: 9-28-10

APPROVED AS TO FORM:

Tobin Rosen, Town Attorney

Date: 9/28/10

EXHIBIT "A"

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT
(Contract Number)

THIS AGREEMENT is made and entered into this 15 day of September 2010, by and between the Town of Oro Valley, a municipal corporation, hereinafter called the "Town" and the **Tucson Regional Economic Opportunities, Inc.**, a non-profit corporation, hereinafter called the "Agency".

WITNESSETH

WHEREAS, it has been determined that the activities of Agency are in the public interest, and are such as to improve and promote the public welfare of the Town; and

WHEREAS, the Mayor and Council have determined that to financially participate in the promotion of the activities of Agency is a public purpose in that the activities confer direct benefit of a general character to a significant part of the public.

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties hereto do mutually agree as follows:

Section 1: Statement of Purpose

Agency shall oversee the implementation of the Economic Blueprint for the region to ensure and improve the vitality of the larger community, including the Town, by complementing the community's economic development resources. Agency shall support the Town's goals as stated in its Community Economic Development Strategy (CEDS).

Section 2: Services to be Performed by Agency

Agency performance measures for Fiscal Year 2010/11 are as follows:

1) Retention, Expansion and Attraction of Primary Employers
   Strategies:
   - Support local company formation as a method to create jobs and capital investment as well as showcase the region's innovative strengths.
     - Conduct 3 Economic Development missions/trips to showcase the region's competitive strengths.
     - Publish/sponsor 15 media articles showcasing the region's competitive strengths
   - Conduct 4 outreach meetings with regional primary employers to discuss current and future issues associated with operations, workforce, sales, local government, and other important matters. These meetings will focus on businesses within the four targeted industries and primary employers which produce goods and services in excess of what can be consumed by the local market.

- Attract and assist businesses outside of our community to relocate into the region and create new jobs. TREO shall focus on companies within the four targeted industries.
    - Host 2 site selectors in Oro Valley

2) Economic Development Policy and Tools Development and Pursuit
   Strategies:
   - Pursue reinstatement of State Job incentive grant funds.
   - Enhance and standardize the State enterprise zone program for use in relocation of primary employers.

3) Marketing and Promotion of the Region as a Business Center
   Strategies:
   - Continue national public relations outreach to position TREO as a business center by conducting 2 press trips, one out-bound and one in-bound.
   - Generate positive local media coverage in business publication, TV and radio regarding the region's key strengths.
     - Working with local media partners to highlight at least 2 positive stories that demonstrate the region's support of the business community and job creation.

Section 3: Services to be Provided by the Town

All funding is subject to the Town's budget appropriations. For this Agreement, up to Forty Three Thousand Five Hundred and Twenty One Dollars ($43,521) shall be allocated to Agency.

Section 4: Responsibility for Open Records

Agency agrees to open to the public all records relating to any funds directly received from the Town that Agency distributes to any organization and/or individual.

Section 5: Evaluation Criteria and Reporting

In order to assess the impact of Agency, the Town reserves the right to evaluate performance, and to have access to all pertinent information necessary to make evaluations.

A. Agency agrees to submit to the Town, through the Economic Development Division, quarterly reports addressing the progress of Agency in achieving its Program of Work. Reports shall be submitted within thirty (30) working days of the end of each calendar quarter.
B. Agency agrees to give explanations for any variance in the expected performance for each measure.
C. Agency agrees to give projected performance for each measure through the end of the fiscal year (June 30th).

D. Agency agrees to review and present such reports to the Town Council in open meetings.

Section 6: Accountability

Agency shall maintain a true and accurate accounting system which meets generally accepted accounting principles, and which is capable of properly accounting for all expenditures and receipts of Agency on a timely basis. In addition, Agency shall maintain evidence of its compliance with the nondiscrimination provisions of this Agreement.

Agency's accounting system shall permit separate, identifiable accounting for all funds provided by the Town pursuant to this Agreement.

Agency shall provide the Finance Department of the Town, within four (4) months after the close of Agency's fiscal year, a copy of the financial audit of Agency's operations by an independent certified public accountant, along with any management letter and, if applicable, Agency's plan for corrective action.

If Agency does not have an audit, it shall submit within three (3) months after the close of its fiscal year, a complete accounting of Town funds received. This accounting must be approved by the Finance Department of the Town as sufficiently descriptive and complete.

If for good reason Agency cannot meet the times established for submission of financial reporting, Agency shall notify the Finance Department in writing the reason for the delay, provide an expected completion date and request a waiver of the due date.

At any time during or after the period of this Agreement, the Town Finance Department and/or a Town agent may audit Agency's overall financial operation or compliance with the nondiscrimination clause of this Agreement for the Agreement period. Agency shall provide any financial reports, nondiscrimination policies and procedures or other documentation necessary to accomplish such audits.

Section 7: Matching Grants

Agency agrees to obtain Mayor and Council approval prior to applying for any matching grants involving the commitment of Town funds.

Section 8: Nondiscrimination

Agency, in its employment policies and practices, in its public accommodations and in its provision of services shall obey all relevant and applicable, federal, state, and local laws, regulations and standards relating to discriminations, biases, and/or limitations, including, but not limited to, Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Arizona Civil Rights Act, the Arizonans with Disabilities Act, the Human Relations provisions of the Oro Valley

Code, and the Mayor and Council policy adopted on September 25, 2000, prohibiting the direct or indirect grant of discretionary Town funds to organizations that have a policy of exclusionary discrimination on the basis of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status. See Administrative Guidance Re: Non-Discrimination Policy for Programs Funded by the Town of Oro Valley, attached and incorporated herein by this reference.

Section 9: Sub-recipient Funding Agreements

Agency agrees to include in all of its sub-recipient funding agreements the nondiscrimination provisions contained in Section 8 herein.

Section 10: Term of Agreement

This Agreement shall be effective from July 1, 2010 through June 30, 2011. This Agreement may be extended at the sole option of the Town for additional fiscal year(s) only under the following conditions:

A. The Mayor and Council of the Town determine the services of Agency are in the public interest and allocate funds therefore; and
B. The parties mutually agree to a scope of services to be provided by Agency in any subsequent fiscal year.

Any extension of this Agreement shall be memorialized in writing and signed by the Parties.

Section 11: Payment Withholding, Reduction, or Termination

The Town may withhold whole or part of the scheduled payment, reduce, or terminate funding allocations to Agency if:

A. Services are not rendered.
B. Agency fails to supply information or reports as required.
C. Agency is not in compliance with agreed upon disbursement documentation and/or other project performance.
D. Agency fails to make required payments to subcontractors.
E. The Town has reasonable cause to believe Agency is not in compliance with the nondiscrimination clause of this Agreement.
F. The Mayor and Council fail to appropriate all or part of the funds for this Agreement.

Such payment reductions or payment termination may result in Agency receiving a lesser total Town allocation under this Agreement than the maximum funding allocated. If reasons for withholding payments other an non-appropriation of funds have been corrected to the satisfaction of the Town, any amounts due shall be processed.

The Town will be reimbursed for any funds expended for services not rendered. In addition, Agency shall return to the Town any Town funds provided pursuant to this Agreement that have not been expended by June 30, 2011.

Section 12: Termination of Agreement

This Agreement may be terminated at any time by mutual written consent, or by either party giving thirty (30) days written notice to the other party or at such time, as in the opinion of the Town, Agency's performance hereunder is deemed unsatisfactory.

Section 13: Method of Payment

The parties have agreed that Agency will receive up to Forty Three Thousand Five Hundred Twenty One Dollars ($43,521), which is based on 2009 Pima Association of Governments (PAG) population estimate for Oro Valley (43,521) and a per capita rate of $1. Disbursement of funds by the Town is subject to the annual appropriation by the Town Council and the limitations of the state budget law. Payments shall be made on a quarterly basis commencing July 1, 2010. Payments are to be made within forty (40) days after the close of each preceding quarter.

Section 14: Indemnification

Agency agrees to indemnify, defend and save harmless the Town, its Mayor and Council, appointed boards, committees, and commissions, officers, employees, and insurance carriers, individually and collectively, from all losses, claims, suits, demands, expenses, subrogations, attorney's fees, or actions of any kind and nature resulting from personal injury to any person, including employees of Agency or of any subcontractor employed by Agency (including bodily injury and death); claims based upon discrimination and/or violation of civil rights; or damages to any property, arising or alleged to have arisen out of the work to be performed hereunder, except any such injury or damages arising out of the sole negligence of the Town, its officers, agents, or employees. Workers' Compensation insurance and/or self-insurance carried by the Town do not apply to employees or volunteers acting in any capacity for Agency.

Section 15: Independent Contractor

The parties stipulate and agree that Agency is not an employee of the Town and is performing its duties hereunder as an Independent Contractor, supplying its own employees and maintaining its own insurance, workers' compensation insurance and handling all of its own internal accounting. The Town in no way controls, directs or has any responsibility for the actions of Agency.

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT
(Contract Number)

Section 16: Insurance

Agency agrees to:

A. Obtain insurance coverage of the types and amounts required in this Section and keep such insurance coverage in force throughout the life of this Agreement. All policies will contain an endorsement providing that written notice be given to the Town at least thirty (30) calendar days prior to termination, cancellation, or reduction in coverage in any policy.

B. The Comprehensive General Liability Insurance policy will include the Town as an additional insured with respect to liability arising out of the performance of this Agreement.

C. Agency will provide and maintain minimum insurance limits as follows:

COVERAGE AFFORDED	LIMITS OF LIABILITY
1. Workers' Compensation	Statute
2. Employer's Liability	$100,000
3. Comprehensive General Liability Insurance -- Including: (1) Products and Completed Operations (2) Blanket Contractual	$1,000,000 - Bodily Injury and Combined Single Limit $100,000 Property Damage

D. Agency shall adequately insure itself against claims based upon unlawful discrimination and violation of civil rights. The cost of this insurance shall be borne by Agency.

Section 17. Use of the Town Logo

The Town Logo shall be used for the recognition of the Town's contribution to Agency only.

Section 18: Conflict of Interest

This Agreement is subject to the conflict of interest provisions of A.R.S. § 38-511, *et seq.*

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT
(Contract Number)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

TOWN OF ORO VALLEY, a municipal corporation

Satish I. Hiremath, as Mayor
and not personally

ATTEST:

Kathryn E. Cuvelier, as Town Clerk
and not personally

Date: 9-28-10

APPROVED AS TO FORM:

Tobin Rosen, as Town Attorney
and not personally

Date: 9/28/10

TUCSON REGIONAL ECONOMIC OPPORTUNITIES, INC., a non-profit Corporation

Agency Representative
and not personally

Title President & CEO

State of Arizona)
) ss.
County of Pima)

On this 11 day of October, 2010, Joseph Snell, known to me to be the person whose name is subscribed to the within instrument, personally appeared before me and acknowledged that he/she executed the same for the purposes contained.

Given under my hand and seal on Oct 11, 2010.

Notary

My Commission Expires: 11-29-11

OFFICIAL SEAL
PHYLLIS G. VERDUGO
NOTARY PUBLIC - ARIZONA
PIMA COUNTY
My Commission Expires November 29, 2011

Oro Valley Report
Activity for the Period
July 1-September 30, 2010

1) **Retention, expansion and attraction of primary employers**

Strategies:

- Support local company formation as a method to create jobs and capital investment as well as showcase the Tucson region's innovative strengths.
- Conduct 3 Economic Development missions/trips to showcase the Tucson region's competitive strengths.

  Activity:
  - TREO is working with other organizations and Oro Valley on medical device effort, as well as an aerospace/defense focused effort.

- Publish/sponsor 15 media articles showcasing the Tucson region's competitive strengths.

  Activity: (Articles attached)
  - Profiled the region to 2500 corporate site selectors via "Select Tucson".
  - Business Expansion Journal (Tucson / solar zone inclusion in cover story)
  - Business Facilities magazine (Tucson / solar zone inclusion in cover story and annual rankings report).
  - Canada's BioBusiness.

- Conduct 4 outreach meetings with regional primary employers to discuss current and future issues associated with operations, workforce, sales, local government, and other important matters. These meetings will focus on businesses within the four targeted industries and primary employers which produce goods and services in excess of what can be consumed by the local market.

  Activity:
  - Meetings were conducted with representatives of Ventana Medical Systems during the period July – Sept 2010. Interaction with VMSI continues as we work to implement the agreements supporting the firm's expansion in Oro Valley.
  - Solon Solar, Meeting held October 29, 2010.

- Attract and assist businesses outside of our community to relocate into the region and create new jobs. TREO shall focus on companies within the four targeted industries. Host 2 site selectors in Oro Valley.

Activity:

- Hosted Ginovus Partners in Oro Valley.
- Pipeline Prospects Include:
  - 42 Prospects & Clients Total
  - 3 Aerospace/Defense
  - 12 Alternative Energy
  - 10 Bioscience
  - 3 Call Center
  - 14 Other

2) Economic Development Policy and Tools development and pursuit

Strategies:

- Pursue reinstatement of State Job incentive grant funds.
- Enhance and standardize the State enterprise zone program for use in relocation of primary employers.

Activity:

- TREO participated in the statewide effort to draft a comprehensive economic development tools white paper through out the reporting period. Participants included representatives of the Governor's office and the Arizona Commerce Authority, Arizona Association for Economic Development, and rural economic development practitioners. The resulting white paper outlines options for possible tools including:
  - Enterprise Zone enhancements
  - Protection of Job Training Funds
  - Establishment of closing fund
- A Joint Legislative Preview with Tucson Metropolitan Chamber of Commerce and Southern Arizona Leadership Council - Pursuant to the TREO board's goal of increased collaboration with other business groups in the region, has been planned for mid-December. The objective of the gathering is to present a unified and concise set of recommendations to the delegation of state legislators representing Southern Arizona in Phoenix. Likely items include the need for a jobs bill and related economic development tools necessary to contribute to Arizona's competitiveness moving forward.

3) Marketing and promotion of the Tucson Region as a Business Center

Strategies:

- Continue national public relations outreach to position TREO as a business center by conducting 2 press trips, one out-bound and one in-bound.

Activity:

- As part of our national marketing campaign, TREO hosted national

and international reporters to profile the aerospace and defense industry and specific companies in Southern Arizona. Six reporters participated, representing a variety of publications on September 30th and October 1st. 3 stories resulted from this effort. (See Section 1)

- Generate positive local media coverage in business publication, TV and radio regarding the Tucson region's key strengths. Working with local media partners to highlight at least 2 positive stories that demonstrate the region's support of the business community and job creation.

  Activity:
  - Planned program/content for TREO Annual Luncheon on October 1st, featuring Admiral Mike Mullen, Chairman of the Joint Chiefs of Staff. This was largest luncheon in TREO's history, with attendance of 780 and major regional employers represented. Coordinated local media interviews celebrating TREO's success.

IN THIS ISSUE

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American Red Cross to consolidate blood donor call center, bring 300 new jobs to Tucson

Tucson "The Solar City" Featured in Business Facilities Magazine April 2010 Cover Story

ADVANCE Magazine Notes Growth of Southern Arizona Bioscience Industry

Why Tucson for Aerospace?

Tucson's clear blue skies and dry climate have been attracting aerospace-related attention since the early 1900s. Year-round testing of equipment and aircraft provide a clear value to the region's 200+ aerospace and defense companies..

Nationwide, Tucson ranks as one of the Top 5 metro markets for its concentration of employment in aerospace and defense. Major employers such as Raytheon Missile Systems, Lockheed Martin, Bombardier Aerospace, Northrop Grumman, Honeywell Aerospace, and the expanding Sargent Aerospace & Defense (see story below) continue to thrive in the Tucson area, generating $5 to $6 billion annually.

One of the primary reasons for the success of these companies is the quality workforce available in Southern Arizona. From aerospace engineers graduating from the University of Arizona, to FAA-certified airframe technicians trained at the nationally-renowned Aviation Technology Center at Pima Community College, Tucson has the educational resources to supply all levels of aerospace workers to companies in the region. Throughout Southern Arizona, there are currently between 20,000 and 30,000 people employed in the aerospace industry.

For more information on locating or expanding in the Tucson region, please contact:

Lee Smith
Sr. Vice President, Business Development
520.243.1909 or lee.smith@treoaz.org

AEROSPACE INDUSTRY NEWS

Sargent Aerospace & Defense Announces Major Expansion, Doubling Size of Southern Arizona Facility

Sargent Aerospace & Defense, a leading supplier of precision engineered components and aftermarket services, and an operating company within Dover Corporation's (NYSE: DOV) Industrial Products Segment, announced that it has chosen the Tucson region to expand and upgrade its operations in support of current and projected business growth.

The company, part of the greater Tucson region since 1990 and currently employing approximately 250 people, will build a projected 70,000 square-foot

Get expanded information on these Tucson industries:

Aerospace

Bioscience

Solar

Transportation & Logistics

Read the Latest Relocation & Expansion News from Tucson

Newsweek ranks Tucson's BASIS Charter School #6 on its Best American High Schools list (June 2010)

Forbes ranks Tucson as one of America's Most Innovative Cities (May 2010)

Forbes ranks Tucson as the 8th Best City for Commuters (February 2010)

Sunset ranks Tucson as one of its "20 Best Towns of the

facility adjacent to its existing 60,000 square-foot facility . With the new campus, Sargent will implement an engineering design and qualification lab center of excellence, while incorporating operational improvements and environmentally responsible building elements.

The increased capacity is required to support the growth of key programs such as the VIRGINIA class submarine, the new Boeing 787 and Airbus A350 commercial aircraft, and Lockheed Martin's F-35 Joint Strike Fighter.

Sargent anticipates this growth, coupled with new development activity, will add new jobs in the areas of specialty aerospace design, manufacturing, test engineering, program management, and highly-skilled manufacturing such as computed numerically controlled (CNC) machine programmers, operators, and test technicians.

"Our decision to expand in the greater Tucson region, specifically Marana, was driven by a need to retain a strategic location with a culturally diverse employment base. Being close to California and Mexico allows us access to both key aerospace suppliers and our existing manufacturing plants via a well-established transportation network. Southern Arizona provides long-term value while maximizing productivity and supporting our growth plans," said Scott Still, president, Sargent Aerospace & Defense.

"This was a very competitive site selection process and is now another feather in the hat for the Tucson region. We are a Top 5 Metro area nationwide for aerospace & defense, and Sargent has chosen the best place to grow and prosper for many years to come," said Joe Snell, president & CEO, TREO.

BUSINESS EXPANSION NEWS

Arizona Canning Company Announces Expansion, Brand Acquisition

Tucson-based food manufacturer Arizona Canning Company has purchased the Luck's brand from ConAgra Foods to complement its line of canned foods produced in Southern Arizona.

Arizona Canning Company, which selected Tucson for its U.S. operations in 2006, will sell, source raw material, produce, warehouse and fulfill customer orders of the Luck's brand directly from Tucson across the U.S. The brand acquisition will add 40 jobs in the Tucson region, bringing the projected plant workforce to 134. The additional jobs will be in production, maintenance, logistics, quality assurance and engineering.

In addition, Arizona Canning Company has added 92,000 square feet of dry warehouse space in preparation for the growth, bringing the total square footage to 532,000. The addition of the Luck's brand of products results in the Arizona Canning Company plant running 24 hours a day/5 days per week, or at near capacity. The purchase of Luck's will also allow a major expansion of the La Costeña-owned U.S. headquarters into Mid South/ Southeast markets and the ability to maximize the brand's potential by adding it to the La Costeña product portfolio. Arizona Canning Company currently

Future," specifically noting Tucson's innovative building movement and environmentally responsible architecture (March 2010)

Best Place in Arizona to Raise Your Kids *Business Week* (November 17,2009)

An Editors' Choice for cities that are surviving and thriving during the economic downturn - *Business Facilities* magazine (October 2009)

No. 6 of the Top 10 Metro Areas for aerospace/defense manufacturing. *Business Facilities* magazine (August 2009)

No. 16 Best City to Live and Work for Young Professionals (Next Generation Consulting, June 2009)

Among the top 12 "Fast Cities" worldwide by *Fast Company* magazine (May 2009)

Tucson named a "rising biotechnology star of Arizona" *Business Facilities* magazine. (March 2008)

Fast Company magazine named Tucson among the top 10 in the United States for job growth and high-tech industry concentration. Noted "Fast Companies" are Raytheon Missile

manufactures canned foods including refried beans, whole beans and enchilada sauces, under licensed brands such as La Costeña and SunVista.

Click here to read more about Arizona Canning Company.

BUSINESS EXPANSION NEWS

American Red Cross to Consolidate Blood Donor Call Center, Bring 300 New Jobs to Tucson

The American Red Cross has plans to consolidate its blood donor call center operations to three locations across the country, including a facility which will bring approximately 300 new jobs to the Tucson, Arizona area.

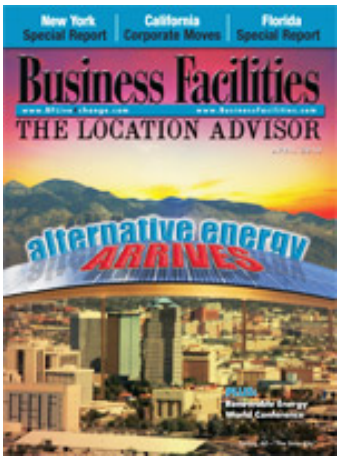
The Tucson facility is expected to open this summer. Red Cross telerecruitment efforts are currently conducted in blood centers across the organization, and the organization plans to relocate these operations to the three new locations. Telerecruiters contact donors to schedule appointments to give blood and provide reminder calls to individuals scheduled to donate.

In selecting Tucson, the Red Cross identified a number of criteria including the availability of skilled labor, the availability and cost of facilities, and any economic incentives offered by the city.

SOLAR INDUSTRY NEWS

Tucson "The Solar City" Featured in Business Facilities Magazine April 2010 Cover Story

Tucson is prominently featured in the April 2010 issue of Business Facilities magazine, including many photos of the companies and facilities involved in the solar industry across the city.



From the cover images of the city beneath a canopy of solar panels, to the editors introduction, to the feature article, Business Facilities -- a leading publication for site selectors who aid in business relocation and expansion nationwide -- shows how Tucson is establishing itself as a location of choice for the solar industry.

Get the complete article below:

Click here to download the complete article (pdf)

Systems, UniSource Energy,
and Universal Avionics.
(July 2007)

Tucson ranked #27 for job growth and #49 for business and careers in *Forbes'* list of best places among the nation's 200 largest cities.
(March 2008)

Click here for more Tucson rankings

BIOSCIENCE INDUSTRY NEWS

ADVANCE Magazine Notes Growth of Southern Arizona Bioscience Industry

ADVANCE is a monthly publication that reaches decision makers employed in hospital-based and reference laboratories, as well as physician office laboratories.

For this article, the magazine focuses on Southern Arizona's existing bioscience industry -- companies like Roche and sanfi-aventis -- and notes the region's ability to incubate new bioscience companies through facilities such as the Bio5 Institute, University of Arizona TechPark and the University's new bioscience park.

Click here for the article.

If you have feedback on the newsletter or would like to provide an idea for a future article, please contact chance.agrella@treoaz.org or (520) 243-1917

FOLLOW TREO ON:

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Call 866.600.0331 or visit www.treoaz.org

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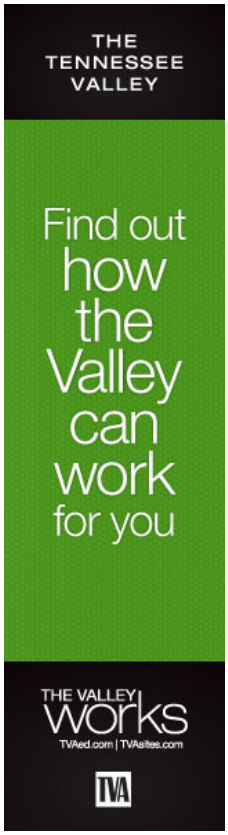

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Solar Energy Is The Economy's Bright Spot

« Back

by Rachel Duran

The solar energy industry in the United States is red hot, and has become a significant part of the country's energy mix, thanks to a number of pieces coming together at the right time. This includes federal grant programs and tax credits, state-level incentives, and a 40 percent decrease in the wholesale price of solar, which spanned the summer of 2008 through the end of 2009.

As a result of these favorable factors, solar markets are developing in every state, where just a few years ago, the industry was isolated to a few states. New Jersey installed 57 megawatts of solar energy in 2009, second to California, which installed more than 220 megawatts. New Jersey's officials have turned to solar to overcome the difficulties the state has in building new power plants and new transmission lines, supported by favorable policies and incentives to encourage growth.

The growth in the residential installations of solar products, as well as the increase in utility-scale applications, signifies the diversity of products and technologies available in the marketplace. These increases contributed to a 38 percent growth rate of the industry in 2009, and an increase in revenue of more than 40 percent.

What's more, the expansion of the industry not only created 17,000 new jobs in 2009, but it also put roofers, plumbers, and electricians from the hard-hit housing industry back to work. The industry currently needs and will need accountants, lawyers, and manufacturers, among other skill sets to keep pace with growth.

It is because of the surge in the U.S. marketplace for solar-related activities that German firm Flabeg decided to build a plant for solar mirrors used in concentrated solar power applications in the United States. The mirrors are used in industrial-scale power stations, generating heat which is transferred to steam, which is then transferred to electric energy.

Flabeg Solar US Corp. located to Findlay Township, Pa., part of the Pittsburgh metro region. The key element in the decision-making process was timing. “We had a lot of obligations to deliver mirrors so we had a very demanding time line for this project,” says Jochen Meyer, president, Flabeg Solar US. “We wanted to be ready for production by the end of 2009.”

Meyer’s team found a shovel-ready site that allowed the firm to begin operations in a swift manner. “We found readily available, pre-developed sites at an airport industrial park, which was developed by the airport authority, and which offered excellent logistics positioning to the airport and highway access,” Meyer says.

Flabeg's officials also had existing relationships with local authorities in the area because its has an auto mirror plant located in Brackenridge, Pa. Additionally, the Pittsburgh region allowed the firm to operate from the East Coast, which provided a larger shared window of time with its German office, working from a six-hour time difference to support the management of a global company.

Flabeg's Findlay Township site is a 230,000-square-foot facility, which is home to 50 workers, expecting to add 50 more by the end of the year. “We have a substantial investment project going on next year, and we expect the U.S. market to really get going,” Meyer adds, which will increase the company's employment numbers to 300.

Learning A Thing Or Two From The Veterans

European and Scandinavian countries have long been global leaders in developing and using renewable energy technologies, supported by many factors, including favorable regulatory policies to grow the sectors. In regard to solar energy activities, “the irony of ironies is that Germany is by far the largest market in the world; they sell as much as eight times as we do in the United States,” says Rhone Resch, president and CEO, Solar Energy Industries Association, which works to expand the industry through a variety of initiatives. “Yet, the amount of sunlight that falls in Germany is equivalent to the amount of sunlight we have in Anchorage, Alaska. So the good news is that all 50 states in the United States can benefit from the greater use of solar energy.”

A company in Madison, Miss., has seen the light in regard to the benefits of solar energy. Kight Energy LLC started operations last fall conducting energy audits, aiming to expand into the solar energy industry. Through an introduction made by the Scandinavian American Economic Development Alliance (also located in Madison), officials contacted a liaison in Sweden. “He suggested that because the U.N. Climate Change Conference was taking place in Copenhagen in December [2009], we should attend and meet companies that had products in line with what we wanted to do,” says Robie Kight, P.E., president and CEO, Kight Energy. The liaison has a network of 3,000 clean-tech companies located throughout Scandinavia.

In addition to meeting with companies to discuss bringing their technologies and promoting their products in the United States, Kight and his team were given a tour of Malmo in southern Sweden, allowing them to witness first hand a mature clean-tech energy industry. They saw solar panel installations in hospitals, public works buildings, apartments and restaurants. As a result of the trip, Kight Energy signed distribution agreements with four Scandinavia companies. One company, SolarVenti, based in Denmark, manufactures solar air collectors (dehumidifiers). “Our agreement with SolarVenti is a two-step process; to develop a distribution network for their product in the United States; and at some point to begin either manufacturing or assembling the final product here in the United States,” says Alan Crancer, vice president of marketing, Kight Energy.

In August, a Scandinavia delegation of clean-tech companies toured communities in the Southeast, including Madison, to learn about further market opportunities for their products.

The solar energy industry is increasingly interested in the Southeastern marketplace, backed by state and local governments who support the projects with incentives and other resources. For example, in the spring, Twin Creeks Technologies Inc., a venture-backed solar tech company based in San Jose, Calif., announced it would locate a solar panel manufacturing plant in Senatobia, Miss. The state of Mississippi provided loan assistance totaling $50 million through its Major Economic Impact Authority to the company. The state and city will also provide $4 million to support infrastructure improvements at the site.

Twin Creeks Technologies' new 250,000-square-foot facility will feature manufacturing processes using proprietary technology in the production of photovoltaic solar panels. The company, which has engineering and manufacturing locations in Boston and San Jose, plans to create 512 jobs in two phases during the next five years, investing $175 million.

Solar-energy companies are also attracted to the business climate in Tennessee, a state which has seen more than $2 billion in solar-related investments in the past two years. Officials have passed favorable incentives to support industry activities. The solar-energy sector is anchored by $1 billion plant announcements (each) from Hemlock Semiconductor in Clarksville, and Wacker Chemie, AG in Clinton, which will manufacture polycrystalline silicon, a key component in photovoltaic products. In further developments to Tennessee's supply chain for the solar energy industry, Confluence Solar Inc. announced in January it would produce mono-crystal silicon ingots for photovoltaic solar power generation from a $200 million operation in Clinton. "Tennessee's nationally recognized business climate and their focused solar strategy along with Clinton's proximity to Oak Ridge National Laboratory and the new Solar Institute made Tennessee the perfect location for our facility," said Tom Cadwell, CEO and co-founder, Confluence Solar, at the time of the announcement.

In the Southwest United States, supply chain synergies are thriving in Tucson, Ariz.'s solar energy cluster. Two Germany companies have discovered the advantages of the state and local community's support for the industry in the form of incentives and policies mandating solar energy applications.

Solon Corp., one of the largest solar module manufacturers in Europe; and Schletter Inc. a designer, manufacturer, and distributor of solar systems, have both opened their only U.S. facilities in Tucson.

Global Solar Energy, a manufacturer of thin-film solar on flexible substrates, supplies Solon from its Tucson headquarters. The company opened two facilities in Tucson in 2008. Global Solar Energy and Solon have installed the largest array of a copper indium gallium selenide solar field in the country, where the 750 kilowatts generated help to power Global Solar Energy's operations.

Another member of the supply chain is General Plasma, which manufactures the machines that Global Solar Energy uses to make its thin-film technology. Another player is Prism Solar Technologies Inc., which is a startup whose technology concentrates more sunlight on to solar panels.

In Tucson, companies find a unified voice in support of the solar-energy industry, says Laura Shaw, senior vice president, marketing and communications, Tucson Regional Economic Opportunities, Inc. (TREO). "We have people that are working from the same strategic plans," Shaw says. "For example, the Greater Tucson Solar Development Plan was driven by our Association of Governments. And TREO also has a solar and alternative energy industries strategy in our Economic Blueprint. The community works in concert with each other."

And while many communities want to develop a solar industry to tout to companies for business investment, do they really have the strengths and assets to deliver to the industry? Shaw asks. In addition to the sun, Tucson has demand for the market due to the state's renewable energy requirements that must be met; a university with strong engineering and R&D programs, competitive operating costs; and access to a tech workforce.

The University of Arizona is home to the Arizona Research Institute for Solar Energy (AzRise), a global institute that creates partnerships among stakeholders to promote the growth of solar energy in the state. What's more, part of the university's tech park is designated as the Solar Zone, which consists of 200 acres set aside in order to house solar companies, such as those involved in generation and storage, manufacturing and assembly and R&D.

The anchor tenant of the Solar Zone is Bell Independent Power Corp. (BIPC), based in Rochester, N.Y., which will conduct a commercial demonstration of its proprietary thermal storage system. The technology has the ability to improve the efficiency of a facility by 50 percent, which will drive down the costs of producing solar power. BIPC is developing a 5-megawatt solar plant featuring a thermal storage system for concentrated solar power that will be the first-of-its-kind in the world. The $32 million project will feature 45 acres of parabolic solar mirrors to capture the solar energy. The project will begin providing power to Tucson Electric Power's customers in May of 2011.

BIPC's activities figure into the bigger picture of the U.S. solar energy, which will continue robust growth for years to come. "In 2009, we installed a little less than 500 megawatts [of solar energy]," Resch says. "By 2015, we will be installing more than 10,000 megawatts each year. That is enough electricity for 2 million new homes to be entirely powered by solar power. There is no other industry out there that will experience this growth."

For complete details about the organizations featured in this article, visit:

Flabeg Solar US Corp., www.flabeg.com

Kight Energy LLC, www.kightenergy.com

Solar Energy Industries Association, www.seia.org

Tennessee Department of Economic and Community Development, www.tn.gov/ecd

Tucson (Ariz.) Regional Economic Opportunities, Inc., www.treoaz.org

Alternative Energy*

Based on number of establishments, first quarter 2008 to first quarter 2009.

Startups

1. California

2. Florida

3. Texas

4. New York

5. Arizona (Tie)

5. Pennsylvania (Tie)

7. Colorado (Tie)

7. Illinois (Tie)

9. North Carolina (Tie)

9. Massachusetts (Tie)

New Branches

1. California

2. Texas (Tie)

2. Arizona (Tie)

4. Connecticut (Tie)

4. Illinois (Tie)

4. Colorado (Tie)

4. Massachusetts (Tie)

4. Michigan (Tie)

4. Mississippi (Tie)

4. Missouri (Tie)

4. Iowa (Tie)

Employment

1. California

2. New York

3. Texas

4. Florida

5. Massachusetts

6. New Jersey

7. Maryland

8. South Dakota

9. Iowa

10. Pennsylvania

* There isn't a comprehensive way to rank the alternative energy sector; rankings are based on the information that is available in the marketplace.

Data includes the following classifications:

44-621.9909 Windmills, electric generating

43-869.0104 Ethyl alcohol, ethanol

43.869.0108 Methyl alcohol, synthetic methanol

43.869.0306 Ethanolamines

32-711.0403 Solar energy contractor

32.742.0204 Solar reflecting insulation film

44-433.9904 Solar heaters and collectors

44-674.0305 Photovoltaic devices

44-674.0306 Solar cells

44-829.0218 Solarimeters

86-074.0208 Heating equipment and panels, solar

96-211.0300 Insulation and energy conservation products

Source: BizMiner, www.bizminer.com, develops more than 5 million online Industry Marketing Research and Industry Financial Profiles by tracking the actual experience of 18 million individual firms and branch facilities in its databases, and then aggregates them by industry, area and other characteristics.

Since 1990, BizMiner has built its reputation on quality research in the fields of economic and business development. The company creates market trend and financial analysis reports on more than 16,000 lines of business in every U.S. county, MSA and state. Measures include sales trends, market volume, business failure, entrepreneurial activity, new branch attraction, return and other financial ratios.

Cleveland's Advanced Energy District Encourages "Going Green"

By the end of the year, projects will be up and running under the Cleveland area's Advanced Energy Special Improvement District. The new district allows any commercial property owner to finance the costs of installing and operating energy efficiency systems through their property taxes, says Nathan Kelly, director of economic development for the city of Lakewood, and the spokesperson for the First Suburbs Development Council. The financing supports the installation of solar panels, wind turbines, geothermal, biomass — any renewable energy initiatives that can be used to reduce the costs of energy usage. Property owners repay the financing over 20 years.

First Suburbs Development Council markets the 16 suburbs of Cleveland. These cities, and the city of Cleveland, have passed legislation that allows them to participate in the special improvement district. Kelly says at this time incumbent industry is particularly interested in the new district. "If you are going to make a significant investment in energy efficiency, oftentimes people look for new space," Kelly says. "In cities like Cleveland we do not have a lot of new space so people have to move farther away. This provides the benefit of upgrading that other areas can't provide."

Additionally, among the new businesses that move to the region to capture the benefits of the district are "green" companies. "They install or manufacture these products because they want to demonstrate their commitment to green technologies, but they also realize the financial benefits of the products in these geographies because of the special improvement district," Kelly says.

For complete details about Cleveland's Advanced Energy Special Improvement District, visit www.fscdc.org.

Southern Cal Edison Delivers The Nation's Most Renewable Energy

In 2009, Southern California Edison (SCE) delivered 13.6 billion kilowatt hours of renewable energy, which comprises 17 percent of its energy portfolio. The company has 4.9 million customer accounts, spanning a 50,000-square-mile service area.

To put this renewable energy delivery in perspective, it is important to look at volume, says Laura Genao, an attorney with SCE. "We buy about 50 percent of California's statewide renewables total. We are doing a lot of activity in terms of signing up the efficient and effective renewables in the state."

This includes the announcement in July that SCE awarded 36 contracts to independent power producers for a total of nearly 60 megawatts from photovoltaic solar that will be installed on 31 unused rooftops and five ground-mount sites in the utility's territory. The activities are part of a program that will result in 500 megawatts of solar power generation that will be installed on unused rooftops. SCE will own and operate 250 megawatts under this program; the remaining 250 megawatts will be owned and operated by independent power producers.

In other solar-related initiatives, SCE has negotiated one of the world's largest projects, where seven projects will provide up to 1,300 megawatts of solar thermal energy. Production will begin in San Bernardino County in 2013.

A large part of SCE's renewable energy strategy is ensuring the delivery of all this power, says Barry Gilman, manager of the renewable and alternative power department, SCE.

For example, the main line serving the Tehachapi renewable transmission project is complete. The project aims to develop 4,500 megawatts of wind and solar resources to serve SCE's territory, Genao notes. "We have other projects in the study and planning stages for additional transmission," Gilman says. "We are in various stages in preparation for the future."

For complete details about SCE's solar energy and renewable energy portfolio, visit www.sce.com/renewables.

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Alternative Energy Powers the New Economy

Locations across the country have made renewable energy central to their economic recovery strategies. The race is on to claim a leadership position in solar, wind, geothermal and biofuel generation and manufacturing.

By Ed Felton

Despite the economic downturn, the three benchmark energy technologies—solar, biofuels and wind—grew in global revenue by 11 percent in 2009, totaling $139.1 billion, and they are projected to grow to $325.9 billion within a decade. They are part of a renewable energy industry that has come to be more than just a sign of hope—it is now the driving force for economic recovery.

According to a report issued in March by Clean Edge Inc., a research and publishing firm for the clean-tech sector, biofuels and wind power each saw increased revenue last year, though solar experienced its first decrease due to a decline in solar PV pricing. While total venture activity was down in the U.S. in 2009, clean energy ventures increased to 12.5 percent of total venture activity. The firm's research shows that wind power, with global installations reaching 37,500 megawatts last year, will expand from $63.5 billion in 2009 to $114.5 billion in 2019.

The biofuels market, consisting of more than 23.6 billion gallons of ethanol and biodiesel production worldwide, reached $44.9 billion in 2009 and is projected to grow to $112.5 billion by 2019. And solar PV, including modules, components and installation, will grow from a $30.7 billion industry to $98.9 billion by 2019, according to Clean Edge projections. Wind energy is of particular note, as it is the fastest growing energy source in the world.

The installation of nearly 10,000 megawatts of new generating capacity last year, enough to serve more than 2.4 million homes, broke all previous records, thanks in part to federal stimulus dollars. Recovery Act funding spurred the growth

PHOTO: DIGITAL VISION

Artist's renderings of the SolarZone@UATechPark

of construction, operations and maintenance, as well as management jobs. But according to the American Wind Energy Association (AWEA), the U.S. is barely tapping this resource. Current wind installed capacity is at 35 gigawatts, whereas onshore U.S. wind resources could generate nearly 37 million gigawatts, more than nine times the country's current electricity consumption. With the federal government providing billions in tax breaks for renewable projects, and many states spurring development through tax incentives and the establishment of renewable energy standards, clean energy has generated huge momentum.

Here is an in-depth look at some of the locations that are staking a claim to alternative energy leadership.

Arizona Enters The Solar Zone

Southern Arizona—with its abundance of sunlight, availability of land, talented workforce, connection to University assets and regional commitment to solar and other renewable energy—has the potential to become a global leader in the future of clean energy technologies. The University of Arizona Science and Technology Park (UA Tech Park) is developing a comprehensive solar business zone within the park to capture the economic upside of the growing solar industry. This initiative is called SolarZone@TheUATechPark.

"SolarZone@TheUATechPark is a revolutionary, solar-centric business zone poised to significantly advance solar energy innovation and production. The Solar Zone thrusts Southern Arizona into the center of solar investment," says John Grabo, Director of Business Development at the UA Tech Park.

The SolarZone is a sweeping integration of power generation, solar research and development, manufacturing, green job training, education and public awareness dedicated to the creation of a competitive environment for companies in the sector to roll out current and create next generation new energy products, attract key suppliers and talent in order to promote industry success and advancement.

The SolarZone@TheUATechPark offers the ideal setting and several attributes not available elsewhere. These strategic advantages include:

- **Location**—200 acres will cluster multiple solar generation technologies, combined with next generation product development.
- **Synergy**—Centralizing key suppliers in SolarZone the region will provide a full ecosystem of resources proximate to solar operations.
- **Speed to Marketplace**—The SolarZone's streamlined development processes combined with an understanding of the competitive challenges and demands helps drive solar companies to operation much faster than any other location option.
- **Talent**—The next generation of solar energy professionals is being developed in collaboration with industry requirements at the University of Arizona and Pima County Community College.
- **Innovative Capacity**—The SolarZone is linked to the University of Arizona, is ranked among the top 20 of public research universities nationwide, and its solar efforts such as the Arizona Research Institute for Solar Energy (AzRISE) and programs in the Optical Sciences, Engineering, Atmospheric Sciences and Physical Sciences. These innovative resources will be at the leading edge of product development, testing and commercialization.
- **Entrepreneurship**—Leveraging the Arizona Center for Innovation, the potential to grow Arizona's newest renewable energy firms is enhanced by co-locating emerging and mature firms at the SolarZone. New firms add to the pipeline of new capacity for the sector.
- **Global Connectivity**—The SolarZone takes advantage of unique economic relationships with partner regions and institutions in Ottawa, Canada and Berlin, Germany who are co-advancing a

Clean-Tech initiative to develop this industry sector across international borders. This tri-partite network of cities will leverage educational, industrial and innovation linkages to increase commerce between regions in solar and other related sectors.

The SolarZone, a 200 acre site that can support nearly 20MW of solar generation, will contribute significant value to the region economically and environmentally. Five key components of SolarZone@TheUA Tech Park include:

- **Generation/Storage**—Suitable for multiple generation technologies that will serve local energy demand through Tucson Electric Power.
- **Manufacturing/Assembly**—Designed for manufacturers of solar power panels, solar cells, module assembly, systems integration and assembly, concentrators, frames, etc.
- **Research & Development**—The SolarZone is aligned with one of the priority research areas of the University of Arizona. Companies can leverage the UA's Arizona Research Institute for Solar Energy (AzRISE) and other key colleges and departments like Engineering, Optics, Science (chemistry and atmospheric science for instance), and Biosphere II for investigation and development of next generation solar technology.
- **Workforce Development**—The clustering of solar firms can lead to the development of green job training programs for the solar industry (technicians, installers, etc.). With curriculum input from industry, the region can ensure readily available talent for green jobs within the community.
- **Public Awareness/Education Center**—The demonstration center will showcase how solar energy works, how it can be used, and how it helps our environment. The center will also increase public interest and awareness of solar energy. Students will be able to work hands on with industry to learn real world application and problem solving for renewable energy companies.

The Solar Zone's first-of-its-kind integration attracted Bell Independent Power Corporation (BIPC) of Rochester, NY, which announced in January 2010 that it would be the anchor tenant of the Solar Zone with its state-of-the-art 5-MW Concentrated Solar Power plant with a Thermal Storage System—the first in the world. BIPC's proprietary Thermal Storage System will enable the concentrated solar power plant to generate electricity on cloudy days and after sunset, reducing cost and over-

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coming the major limitation of solar power. Bell's projected cost for the forty-five acre plant is estimated at $32 million.

According to the Job and Economic Development Impact (JEDI) Model provided by the National Renewable Energy Lab, a 5 megawatt CSP Trough solar power project will produce:

- 148 jobs and $24 million in total economic impact during construction phase
- 16 jobs (direct and indirect) and $2 million per year ($50 million over 25 years) in total economic impact during the operation phase

Not to be overlooked is the positive environmental impact is expected on the region. A 5 megawatt solar power plant will produce approximately 219 million kilowatt hours of electricity over 25 years, the equivalent to avoiding the emission of 15,728 metric tons of Carbon Dioxide or CO2 equivalent. Also, SolarZone@The UATechPark is in active discussions with Tucson Electric Power and four new solar development prospects that could bring new solar generation projects to the Solar Zone demonstrating multiple solar technologies operating at utility scale production. When combined with the BIPC project, the SolarZone would see a substantial cluster of companies locating within its boundaries (overall economic impact estimated at $100-million capital investment).

Blue Skies, Bright Future

While Tucson is known for its abundant sunshine and top-ranked research university, the region is also becoming well-recognized for its abundant human capital, state of the art solar research and technology development, ample supply chain opportunities and competitive operating costs. This translates into opportunity—from sunrise to sunset—for any company wanting to take advantage of the region's unique assets.

Recognized globally as an emerging location of choice for solar energy activities, Tucson's solar industry promises a bright future. The Tucson region continues to attract solar system component manufacturing companies, supporting a wide range of solar industry needs, from research and development to the manufacturing of mounting systems and solar modules. This industry presence brings together potential partners to share labor force skills, technology transfer, industry knowledge and additional business activities.

German-owned SOLON was Arizona's first facility for the manufacturing of photovoltaic equipment. The Tucson plant makes heavy use of robotics.

What companies have leveraged Tucson's emerging solar presence? In addition to Bell Independent Power Corp.'s decision to locate in the new SolarZone@TheUATechPark, other world-class corporations and emerging industry players include SOLON Corp., Schletter, Inc., Global Solar and Prism Solar. These companies are taking advantage of the region's proximity to vendors, suppliers and major consumer markets throughout the Southwest and Western United States.

"California is one of the world's largest solar markets, and Tucson's proximity to California is a major advantage for solar companies in the region. Tucson's strategic location provides area businesses clear access to markets, clients, suppliers and technology partners while operating in a cost-competitive business location," says Joe Snell, president/CEO of Tucson Regional Economic Opportunities, Inc. (TREO), the region's economic development agency.

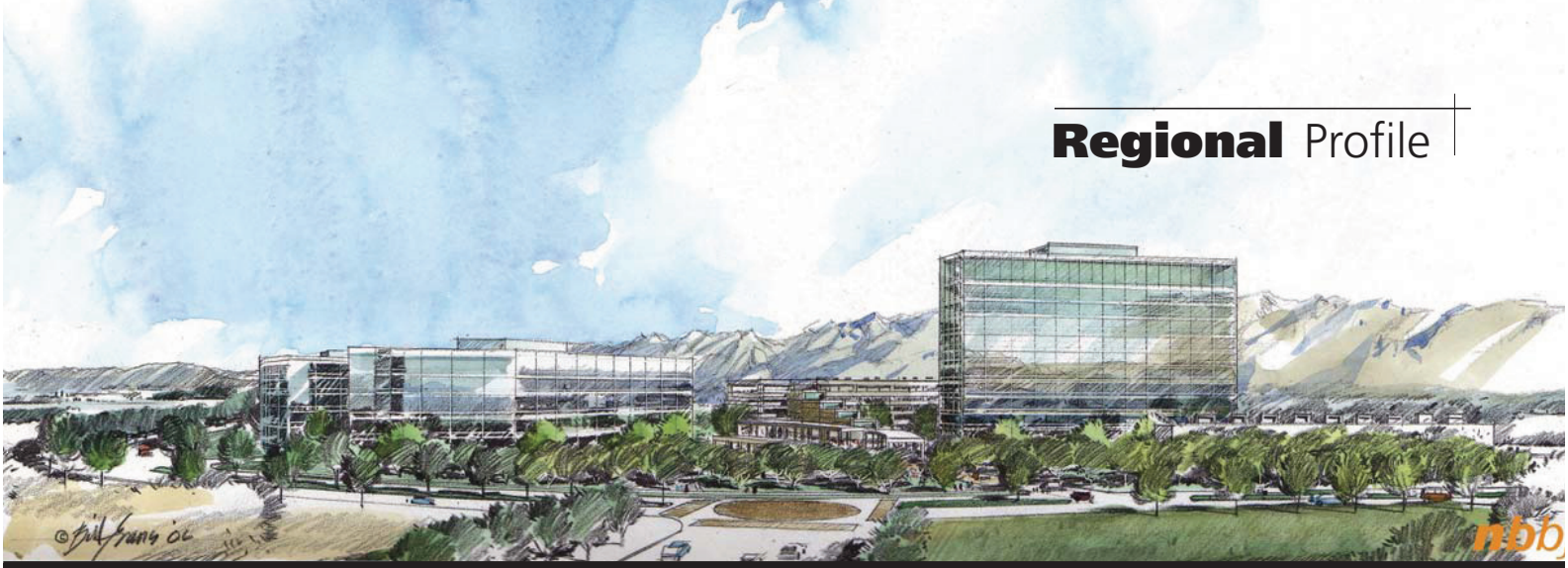
Tucson has a lower cost of living compared to other major metropolitan areas and is considered one of the most affordable places to live in the West. In addition, Arizona's worker's compensation and unemployment insurance costs are among the lowest in the United States, and Arizona's tax structure is competitive and business-friendly. With lower corporate taxes and lower payroll costs, businesses operating in the Tucson region gain a competitive advantage.

Arizona's new program provides $350 million in incentives to renewable-energy firms expanding or locating in Arizona. The program went into effect January 2010.

Available incentives include the Commercial/Industrial Solar Energy Tax Credit. The Solar Energy Tax Credit is designed to encourage businesses to install solar energy devices at Arizona facilities; the tax credit is equal to 10% of the installed cost of the solar energy device not to exceed $25,000 in credits for one building in a single tax year and $50,000 total credits per business per tax year.

Tax credits can be used to offset Arizona income tax liability; any unused credit amounts can be carried forward for a five-year period. In the 2010 legislative session, the Arizona legislature extended this incentive for an additional six years, to 2016.

PHOTO CREDIT: TREOAZ.ORG



Work on the University of Arizona's BioPark began late last year and will bring research facilities closer to campus.

Tucson Lights Arizona's Path To Personalized Medicine

Recent investments by pharma giants Roche and Sanofi-Aventis complement University of Arizona research institutions, spinoffs

By Theresa Rogers

Personalized healthcare promises to deliver the right medicine to treat a sickness, eliminating trial and error prescriptions of expensive drugs that can affect each patient differently. It is the Holy Grail of medicine and everybody wants a piece of the market that is predicted to reach almost $450 billion in the U.S. in the next five years.

Making it a reality will require a combination of the right diagnostic tools and drugs, backed up by top-flight research from corporations and universities, as well as sophisticated production facilities, computer systems and medical centres to evaluate knowledge gained in clinical trials and from patient experiences.

Tucson, Arizona, is making a strong bid to become one of the centres where personalized medicine will move from theory to practice. The second-largest city in Arizona has the building blocks to make it happen. It is home to Ventana Medical Systems, Inc. (a member of the Roche Group), one of the leading diagnostic tool companies in the U.S. Sanofi-Aventis, the third-largest pharmaceutical company in the world, recently invested $61 million in a research laboratory located in the same business park as Ventana. It is the only lab Sanofi-Aventis has built from scratch in the U.S.

Local corporations such as High Throughput Genomics (HTG), and Luceome Biotechnologies, whose high throughput assays are used to test drugs, are carving out their niches in the diagnostics business. HTG's partners include Merck, Luminex Corp., and the John Wayne Cancer Institute.

Ventana Medical Systems, Inc., focuses on accelerating the discovery and development of new prognostic and predictive cancer tests that enable personalized healthcare.

Critical Path Institute

Tucson is also where the Critical Path Institute (C-Path) coordinates the efforts of almost 500 scientists from 30 leading pharmaceutical companies, patients' rights groups, representatives from the U.S. Food and Drug Administration (FDA), the European Medicines Agency (EMEA), Pharmaceuticals and Medical Devices Agency (PMDA, the Japanese counterpart of the FDA), and a bowlful of other alphabet soup agencies to expedite the development and time to market of pharmaceuticals.

C-Path was formed in 2005 as a not-for-profit centre to break the logjam in the drug development and approval processes. Dr. Ray Woosley, C-Path's CEO, notes that about $120 billion was

spent by the industry, the government and universities in 2008, producing only 21 new drugs at $6 billion per drug. "It takes an average of 15 years for a new product to go from discovery to market," he says. "It does not have to be that way. Drug development for HIV was done quickly: three-and-a-half years including clinical reviews. None have been taken off the market."

University of Arizona

Tucson's academic infrastructure is based on the University of Arizona, one of the nation's leading research institutions. UA includes the BIO5 Institute, which promotes personalized medicine and development of pharmaceuticals by collaborative efforts of academics and graduate students. It draws on the university's departments of medicine, pharmacy, science, engineering and agriculture, as well as bioinformatics capabilities from the Eller College of Management. The university is also involved in promoting elementary and high school science education.

The BIO5 Institute also houses the Clinical and Translational Science Institute, a $20 million UA project to provide patients faster access to laboratory discoveries that could save their lives.

BIO5 Institute has spun out companies such as Luceome Biotechnologies, Cancer Prevention Pharmaceuticals (developer of a drug combination to prevent colon cancer from recurring) and bioVidria, whose silica-based materials improve high throughput screening of new drugs and diagnostics.

UA's Cancer Center has produced 14 biotechnology, medical devices and pharmaceutical companies. It has an annual budget of $78 million.

The UA Science and Technology Park's Arizona Center for Innovation, a Tucson business incubator for biotechnology companies, brings venture capitalists and experienced business executives together with university researchers to bring technology out of the laboratory and into the marketplace.

The UA Science and Technology Park is also building a Bioscience Park near downtown Tucson that will bring research facilities closer to the university campus. The new park will have faculty and student housing, its own Center for Innovation, a hotel and a conference centre. Work began in late 2009.

"The University of Arizona is the largest source of new technology in the life sciences in the state, and we did not want to see all that technology leak out to San Diego or wherever it might go," says Bruce Wright, CEO of the Science and Technology Park. "Part of our strategy was to capture that technology and keep it here and to attract other related activity."

That strategy fits into the overall plan for the development of the life sciences industry in the region by the Tucson Regional Economic Organization (TREO), The Battelle Institute, The Flinn Organization, and other regional and state organizations. TREO hired Michael Porter, the Harvard business expert, to identify four key industries that could shape the region's future. Biotechnology was one, says Joe Snell, TREO President.

"Biotechnology, specifically diagnostics, is an area where we have a unique differentials—Ventana, Sanofi-Aventis, C-Path—combined with BIO5," Snell says. "For a small market we have the right ingredients and we are working very hard to get more."

The University of Arizona's BIO5 Institute ensures scientists from five disciplines: basic science, agriculture, medicine, pharmacy and engineering, find solutions to biology-based challenges affecting humanity today.

Battelle, commissioned by The Flinn Organization of Phoenix, drew up a roadmap for the state and the southern Arizona region to help build a life sciences cluster.

The plan has paid off. *BizTucson*, a local business magazine, estimates the region has almost 100 biotech companies with about 2,000 employees. Walter H. Plosila, Senior Advisor to the Battelle Technology Partnership Practice, said in a December 2009 report, Tucson has added 32 life science establishments since 2002, for an employee growth rate of 58 per cent. There are 15 hospitals with almost 15,000 employees, he said.

Ventana

The biggest addition was undoubtedly Roche's $3.4 billion purchase of Ventana Medical Systems, Inc., in 2008. Founded in 1985 by Thomas Grogan, a pathologist at UA, Ventana had grown to almost 900 employees by the time of the acquisition. Roche paid a sizeable premium for Ventana, not least of all because its diagnostic technology identifies cancerous cells that are treated by Genetech's Herceptin drug. Roche acquired Genetech in 2008.

"We are the global market leaders of tissue based diagnostic," says Hany Massarany, President of Ventana. "We have 6,000-plus systems installed in 35 to 40 countries and we are growing very robustly, and we expect that to continue for the next five years."

Most of the company's customers are large pharmaceutical companies, biopharmaceuticals, clinical labs and pathology labs in hospitals. "We are growing pretty rapidly and have access now to many markets where Roche is well established and we are able to tap into those markets where we could not as a small or mid-sized company," Massarany says.

"There are about 13 million people worldwide with cancer

today and with an aging population that is expected to expand to 27 million by 2030, with 17 million deaths," Massarany adds. "Obviously it is a big issue. We are very passionate about improving the lives of all patients with cancer. We want to change the practice of medicine so that one day cancer can be fully cured."

Roche says in its 2009 Annual Report, total revenue from its Tissue Diagnostics unit (Ventana) were up 29 per cent to $463 million (Cdn.), and that Ventana's immunohistochemistry (IHC) reagents for cancer research racked up a 28 per cent growth in sales to $255.4 million (Cdn.), the second-best seller of Roche's diagnostic products.

As Massarany and other Ventana executives explained during a tour of the company's facilities, the company is aiming for the day when its assays will be used with Herceptin treatments developed by Genetech for breast and gastric cancer. That is the road to personalized medicine, and the reagents and equipment from Ventana will be key to making it happen, in the company's view.

"In one fell swoop when Roche bought us, they completely revalued diagnostic medicine," says Grogan, who is now scientific advisor to the company he founded. "Why should they pay $3.5 billion for little old Ventana? What they have at stake is closer to $50 billion a year."

Tucson is making a strong bid to become one of the centres where personalized medicine will move from theory to practice.

Eric Walk, Ventana's Senior Vice-President and Chief Medical Officer, says the industry's goal is to improve the low response to treatments by identifying patients who will respond positively to a drug and treating them preferentially. "Rather than have only 'one size fits all' strategies, the new model is predicated on a new generation of diagnostic tests" which will target specific diseases, Walk says. "Diagnostics become the companion to pharmaceutical compounds, so the low response rate can be increased to 70 or 80 per cent. These days everyone is talking about companion diagnostics in healthcare," he adds.

As a homegrown success story, and now a central part of a multibillion-dollar international brand name, Ventana obviously has major impact on the local economy and the life sciences industry. One company that has clearly been affected is High Throughput Genomics (HTG), a privately held business that was started in 2001 in an old drugstore in Tucson by Bruce E. Seligmann, PhD, an internationally recognized scientist. Before he started HTG, Seligmann had worked for Ciba-Geigy (Novartis) and Selectide (another UA spinoff which Sanofi-Aventis eventually acquired.)

High Throughput Genomics

HTG grew slowly as a research company until January 2008, when Tim (TJ) Johnson became President and CEO. Johnson had previously been a Senior Vice-President at Ventana, responsible for manufacturing, quality, strategic marketing, corporate development, and product technical support.

At HTG, Johnson completely changed the management team, and redirected the company from a "broad-based life science tools business to more of a personalized medicine company," he says.

"Our growth strategy is pretty simple," Johnson says. "We focus on segments where we have distinct competitive advantages: validation, pre-clinical and clinical. Where we have a competitive advantage and differential values is in fixed tissues."

Clinical testing is growing rapidly, especially in oncology, which depends primarily on fixed tissue samples. Johnson believes that HTG can grow to $50 million in five years. "It will take a good test for prostate or colon to get to that kind of number," he says. "I am learning from Tom [Grogan]. I want to build a mini-Ventana."

Merck has invested $10 million in the new HTG. Luminex Corporation, a leader in biological testing technologies, launched in partnership with HTG a jointly developed gene expression product, qBead Gene Expression Assay, in May 2010. According to Johnson, the product can quickly and accurately measure a select set of genes among many samples. Luminex plans to market it to researchers.

In April 2010, HTG and the John Wayne Cancer Institute agreed to jointly develop a novel mRNA signature to distinguish between early stage melanomas and benign nevi.

HTG is also part of a $40.8 million research program led by Arizona State University to develop systems for the U.S. Department of Health to detect an individual's exposure to radiation in the event of a nuclear or radiological incident. The system would give first responders critical information in the case of a disaster.

Funding

The combination of public and private support for life sciences in Tucson is bringing much needed good news to this city in the heart of the Arizona sunbelt. One ongoing challenge Tucson faces is the relative lack of venture capital in the city and even the state. Harry George, Chairman of HTG, is a native Arizonan and leads a VC firm that has made investments in a number of companies. The private group Desert Angels provides money and managerial expertise to startups. Big pharma is also a source of funding—look at HTG, Ventana and Sanofi-Aventis.

The best funding news recently is the launch of the "Arizona Fund of Funds," spearheaded by George. The goal of the fund is to attract and oversee the investment of as much as $200 million to benefit Arizona's promising, innovative businesses. The program raises investment capital from investors who commit to invest in early-stage Arizona companies, and reinvests those funds in several professionally managed target venture funds. The hope is that with this new effort, Tucson should be able to attract more venture money. BB

Item #: C.

Town Council Regular Session

Date: 01/19/2011

Requested by:	Bayer Vella, Conservation and Sustainability Manager
Submitted By:	Bayer Vella, Development Infrastructure Services
Department:	Development Infrastructure Services

Information

SUBJECT:

Resolution No. (R) 11-05, Declaring as a public record that a certain document known as Oro Valley Zoning Code Revised, Chapter 21, Review and Decision-Making Bodies; Chapter 23, Zoning Districts; Chapter 24, Supplementary District Regulations, Sections 24.1, 24.2, 24.5 and 24.7; Chapter 27, General Development Standards, Sections 27.2 and 27.6; Chapter 31, Definitions, and a new Section 27.10, Environmentally Sensitive Lands, Attached Hereto as Exhibit "A", and an Environmentally Sensitive Lands Planning Map, Attached Hereto as Exhibit "B" and filed with the Town Clerk; and declaring an emergency to exist

RECOMMENDATION:

Staff recommends adopting Resolution No. (R) 11-05 with an emergency clause so that the amendments immediately become an official public record. The draft ordinance has been posted online and made available in the Town Clerk's office. The final version, as approved by Town Council, will be made available in the same manner.

EXECUTIVE SUMMARY:

This is a procedural item to declare the Environmentally Sensitive Lands Ordinance a matter of public record.

BACKGROUND OR DETAILED INFORMATION:

This proposed resolution includes an emergency clause so that the amendments become a public record immediately upon adoption by Town Council.

Due to the size of the document, the Town will save on advertising costs by publishing the ordinance in this manner. If the ordinance is adopted by Town Council, the Town will forego publishing the entire document in print form. The adopted version will be published on the Town website.

The current draft version of the ordinance has been posted online on the Town website. Furthermore, a printed version is available for public inspection at the Town Clerk's office.

FISCAL IMPACT:

The Town will save on advertising costs by meeting ordinance publishing requirements by reference, without including the pages of amendments.

SUGGESTED MOTION:

I MOVE to adopt Resolution (R) 11-05, Declaring as a public record that a certain document known as Oro Valley Zoning Code Revised, Chapter 21, Review and Decision-Making Bodies; Chapter 23, Zoning Districts; Chapter 24, Supplementary District Regulations, Sections 24.1, 24.2, 24.5 and 24.7; Chapter 27, General Development Standards, Sections 27.2 and 27.6; Chapter 31, Definitions, and a new Section 27.10, Environmentally Sensitive Lands, Attached Hereto as Exhibit "A", and an Environmentally Sensitive Lands Planning Map, Attached Hereto as Exhibit "B" and filed with the Town Clerk; and declaring an emergency to exist, immediately making the amendments a public record.

Attachments

Link: Resolution R11-05 ESL Final

Link: Exhibit A, Part I Environmently Sensitive Lands

Link: Exhibit A, Part II Chapter 31, Definitions

Link: Exhibit A, Part III, ESL Related Revisions to Section 27 Landscape Conservation Code

Link: Exhibit A, Part IV, Section 23.6 Property Development Standards for Single-Family Residential Districts

Link: Exhibit A, Part V Section 21.9 Historic Preservation Commission

Link: Exhibit B, Environmentally Sensitive Lands Planning Map

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RESOLUTION NO. (R) 11-05

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT KNOWN AS ORO VALLEY ZONING CODE REVISED, CHAPTER 21, REVIEW AND DECISION-MAKING BODIES, CHAPTER 23, ZONING DISTRICTS, CHAPTER 31, DEFINITIONS, AND A NEW SECTION 27.10, ENVIRONMENTALLY SENSITIVE LANDS, ATTACHED HERETO AS EXHIBIT "A", AND AN ENVIRONMENTALLY SENSITIVE LANDS PLANNING MAP, ATTACHED HERETO AS EXHIBIT "B" AND FILED WITH THE TOWN CLERK; AND DECLARING AN EMERGENCY TO EXIST

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, that certain document entitled Oro Valley Zoning Code Revised, Chapter 21, Review And Decision-Making Bodies, Chapter 23, Zoning Districts, Chapter 24, Supplementary District Regulations, Sections 24.1, 24.2, 24.5 And 24.7, Chapter 27, General Development Standards, Sections 27.2 and 27.6, Chapter 31, Definitions, and a New Section 27.10, Environmentally Sensitive Lands, attached hereto as Exhibit "A", and an Environmentally Sensitive Lands Planning Map, attached hereto as Exhibit "B", three copies of which are on file in the Office of the Town Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk and declaring an emergency to exist, and this resolution shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 19th day of January, 2011.

TOWN OF ORO VALLEY

_____
Dr. Satish I. Hiremath, Mayor

ATTEST:

_____
Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

_____
Tobin Rosen, Town Attorney

Date: _____

ENVIRONMENTALLY SENSITIVE LANDS

January 3, 2010

1.3.10 ***Draft***

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Section 27.10 Environmentally Sensitive Lands

A. Purpose

The Environmentally Sensitive Lands (ESL) regulations implement the Oro Valley General Plan by conserving natural, scenic, hillside, and cultural resources. This has been accomplished in a comprehensive manner by accounting for environmental, archeological and historic resources, economic development, and housing policies. These regulations protect the public health, safety and general welfare by:

1. Conserving the Sonoran Desert and Heritage

a. Conserving the Town's natural and cultural resources in a comprehensive manner.

b. Utilizing current science of conservation biology and cultural resources treatment as represented in Pima County's Sonoran Desert Conservation Plan.

c. Providing the greatest degree of preservation for the richest and most diverse ESL resources, including those described as "significant resource areas", and "key" and "essential" habitat in the General Plan.

d. Enabling the long-term survival of native plants and animals by maintaining ecosystem functions necessary for their survival. Emphasis is placed on conserving landscape connections to ensure the continued viability of animal and plant communities.

e. Managing public access and use of environmentally sensitive open spaces to maintain conservation value.

2. Preserving Land Values

a. Recognizing the importance of natural, scenic, and cultural resource conservation in sustaining Oro Valley's identity as a desired place to live, work, and visit.

b. Insuring conservation of the Sonoran Desert and scenic resources that enhance property values.

3. Implementing Community Planning and Design Expectations

a. Developing a comprehensive ESL conservation system for the entire land area within Oro Valley in a manner that promotes interconnected open space.

b. Planning for land conservation and sustainable development by identifying specific environmental resources and applying regulations that account for General Plan growth expectations.

c. Enabling the conservation of wildlife habitat and other identified resources through context sensitive site design.

d. Utilizing flexible design tools to enable a range of housing opportunities to accommodate the varied needs of residents.

e. Respecting efforts to ensure financial stability by establishing a diverse economy as specified in the Town's Community Economic Development Strategy.

4. Protecting Lives and Property

Protecting human life and property from recognized hazards including steep and unstable slopes and soils, flood and erosion hazards.

5. Utilizing an Equitable Regulatory Approach

a. Applying new ESL regulations only to future rezonings and respecting existing development rights.

b. Ensuring land use intensity and density can be achieved in harmony with conservation goals through the application of meaningful incentives and flexible development options.

c. Provide opportunities for property owners not subject to ESL requirements to voluntarily opt in and thereby achieve greater zoning flexibility and conservation of environmental resources.

Purpose statements specific to an individual ESL resource are provided in relevant sections herein.

B. Applicability

1. General

a. The provisions of ESL only apply to properties where specified environmental conditions are identified on the ESL Planning Map or described herein.

b. ESL regulates specific types of development applications at various stages of the development approval process as delineated below:

   i. All subdivision plat, development plan, conditional use permit, and permit applications subject to the Oracle Road Scenic Corridor, Tangerine Road Corridor Overlay Districts, Cultural Resource Category, and Tier III Scenic Resources Category shall comply with those respective requirements in Section 27.10.D.3.

   ii. Rezoning applications, including new PAD applications, shall be subject to all the provisions of the ESL Conservation system. Applications to amend PADs or rezoning conditions in effect prior to ordinance adoption of ESL are subject to all requirements herein when the proposed amendment includes changes to density, intensity or use unless at least 25% of the site has been developed with infrastructure and finished building pads.

c. All development activity on applicable properties shall comply with provisions specified in Tables 27.10-1A or -1B, ESL Applicability, respectively.

TABLE 27.10-1A Applicability for Non-Rezoning/Non-PAD Amendment Projects

Table 27.10-1A						
Environmentally Sensitive Lands, Section 27.10 Applicability For Non-Rezoning/Non-PAD Amendment Projects						
Section Title and Notes	**Code Section 27.10**	**Single Family R1-300, 144, 43, 36, 20 Custom Homes**	**Subdivision Plat**	**Development Plan / Site Plan**	**Conditional Use Permit**	**Off Site Improvement Permit**
	ESLS					
Application Incentive	B.3	Y	Y	Y	Y	N
Major Wildlife Linkage	D.2.a	N	N	N	N	N
Critical Resource Areas	D.2.b	N	N	N	N	N
Core Resource Areas	D.2.c	N	N	N	N	N
Resource Management Areas	D.2.d	N	N	N	N	N
Cultural Resources	D.2.e	N	Y	Y	Y	Y
Tier 1 Scenic Resources	D.2.f	Y	Y	Y	Y	N
Scenic Resource Viewshed, Vegetation and Landscape Standards for properties in the Oracle Road Scenic Corridor Overlay District. [1] See Section D.2.f.iv.a).(1) for Specific Information	D.2.f ORSCOD	Y[1]	Y[1]	Y[1]	Y	N
Scenic Resource Viewshed, Vegetation and Landscape Standards for properties in the Tangerine Corridor Overlay District. [2] See Section D.2.f.iv.a).(2) for Specific Information	D.2.f TCOD	Y[2]	Y[2]	Y[2]	Y	N
Tier 2 Scenic Resources La Cholla Boulevard and First Avenue Scenic Corridors	D.2.f Tier 2	N	N	N	N	N
Tier 3 Scenic Resources Specified Arterial Roadways and Town Parks	D.2.f Tier 3	Y	Y	Y	Y	Y
ORSCOD Standards	D.2.f.v.a).(1)	Y[1]	Y	Y	Y	Y
TRCOD Standards	D.2.f.v.a).(2)	Y[2]	Y	Y	Y	Y
Tier 2 Scenic Corridors	D.2.f.v.b)	N	N	N	N	N
Tier 3 Roadways and Public Parks	D.2.f.v.c)	Y	Y	Y	Y	Y
Scenic Resources Design Guidelines	Addendum H	Y	Y	Y	Y	Y
Hillside Area Category	D.2.g	N	N	N	N	N
Hillside Development Zone	Addendum J	Y	Y	Y	Y	N
Open Space Requirements	E1-4	N	N	N	N	N
Riparian Habitat Overlay Ordinance	Addendum J	Y	Y	Y	Y	Y
ESOS Use and Development Standards	F.1	N	N	N	N	N
Development Balance and Incentives [4] Only Available When ESLS Is Applied to Property	F.2[4]	N	N	N	N	N
ESOS Design Standards	F.3	N	N	N	N	N
Mitigation	G.1-6	Y	Y	Y	Y	Y

ENVIRONMENTALLY SENSITIVE LANDS

TABLE 27.10-1B Applicability for Rezonings and PAD Amendments

Table 27.10-1B			
Environmentally Sensitive Lands, Section 27.10 Applicability For Rezonings and PAD Amendments			
Section Title and Notes	**Code Section 27.10**	**Rezoning or Certain PAD Amendments[1]**	**General Plan Amendment**
ESLS			
Application Incentive	B.3	N	N
Major Wildlife Linkage	D.2.a	Y	Y
Critical Resource Areas	D.2.b	Y	Y
Core Resource Areas	D.2.c	Y	Y
Resource Management Areas	D.2.d	Y	Y
Cultural Resources	D.2.e	Y	Y
Scenic Resources	D.2.f	Y	Y
Hillside Area Category	D.2.g	Y	Y
Hillside Development Zone	Addendum J	N	N
Open Space Requirements	E.1-4	Y	Y
Riparian Habitat Overlay Zone	Addendum J	N	N
ESOS Use and Development Standards	F.1	Y	Y
Development Balance and Incentives	F.2	Y	Y
ESOS Design Standards	F.3	Y	Y
Mitigation	G.1-6	Y	Y

d. Applicability is further established in each ESL section.

2. Exceptions

a. This Section does not apply retroactively to any development, residential or commercial, with an approved development plan or final plat prior to the date of adoption of the ESL.

Applications for a conditional use permit, development plan or preliminary plat for properties with zoning established prior to (effective date of this ordinance) are exempt from the ESL Conservation Category open space requirements, Hillside Area Category, Tier II Scenic Resources Category, ESOS Use and Conservation Development, and Mitigation requirements. In this case, the Hillside and Riparian Habitat Overlay District regulations in effect at the time of ESL adoption (included in Addendum H, Original Code sections) must be utilized unless the property owner chooses to use ESL provisions, as provided herein.

b. This Section 27.10 does not apply to PADs and PAD amendments approved by the Town Council prior to (the effective date of this ordinance). However specific provisions and regulations in place prior to ESL adoption including Oracle and Tangerine Scenic Corridors, Riparian Habitat Overlay District, and cultural resource requirements continue to apply to PAD's and PAD amendments approved prior to the adoption of the ESL conservation system.

3. ESL Application Incentive for Properties not Subject to All ESL Requirements

a. The development regulations in any zoning district may be modified, as provided in Section 27.10.F, if the property owner develops in accordance with Table 27.10-1B and all applicable provisions of 27.10E and F. This includes non-rezoning and non-pad projects where compliance would not otherwise be required.

b. Such modifications to development regulations may only be granted in conjunction with the applicability provisions in 27.10F.2.b and the process specified in 27.10F.2c.

C. Environmentally Sensitive Lands (ESL) Regulations and Maps

1. ESL Resource Identification

ESL regulations address properties where specific environmental conditions exist. The ESL Maps, which are available at the Oro Valley Planning Division, have two components: Resource Science Map and the ESL Planning Map.

2. Adopted ESL Maps

a. Resource Science Map

i. Elements

Resource Science Maps identify the location of conservation categories that include specific resources as defined herein. Resource types include wildlife corridors, riparian areas, distinct vegetation, and critical habitats.

Known, biologically-based, sensitive resources and associated conservation categories are consistent with Pima County's Sonoran Desert Conservation Plan. Each has been identified in Oro Valley through field review by resource professionals.

ii. Usage

The Resource Science Map is not a regulatory land use map. It is the basis for creating and maintaining the regulatory ESL Planning Map.

If an amendment to the ESL Planning Map is approved containing changes to the location of sensitive resources, the Resource Science Map shall be administratively updated by the Town as necessary.

b. ESL Planning Map

i. Elements

The Planning Map is constructed by merging the Resource Science Map with adopted General Plan land use and growth area designations. Six categories, each corresponding to specific conservation requirements in these regulations, are identified on the Planning Map including: Major Wildlife Linkage; Critical Resource Area; Core Resource Area; Resource Management Area-1; Resource Management Area-2; and Resource Management Area-3.

The Resource Management Area category, in response to adopted land use policy, specifies three levels of conservation based on planned growth patterns. The categories and associated tiers are further described in Section D.2.

ii. Usage

The ESL Planning Map is a regulatory land use map that shall be applied to relevant development applications and properties as outlined in Section B, Applicability.

c. Existing Overlay District Maps Adopted prior to the ESL Regulations

i. Elements

The Existing Overlay Maps include the Riparian Habitat Overlay District, Tangerine Road Corridor Overlay District, and the Oracle Road Scenic Corridor Overlay District.

ii. Usage

The Overlay Districts elements remain as regulatory land use map that shall be applied to relevant development applications and properties as outlined in Section B, Applicability.

3. Unmapped Resources

a. The adopted ESL maps do not include the following environmentally sensitive resource categories: Scenic Resource Areas, Cultural Resources and Hillside Areas. Identification and conservation of these three resource types is addressed in Section D.

b. Minor wildlife linkages, rock outcrop locations, and areas of distinct vegetation are anticipated to be identified as part of the development application review process. Discovery of these resource types requires their conservation in accordance with Section D, Table 27.10-2.

4. ESL Map Amendments

a. If the location and quality of environmentally sensitive resources naturally change over time to the extent that resource threshold criteria are not achieved, or resources have been mapped incorrectly, a request for ESL Planning Map amendment may be filed in accordance with Section 22.3, Amendments and Rezonings.

b. Mapping of resources shall be performed by a qualified specialist in habitat biology, as defined in Chapter 31. All evaluative work shall be completed in accordance with these regulations. The specialist shall certify in writing that the identification of resources was completed in accordance with these regulations.

c. Any approved General Plan amendment that results in changes to the land use or growth area designations shall require a map amendment to the corresponding Resource Management Area Category(s) in Table 27.10-3. ESL map changes reflecting an adopted General Plan amendment shall be approved administratively.

D. Environmentally Sensitive Lands Conservation System

1. Conservation System

ESL represents an interconnected system of resource conservation. The components of the system include seven distinct categories for the purpose of conserving resources as open space. Key and essential biological resources are included in four ESL categories:

a. Major Wildlife Linkage,

b. Critical Resource,

c. Core Resource, and

d. Resource Management.

Environmentally sensitive resource categories that are non-biologically based include:

e. Cultural Resources,

f. Scenic Resources, and

g. Hillside Areas.

2. Categories

Each category includes distinct definitions and requirements that shall be applied independently when multiple categories occur on a site.

3. Conservation Categories

ESL conservation system categories and related conservation requirements are listed below.

a. Major Wildlife Linkage (MWL) Category

i. General

Major Wildlife Linkages include identified large-mammal corridors or landscape linkages between public preserves and open spaces.

ii. Conservation

a) Major Wildlife Linkage areas shall be conserved as Environmentally Sensitive Open Space (ESOS) in accordance with Table 27.10-2. ESOS is defined in Chapter 31 and further described in Section E.1

b) The required percentage of ESOS shall be applied to areas identified on the ESL Planning Map.

iii. Resource Science and Identification

a) Major Wildlife Linkages provide essential connectivity that maintains the viability of the areas' habitat by providing for dispersal, migration, and genetic transfer for wildlife and plants.

b) In order to maximize wildlife movement within identified corridors, these corridors must be maintained as natural open space linkages with ground disturbance strictly limited to provisions in Section F.1.b.

c) MWL's include the Santa Catalina-Tortolita Mountains linkage, riparian areas, upland linkages and identified regional roadway crossings.

b. Critical Resource Area (CRA) Category

i. General

The Critical Resource Area Open Space Category includes the following environmentally sensitive resources as defined herein.

a) Riparian Areas and Minor Wildlife Linkages

b) Major Rock Outcrops and Boulders

c) Distinctive Habitat Resource

ii. Conservation

a) Critical Resource Areas shall be conserved as Environmentally Sensitive Open Space (ESOS) in accordance with Table 27.10-2. ESOS is defined in Chapter 31 and further described in Section E.1.

b) The required percentage of ESOS shall be applied to areas identified on the ESL Planning Map and field verified boundaries of Major Rock Outcrops and Boulders. Major Rock Outcrops and Boulders are subject to discovery on a site by site basis.

c) Degraded or disturbed Riparian segments within areas identified on the ESL Planning Map must be restored and enhanced to support their biological, hydrologic and geomorphologic functions. These areas will be credited as follows

(1) Restoration areas will be applied toward total ESOS requirements.

(2) A proportional area will be exempt from Native Plant Salvage and Mitigation requirements in Section 27.6B. This does not apply to any plant listed as Threatened or Endangered under the Endangered Species Act or Highly Safeguarded by the Arizona Department of Agriculture.

d) ESOS shall be configured and maintained in accordance with Sections E and F.

iii. Resource Science and Identification

a) Riparian Areas and Minor Wildlife Linkages

(1) Riparian areas are an essential element of the Town's environmentally sensitive lands and constitute the framework for the linkages and landscape connections necessary to support a viable ecosystem and wildlife habitat.

(2) Riparian areas occur in association with a spring, cienega, lake, watercourse, river, stream, creek, wash, arroyo, or other body of water, either surface or sub-surface, or any channel having banks and beds through which water flows, at least periodically.

(3) Identification of riparian areas is based on species composition, general density/size, vegetation volume, wildlife habitat, nutrient cycling, erosion control, water quality, and flood moderation. Specifications are provided in Addendum G, Section 1.

(4) Minor Wildlife Linkages are composed of upland areas and degraded riparian areas. Degraded areas include hardened drainage ways and constricting drainage structures. These minor links are important in maintaining connectivity within the open space system identified in the ESL.

b) Major Rock Outcrops and Boulders

(1) Rock outcrops and boulders are comprised of exposed bedrock formations and boulder piles and scatters with a minimum size of 100 square feet as measured horizontally, and a minimum of 10 vertical feet.

(2) Rock outcrops and boulders provide wildlife habitat and afford thermal regulation for wildlife, particularly reptiles.

(3) Outcrops and boulders are also a significant scenic resource.

(4) Rock outcrop and boulder features shall be identified in the Site Resource Inventory (Section 27.6.B.3) and clearly delineated on site plans, development plans and subdivision plats.

c) Distinct Habitat Resources

Distinct Habitat Resources include the following habitat elements:

(1) Natural caves, crevices, or mine shafts with a minimum cavity area of 220 cubic feet (approximately 6' x 6' x 6'). Excavations or test pits are not included.

(2) Groundwater seeps, whether intermittent or perennial.

c. Core Resource Area (COR) Category

i. General

Core Resource Areas include the following environmentally sensitive resources as defined herein.

a) Pima County Conservation Lands System, Biological Core Management areas adopted by the Board of Supervisors, June, 2005.

b) Special Status Species Habitat supporting five or more priority vulnerable species.

c) Distinctive Native Plant Stands.

ii. Conservation

a) Core Resource Areas shall be conserved as Environmentally Sensitive Open Space (ESOS) in accordance with Table 27.10-2. ESOS is defined in Chapter 31 and further described in Section E.1.

b) The required percentage of ESOS shall be applied to areas identified on the ESL Planning Map and field verified locations of Distinctive Native Plant Stands.

c) ESOS shall be configured and maintained in accordance with Sections E.1 and F.

iii. Resource Science and Identification

a) Core Resource Area Open Spaces support biological diversity by conserving recognized wildlife habitat. Core Resource areas include all areas designated Biological Core Management area by the Pima County Conservation Lands System and areas identified by field review and evaluation by resource professionals.

b) Core Resource Areas may contain significant stands of vegetation that support biological diversity and are integral to the Town's distinctive character.

c) Special Status Species Habitats, as defined in Addendum G, Section 2, that include five or more vulnerable species targeted for conservation.

d) Distinctive Native Plant Stands

Distinctive Native Plant Stands are areas of native vegetation that exist in contrast to the majority of the surrounding vegetative community due to either microclimates or availability of water sources. Section 27.6.B.3.b.i.includes defining criteria.

d. Resource Management Area (RMA) Category

i. General

a) Special Status Species Habitat supporting three or more priority vulnerable species.

b) The RMA category is divided into three areas merging resource science with adopted future land use designations and intensities as specified in the General Plan. Table 27.10-3 indicates the three RMA areas and associated General Plan land use designations.

c) Distinctive Individual Native Plants.

d) Minor Rock Outcrops or Boulders

ii. Conservation

a) The Resource Management Area category supports utilization of identified lands based on planned land use intensities consistent with the General Plan while requiring minimum levels of sensitive land conservation.

b) The RMA category specifies minimum ESOS amounts for each area. Table 27.10–3 indicates ESOS requirements by land use designation. ESOS is defined in Chapter 31 and further described in Section E.1.

c) The required percentage of ESOS shall be applied to areas identified on the ESL Planning Map and field verified boundaries of Minor Rock Outcrops and Boulders and Distinctive Individual Native Plants. Major Rock Outcrops and Boulders and Distinctive Individual Native Plants are subject to discovery on a site by site basis.

d) ESOS shall be configured and maintained in accordance with the requirements of Sections E and F.

iii. Resource Science and Identification

The Resource Management Area Category merges environmentally sensitive resources and public policy:

e) Special Status Species Habitats, as defined in Addendum G, Section 2, that include three or more vulnerable species targeted for conservation.

a) The Resource Management Area (RMA) category couples refined mapping of Pima County Multiple Use Management Areas with the adopted land use policies of the General Plan.

a) Criteria in Addendum G, Section 3 were used to refine mapping of Pima County Multiple Use Management areas.

b) A Distinctive Native Plant refers to any native tree, shrub, or cacti with extraordinary characteristics such as, but not limited to age, size, shape, form, canopy cover, or aesthetic value. Further definition is provided in Section 27.6.b.ii.

c) Minor Rock Outcrops and Boulders

(i.) Minor rock outcrops and boulders are comprised of exposed bedrock formations and boulder piles and scatters with a minimum size of 100 square feet as measured horizontally, and a minimum of 3 vertical feet.

(ii.) Rock outcrops and boulders provide wildlife habitat and afford thermal regulation for wildlife, particularly reptiles.

(iii.) Rock outcrop and boulder features shall be identified in the Site Resource Inventory and shall be clearly delineated on site plans, development plans and subdivision plats.

TABLE 27.10 - 2: ESL Categories: Minimum ESOS

Category	Minimum ESOS Percentage
Major Wildlife Linkage	100
Critical Resource Area	95
Core Resource Area	80
Resource Management Area-1	66
Resource Management Area-2	25
Resource Management Area-3	0

TABLE 27.10 - 3:
Resource Management Area
Minimum ESOS by General Plan Designation

RMA Areas	Area 1	Area 2	Area 3
Minimum ESOS	66%	25%	0%
General Plan Land Use Designation	Rural Low Density Residential 0-0.3	Neighborhood Commercial / Office	Growth Areas
	Low Density Residential 0.4-1.2	Community / Regional Commercial	
	Low Density Residential 1.3-2.0	Commercial / Office Park	
	Resort/Golf Course	High Density Residential	
	Open Space	Medium Density Residential	
	School, Park	Public/Semi Public	
		MPC Rooney	
		MPC Kai Capri	

e. Cultural Resources Category

Cultural Resources, as defined in Chapter 31, include a variety of historic sites and buildings, prehistoric sites, archaeological sites and supporting materials and records.

i. Purpose

The Cultural Resources category is intended to:

a) Implement the Town's General Plan goals and policies for conservation of cultural resources; and

b) Protect cultural resources that are recognized to have enduring value in advancing education, general welfare, civic pride and appreciation of the Town's heritage in order to perpetuate the unique character of Oro Valley; and

c) Establish regulatory criteria for the identification, assessment and protection of significant cultural resources; and

d) Prevent or reduce adverse impacts to significant cultural resource sites by employing treatments that range from in-place preservation to various degrees of mitigation; and

e) Integrate cultural resources in the Environmentally Sensitive Lands system to provide for the conservation of significant cultural resources in concert with other sensitive resources.

ii. Mapping

To protect sensitive sites, archaeological resources shall not be included on maps for general public distribution. Environmentally Sensitive Lands System maps do not include the location of cultural resource sites.

iii. Applicability

This Section shall apply to all development which requires a rezoning, preliminary plat, development plan or amendment to these items. Associated off-site development and ancillary construction (utility trenches, water and sewage treatment facilities, roads, etc.) will be treated in the same manner.

iv. Conservation Strategies

a) Cultural Resources may occur individually or in combination with other environmentally sensitive resources. Conservation of significant cultural resources shall be applied through one of the following three strategies:

(1) Preserved In Place: significant resources shall be preserved in-place in order to protect the cultural or historic value of the resource as specified in the approved Treatment Plan; or

(2) Combination: significant resources shall be partially preserved in-place and partially mitigated as provided in the approved Treatment Plan; or

(3) Treatment: significant resources shall be reused or mitigated as prescribed by the approved Treatment Plan, allowing reuse of the site.

b) A conservation strategy shall be assigned by:

(1) Determination of significance.

(2) Agency review comments.

(3) Evaluation in relation to other environmentally sensitive resources.

(4) Development and acceptance of a Treatment Plan.

v. Review Procedures

a) A cultural resource professional shall perform a records search of all cultural resource records of the State Historic Preservation Office, the Arizona State Museum, AZSITE archaeological resource database and the Town of Oro Valley Cultural Resources inventory to determine whether any surveys have been completed for the property.

b) A cultural resources survey and inventory report that meets the Town of Oro Valley submittal requirements shall be prepared by the Planning and Zoning Administrator appointed cultural resource professional if:

(1) Records indicate no cultural resource surveys of the subject property have been completed; or

(2) Surveys of the property are more than ten years old and sites were recorded in the survey; or

(3) The existing survey and report lack sufficient information to determine significance in accordance with Section 27.10.D.2.e.v.e.; or

(4) The Arizona State Museum recommends an updated survey.

c) If the survey indicates there are no cultural resources present at the site or the resources are determined not significant in accordance with Section 27.10.D.2.e.v.e, the review process is complete.

d) If a new or updated survey is required, the Planning and Zoning Administrator shall assign an appropriate cultural resource professional to complete the survey and Treatment Plan, as necessary.

(1) If resources are present, the survey shall include a recommendation, based on the criteria contained in this Section, regarding National Register and local cultural resource significance and integrity.

(2) If significant resources are present, the Planning and Zoning Administrator shall assign a cultural resource professional with appropriate specialization to develop a Treatment Plan for the specific resource.

e) Determination of Significance and Integrity

(1) The list of known significant cultural resources maintained by the Town of Oro Valley shall be consulted. Identified resources are subject to requirements in Section 27.10.D.2.f.

(2) For unevaluated resources or when significance is undetermined, the determination of significance shall be based upon the evaluation of National Register and local community criteria.

(i.) National Register criteria shall be applied to determine eligibility for listing in the National and State registers of historic places in accordance with the National Historic Preservation Act of 1966, as amended, and the Arizona State Historic Preservation Act of 1982, as amended.

(ii.) Local community criteria are used to identify sites which are important to a local group or the Oro Valley community, or a place of ancestral occupation or activity of recognized value.

Cultural resources are locally significant if the resource is preserved in a condition of scientific integrity and the property or resources contribute to:

(a.) The unique identity of the community; or

(b.) The enhancement of community economic, educational or recreational needs; or

(c.) The understanding of the unique religious, mythological, or social character of a discrete population within or outside the community.

(3) Determination of significance

(i.) A determination of significance may only be made by a cultural resource professional.

(ii.) The Planning and Zoning Administrator shall review the determination to ensure all appropriate resources surveyed and criteria have been addressed.

(iii.) If the determination is deemed inadequate, the Planning and Zoning Administrator shall consult the State Historic Preservation Office and may also consult another cultural resource professional for a new determination of significance.

(iv.) The process to determine resource significance must be completed within forty five (45) days of a complete development review application submittal.

(v.) Once a determination is accepted by the Planning and Zoning Administrator, the cultural resource professional shall submit a Treatment Plan prepared in accordance with Section 27.10.D.2.f.

f) Treatment Plan

(1) The Treatment Plan shall meet all submittal requirements and the following requirements:

(i.) Address specific findings and provide details of and justification for the conservation strategy that is proposed, as defined in Section E.4.

(ii.) Define a plan to protect preserved-in-place resources during construction and/or promote data recovery through a documentation plan for those resources which will be mitigated or removed.

(iii.) Employ tools which will result in the permanent protection of significant resources including, but not limited to, conservation tract, dedication to stewardship organization or public displays.

(iv.) Develop a specific Treatment Plan implementation schedule in concert with the Planning and Zoning Administrator and the applicant to insure resource conservation and necessary flexibility.

(v.) Identify an organization that will assume long-term stewardship responsibility for significant cultural resources by managing preserved-in-place resources or documenting and conducting further study of resources that are mitigated or removed.

(vi.) Recommend the appropriate methods to ensure public education and access, if appropriate, to the cultural resources.

(vii.) Provide a benefit to the immediate community, broader stakeholders, or academic community that is commensurate with the significance of the cultural resource.

(2) Phased Developments:

(i.) The Treatment Plan shall incorporate the entire development. The implementation of the approved Treatment Plan may occur incrementally for each phase that contains cultural resources.

(ii.) In the event that the impact to a cultural resource site spans more than one development phase, implementation shall address all phases of work at the site.

g) Treatment Plan Review and Decisions

(1) The Planning and Zoning Administrator may approve the Treatment Plan upon consideration of the following:

(i.) Recommendations of the Cultural Resource Professional and State Historic Preservation Office.

(ii.) Provisions for specific cultural resources within local and regional plans accepted by the Town which include, but are not limited to, the Oro Valley Cultural Resources Preservation Plan and Sonoran Desert Conservation Plan.

(iii.) Nature, condition and extent of other Environmentally Sensitive Lands to optimize conservation of all resources.

(2) Prior to Town Council review of a development application specified in Section 27.10.D.2.e.iii, or permitting of development, earthwork, construction, remodeling, change or alteration of any proposed or existing project, the property owner or his/her designated agent shall secure approval of the Treatment Plan.

(3) The Town of Oro Valley process to approve a Treatment Plan must be complete within 30 days of formal State Historic Preservation comment.

vi. General Requirements

a) Cultural Resource Professional

(1) All cultural resources research, surveys and treatment plans shall be conducted by a cultural resource professional.

(2) Secretary of Interior standards for professional qualification must be satisfied.

(3) The cultural resource professional utilized must be selected from a pre-qualification list maintained by the Planning and Zoning Administrator.

b) Disturbance

(1) No physical disturbance of an unevaluated site shall be permitted, including artifact collection or excavation.

(2) No disturbance of significant cultural resource sites shall be permitted unless specifically indicated in the approved Treatment Plan.

(3) Cultural resources that are to be preserved in place shall be protected during development activities by the manner specified in the Treatment Plan.

c) Discoveries

(1) If any unrecorded cultural resources are encountered during the grading/ excavation process, all work shall cease in the immediate vicinity of the resources and a qualified archaeologist shall be consulted to assess the significance of the resources and prepare recommendations in accordance with the review process specified in Section E.5.

(2) If a Treatment Plan is required, it shall be submitted and reviewed in accordance with Section 27.10.D.2.f.

(3) Treatment Plan Review and Decisions.

(4) Construction may proceed in other areas of the site during the review process in a manner that ensures protection of a cultural resource discovery.

(5) Disclosure of information regarding the location and nature of the cultural resources shall be restricted, except as required for avoidance and protection of the resource.

(6) A determination of significance and/or completion of a Treatment Plan shall be accomplished within 20 days of discovery notice to the Planning and Zoning Administrator.

d) Treatment of Human Remains

(1) If human remains are known to exist on the site or are discovered in the course of construction, an agreement for the treatment of the human remains shall be developed with the Arizona State Museum (ASM) and appropriate cultural groups pursuant to ARS Section 41-844 and ARS Section 41-865.

(2) The agreement shall be established prior to any archaeological investigation.

(3) The property owner shall comply with state and federal laws regarding the treatment of human remains, even if a Treatment Plan has been approved.

e) Prior to issuance of any Town permits, consultation with the State Historic Preservation Office (SHPO) shall be completed if the development:

(1) Occurs on federal or state land; or

(2) Receives funding from a federal, state, or county agency; or

(3) Arises from circumstances dictated by federal or state regulation; and

(4) Is subject to review as specified herein.

f) Excavations on Public Property

(1) No individual shall be allowed to use a probe, metal detector or any other device to search or excavate for artifacts on public property, nor can any individual remove artifacts from public property without the written permission of the Town.

(2) No disturbance or construction activities shall be authorized within the properties belonging to the Town, including public streets and rights-of-way, without a Town permit and compliance with the requirements of this Section.

g) Conservation credit for significant cultural resources under the Environmentally Sensitive Lands System.

(1) Land designated as a protected cultural resources site in accordance with an approved treatment plan shall qualify as required ESOS on a 1:1 basis (each square foot of cultural resource site shall equal one (1) square foot of required ESOS) as determined by the Planning and Zoning Administrator.

(2) The area to be preserved in perpetuity shall be accurately indicated in the Treatment Plan prior to its approval.

(3) Only areas within the cultural resource site, as identified in the Treatment Plan, are eligible for the ESOS credit.

vii. Appeals and Reviews

a) Within 20 days of a decision, the applicant may appeal a determination of significance to the Historic Preservation Commission when local community review criteria are the sole source of analysis. An appeal of a determination based on national register criteria is strictly subject to state and/or federal review.

b) The applicant may appeal the Planning and Zoning Administrator's approval or denial of a Treatment Plan to the Historic Preservation Commission within 20 days of a decision.

c) A hearing on an appeal shall be scheduled within 30 calendar days of the request. The Historic Preservation Commission shall hold a hearing and may approve, disapprove, approve with stipulations or remand the case for additional analysis.

d) Notice of the hearing shall be posted on the property at least 10 calendar days prior to the hearing.

e) The Historic Preservation Commission may review any Treatment Plan approval by the Planning and Zoning Administrator. In order to overturn the Planning and Zoning Administrator's approval, the Historic Preservation Commission is required to find an abuse of discretion on the part of the Planning and Zoning Administrator. The Historic Preservation Commission may subsequently uphold, modify or overrule the Planning and Zoning Administrator's determination.

Notice of Historic Preservation Commission review shall be initiated within 15 days after the Planning and Zoning Administrator's approval in writing to the Planning and Zoning Administrator. Failure of the Historic Preservation Commission to make a timely review results in the decision of the Planning and Zoning Administrator deemed to be final, with an appeal to the Town Council available to the applicant.

In the event the HPC timely initiates their appeal, the applicant will be notified within an additional 15 days of the time and place for the hearing. Review by the HPC shall be completed within 30 days of initiation by the Historic Preservation Commission or the decision of the Planning and Zoning Administrator is deemed to be final, with an appeal to the Town Council available to the applicant

f) The applicant may appeal the Historic Preservation Commission decision on a determination of significance or a Treatment Plan to the Town Council within 20 days of the Historic Preservation Commission decision.

g) The Town Council shall have the right and prerogative to initiate its own review of any decision of the Historic Preservation Commission and shall uphold, modify or overrule said decision. Notice of Town Council-initiated review shall be given to the applicant within 15 days after action upon the application in question or the decision of the Historic Preservation Commission shall be deemed to be final and binding upon the Town.

f. Scenic Resources Category

i. Purpose

The Scenic Resources Category implements the Town's General Plan by providing protection for scenic corridors, public park viewsheds, and the distinctive visual character of Oro Valley. These regulations and guidelines serve to conserve views to scenic features including the ridgelines, hillsides, peaks and foothills of the Santa Catalina, Tortolita, and more distant mountain ranges that contribute to the Town's valued scenic character.

ii. Scenic Resource Conservation Areas Established

Three tiers of scenic resources within the Town are identified and designated for conservation. Each tier includes requirements intended to conserve the scenic qualities of the Town as observed from arterial roadways and Town-owned parks. Scenic Resource Conservation Areas function to direct development design to conserve scenic views across private property.

a) Tier 1 Scenic Corridors: Oracle and Tangerine Roads

The Oracle Road Scenic Corridor Overlay District and the Tangerine Corridor Overlay District regulations, included in Section 27.10-D.2.f.v.a.1, are substantively the same as the versions originally adopted in 1995 and 1997. The procedural requirements for implementing these ordinances are included in this Section and Section 27.10.B.

b) Tier 2 Scenic Corridors: La Cholla Boulevard and First Avenue Scenic Corridors

These General Plan designated roadways are established as Tier 2 Scenic Corridors with further distinction by land use type.

(1) For single family residential use types, the conservation area shall include lands within 330 feet of the designated roadway right-of-way.

(2) For multi-family and non-residential use types, the conservation area shall include lands within 800 feet of the designated roadway right of way.

FIGURE 27.10 - 1: Residential Scenic Resource Conservation Area and Landscape Conservation Tract

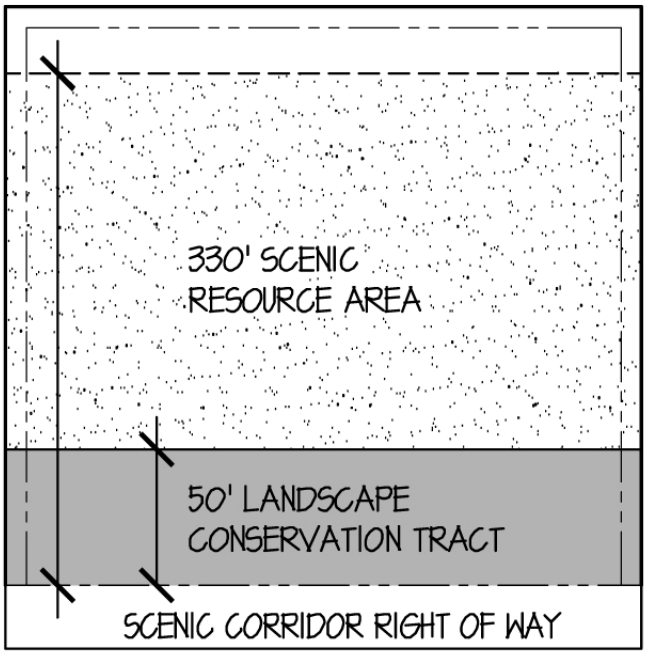
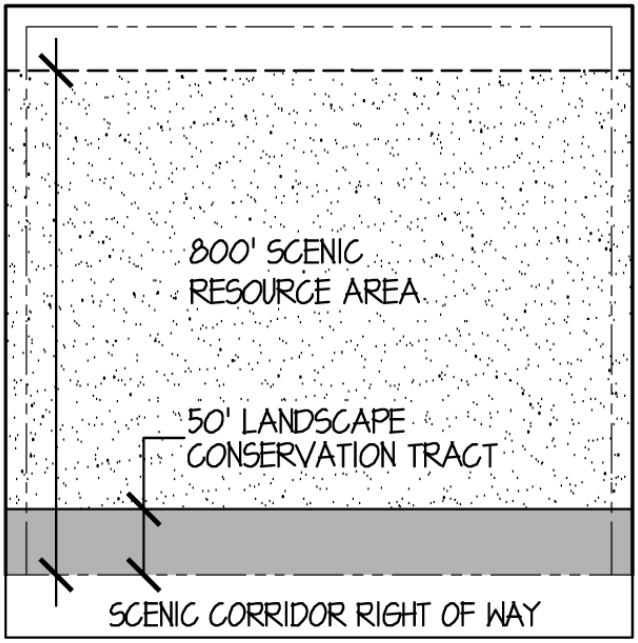


FIGURE 27.10 - 2: Non-Residential Scenic Resource Conservation Area and Landscape Conservation Tract



c) Tier 3 Community Scenic Resources

(1) The following General Plan designated features are established as Tier 3 Scenic Resources:

(i.) The rights-of-way of La Canada Drive, Moore Road, Rancho Vistoso Boulevard, Naranja Drive, Palisades Road, Lambert Lane, Linda Vista Road, Calle Concordia and Hardy Road.

(ii.) Public parks owned by the Town of Oro Valley.

(2) Tier 3 Community Scenic Resources include Scenic Resource Conservation Areas distinguished by land use type.

(i.) For single family residential use types, the conservation area shall include lands within 330 feet of the designated roadway right-of-way or public park.

(ii.) For multi-family and non-residential use types, the conservation area shall include lands within 800 feet of the designated roadway right of way or public park.

iii. Applicability

Applicability of Scenic Resource requirements is included for each specific Tier of scenic resources.

iv. Viewshed and Vegetation Analysis

a) Viewshed Evaluation

Evaluation of scenic qualities is required for all development proposals within Tier 1, Tier 2, and Tier 3 Scenic Corridors, unless expressly waived by the Planning and Zoning Administrator. Regulations may be waived if the character of the site and terrain renders such analysis as not beneficial to the Town.

Identification of views, particularly the immediate foreground of the subject property and significant background mountain views of the Catalinas, Tortolitas and Tucson Mountains shall be undertaken for any applicable proposal, including rezonings or subdivision plats, on each development site with suggested methods for alleviating adverse visual impacts of any structure visible from applicable areas.

(1) Viewshed Analysis

(i.) A viewshed analysis of vistas across the site, including any view corridors to the mountains, shall be prepared. A set of not fewer than 12 different photographs, taken from the roadway frontage corners of the property and at intervals of not more than 50 feet between and properly labeled, shall be submitted, as defined herein, to document existing visual resources on and across the proposed development site.

(ii.) For public parks, photographs are to be taken from the approximate center of the park and from a point representing the average topographic elevation.

The angle required is one looking from this point and across the proposed development site. The photo(s) shall be prepared to document existing viewshed conditions. The Planning and Zoning Administrator can require additional photographs in order to adequately document existing conditions.

(2) View Preservation Plan (VPP)

(i.) A VPP is required for non-residential developments with a proposed FAR (Floor Area Ratio) of .2 or greater and for any developments with building heights proposed to exceed 18 feet from natural grade, existing or proposed road profile grade at the right-of-way or 18 feet above the elevation of the closest park boundary.

(ii.) A narrative and viewshed analysis photographs with proposed structures superimposed on the existing landscape or accurate computer graphic renderings that depict impacts to scenic views across the site as viewed from scenic roadway corridors or public parks are required. These exhibits shall demonstrate methods for assuring that driveways, parking areas and structures are constructed in a manner compatible with the natural terrain and scenic qualities of the site.

Written and illustrative materials shall be provided by the Applicant in response to the regulations and guidelines pertaining to the intended type and intensity of development. Mapping may be based on aerial photographs or base maps, with overlays if desired, prepared at an appropriate scale to illustrate the vegetation and other resources on the site, as well as proposed plans and solutions.

(a.) At a minimum, written materials shall include:

i. Proposed use(s) and accessory use(s).

ii. Building height and bulk.

iii. Principal building materials and colors.

iv. Intended architectural theme.

(b.) At a minimum, one (1) or more graphic exhibits, not less than 11” x 17” in size, shall depict locations of:

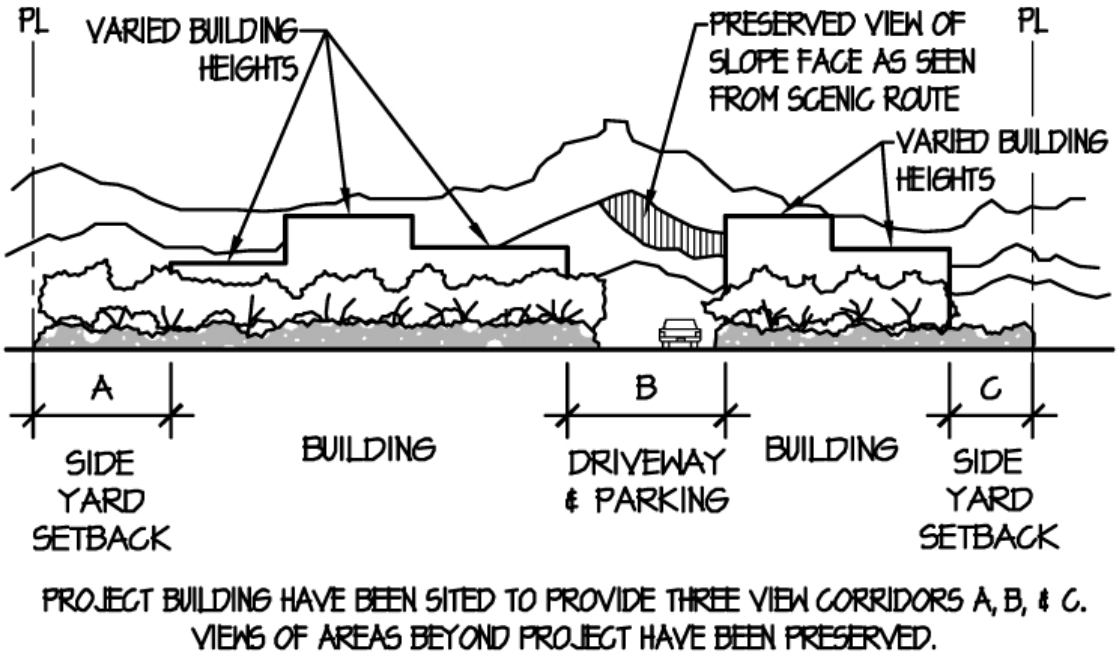
i. Proposed structures, drives and parking areas.

ii. Topography at 2 foot intervals.

iii. Frontage tract and other areas where vegetation or other resources are to be preserved.

iv. Only lands that are visible from identified scenic resource areas, scenic corridors and public parks, can be included in the protected viewshed.

FIGURE 27.10 – 3: VPP Graphic Exhibit Example



b) Vegetation Identification

(1) Identification of Corridor Character Vegetation (CCV) is required for all development applications within Tier 1 and Tier 2 Scenic Corridors unless expressly waived by the Planning and Zoning Administrator.

(2) Corridor Character Vegetation (CCV) includes all saguaros or groupings of existing plants that provide visual screening, and tree species as specified below with a trunk diameter greater than 6 inches, measured at a point 2 feet above the ground, or a cluster of 3 or more trees located within 10 feet of each other with trunk diameters of more than 2 inches.

(3) Tree species included as CCV are: Blue Palo Verde (Cercidium floridum), Littleleaf Palo Verde (Cercidium microphyllum), Velvet Mesquite (Prosopsis juliflora), Ironwood (Olneya tesota), Desert Willow (Chilopsis linearis), Catclaw Acacia (Acacia greggii), Sweet Acacia (Acacia minuta), Netleaf Hackberry (Celtis reticulata), and Velvet Ash (Franxinus velutina).

(4) Areas of distinct vegetation as defined in Native Plant Preservation, Salvage and Mitigation, Section 27.6.B, that exist within the established Scenic Resource Conservation Area are included as CCV.

(5) Areas of distinct vegetation and CCV shall be inventoried in accordance with the requirements established in Section 27.6.B, Native Plant Preservation, Salvage and Mitigation

v. Vegetation and Landscape Treatment

a) Tier 1 and Tier 2 Scenic Corridor Landscape Standards

All properties and land use categories within Tier 1 and Tier 2 Scenic Corridors are subject to the following regulations for purposes of vegetation preservation and landscape development. Exceptions or additional requirements are noted within individual Scenic Corridor tiers. These regulations and guidelines apply in addition to general Oro Valley landscape conservation requirements.

(1) Vegetation Preservation Site Planning

(i.) Areas of the site where all corridor character vegetation (CCV) including understory, are preserved are not subject to additional landscape requirements of the Oro Valley Landscape Conservation Code, Section 27.6, however, a landscape plan prepared in accordance Section 27.6 is required. Where understory is to be cleared or existing trees are to be trimmed, the appropriate requirements of Section 27.6, as determined by the Planning and Zoning Administrator, shall be complied with.

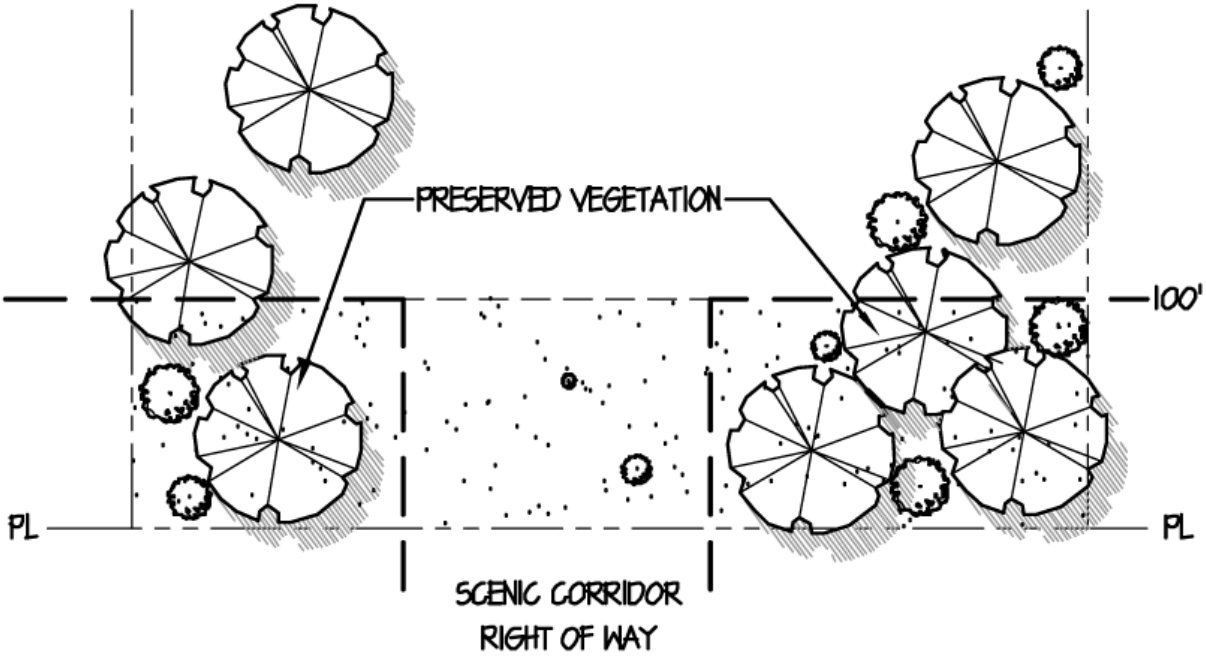
(ii.) In cases where an area within the Tier 1 or 2 Scenic Corridor has previously been substantially disturbed or has little CCV to preserve, the landscape treatment requirements of Sections 27.6.C shall apply.

(iii.) Except for clearing necessary to provide utilities and access to the site, no CCV shall be removed within a distance of 100 feet from the dedicated right-of-way line of Oracle Road (Figure 27.10-4), or 50 feet from the dedicated right-of-way line of Tangerine Road or any Tier 2 Scenic Corridors, without prior Development Review Board approval. No development, other than additional landscaping, is permitted within this CCV preservation zone (See Section 27-10.D.2.f.vi.a for additional landscaping requirements specific to land use type).

(iv.) Where no CCV exists, no 100 foot or 50 foot CCV preservation zone, as described above, is required. The preservation zone is required only along those frontage areas where CCV exists, as defined in Section 27.10.D.2.f.iv.b).

(v.) Washes with runoff volumes greater than 500 cubic feet per second during the 100 year storm, and their associated riparian habitat, shall be preserved in their natural state with exceptions for access and utility crossings. Any wash deemed unique, based on quality of vegetation or habitat, regardless of flow rate, may be required to be maintained as natural by the Town Council.

FIGURE 27.10 – 4: Preserved Vegetation



(a.) Landscape/Screening Treatment

The following landscape requirements apply to all common areas, private and public open space, landscape buffers, medians and rights-of-way within Tier 1 and Tier 2 Scenic Corridors except, when further than 100 feet from the Oracle Road right-of-way or 50 feet from Tangerine Road or any Tier 2 Scenic Corridor right-of-way and, in fully screened enclosed areas such as courtyards, residential backyards and active open spaces, swimming pools and patios associated with resort and residential uses. All other Oro Valley landscape requirements and guidelines apply.

i. Tree species planted in landscaped areas within Tier 1 and 2 Scenic Corridors are restricted to the following; Blue and Foothills Palo Verde (Cercidium floridum and C. microphyllum), Mesquite (Prosopsis. spp.), and Ironwood (Olneya tesota). All introduced shrubs, accents, and ground covers shall comply with the Oro Valley Approved Plant List (See Addendum C).

ii. Parking lots shall be landscaped with the specified trees.

iii. Decomposed granite (or other inorganic ground covers) may not exceed 25 percent of the total landscaped area (except roadway medians). Use of rock or stone as ground cover shall be limited to areas requiring slope stabilization or drainage channels. Only rock materials indigenous to the Scenic Corridor area are acceptable.

iv. All remaining disturbed areas shall be stabilized or seeded with shrubs, wildflowers, forbes or grasses from the Oro Valley Approved Plant List as approved by the Planning and Zoning Administrator (See Addendum D).

v. Native plant materials shall be allowed to maintain their natural form and character after establishment and during normal maintenance operations. Limited trimming is allowed for visibility and plant health purposes.

vi. All right-of-way areas where significant vegetation does not exist, shall be landscaped as established herein and in Section 27.6, with approval from the Planning and Zoning Administrator, Town Engineer, and ADOT, if within jurisdictional limits. The following additional requirements apply:

a. A continuous landscape treatment from the edge of the Scenic Corridor pavement to the right-of-way/private property line. Plant types (tree, shrubs, cactus etc.) and quantity will be dictated by road safety standards.

b. Hydroseed in compliance with the quantity and type specified in Addendum D shall be utilized.

(b.) Walls and Berms

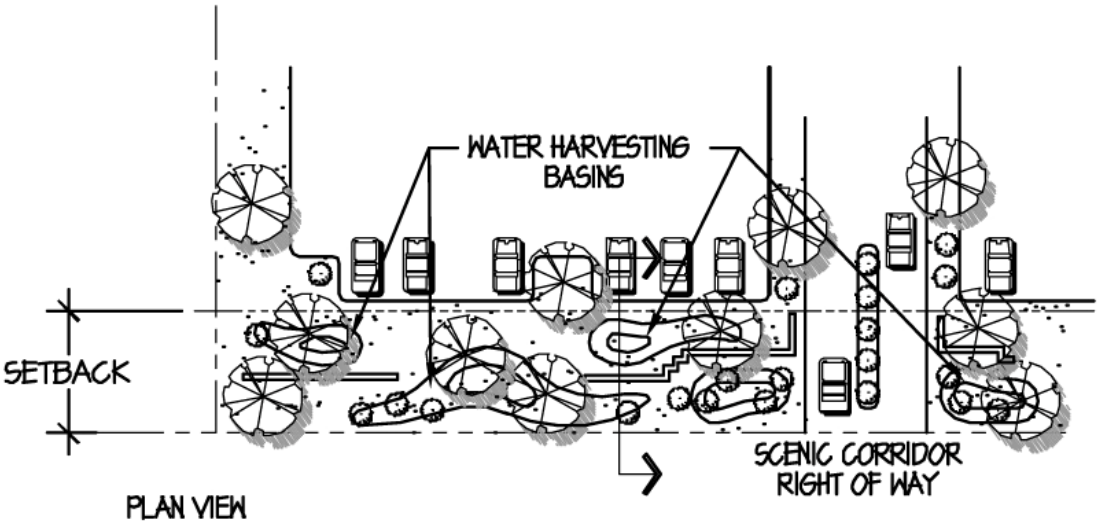
The following wall and berm requirements apply to all properties adjacent to Tier 1 or Tier 2 Scenic Corridors.

i. Where existing vegetation is minimal or has been disturbed, earthen berms, or portions of earthen berms, may be placed in landscape conservation tracts for purposes of traffic noise attenuation or residential screening. Berms shall be designed in a manner to promote water harvesting and have a natural shape and appearance, complementary to the existing topography Figure 27.10-5) and shall comply with the requirements of Section 27.6.D.4, Rainwater Harvesting requirements.

ii. Walls shall not exceed in length 33 percent of the Scenic Corridor frontage of each parcel.

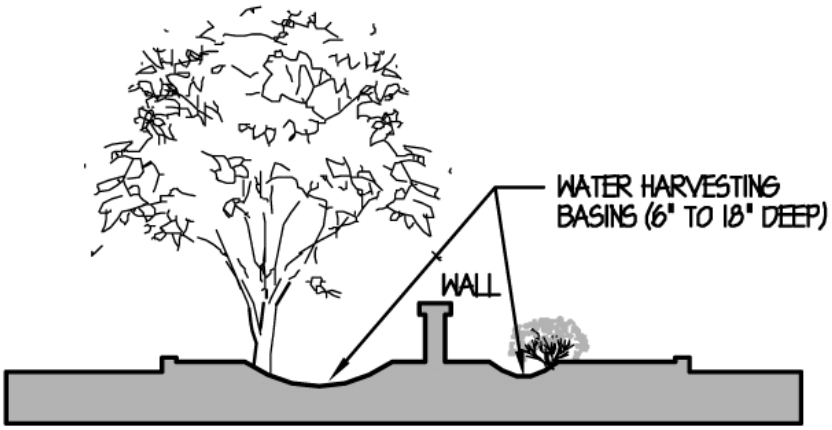
iii. Fences shall be prohibited, with the exception of wrought iron fence treatments used in association with masonry walls.

FIGURE 27.10 – 5: Plan View and Elevations



- COMMERCIAL AND RETAIL USES
- RESIDENTIAL USES CAN USE A 5' MAX WALL HEIGHT
- WALL NOT TO EXCEED 33% OF TOTAL FRONTAGE

ELEVATION - SCREENING WALL WITH WATER HARVESTING BASINS



SECTION - WATER HARVESTING BASINS AND SCREENING WALL AT GRADE

vi. Site Development

a) Tier 1 Scenic Corridors: Oracle Road Scenic Corridor Overlay District (ORSCOD) and Tangerine Road Corridor Overlay District (TRCOD)

The sensitive natural character and scenic vistas from Tier 1 Scenic Corridors require additional development design requirements to assure scenic resource conservation and implementation of the adopted General Plan. This section includes requirements for property development along Oracle and Tangerine Roads.

(1) Oracle Road Scenic Corridor District

Regulations and development guidelines adopted herein are intended to supplement the otherwise applicable zoning requirements and procedures pursuant to specific plan and overlay district enabling legislation. .

(i.) Oracle Road Scenic Corridor District Established

(a.) Overlay District

The Oracle Road Scenic Corridor District, including the area designated and adopted by the Town Council as the Oracle Road Scenic Corridor Specific Plan, is hereby designated as an overlay zoning district consistent with the Oracle Road Scenic Corridor Specific Plan adopted by the Town Council. Development within the Oracle Road Scenic Corridor District shall be regulated by the provisions of this Section and the requirements of the Oro Valley Zoning Code Revised, including underlying district(s) and PADS, except that in the event of a conflict, the more restrictive shall prevail.

i. Applicability

The provisions of the Oracle Road Scenic Corridor Overlay District apply to development in the area shown on the Existing Overlay District Maps for the Oracle Road Scenic Corridor.

ii. Exceptions

1. Rooney Ranch Planned Area Development - The Rooney Ranch Planned Area Development contains an approved layout plan for commercial development within the Oracle Road Corridor. Area G, located on the west side of Oracle Road and south of Pusch View Lane is exempt from the provisions of this overlay zone.

   Development Area B of the Rooney Ranch PAD is exempt from the following provisions: Section f.v.a).(1)(front setbacks) and Section 24.5.G.3.c.i, Building Bulk. Development area D is exempt from all provisions of this overlay zone except, Section 24.5.F.2 Right-of-Way Landscaping.

2. La Reserve Planned Area Development - All portions of the La Reserve PAD that fall within the Oracle Road Corridor Overlay District are subject to the provisions of the district, with the

exception of the Foothills Business Park. Based on the recorded plat for the Foothills Business Park, Lots 2-8, 16, and 17 shall be exempt from the requirements of Section 24.5.G.4.d.i (open space) and Section 24.5.G.4.e.i and ii (view corridors). Lots 9-12 of the Foothills Business Park shall be exempt from the provisions of Section 24.5.G.4.b (setbacks) and Section 24.5.G.4.d.i (open space). All other provisions of this district shall apply. Lots 1, 13, 14, and 15 of the Foothills Business Park have been fully developed, and are exempt from the provisions of the overlay district.

3. Steam Pump Village Planned Area Development - The Steam Pump Village PAD is exempt.

4. If any PAD is substantially changed from the Town approved plan, as determined by the Planning and Zoning Administrator, all provisions of this overlay district shall apply. A substantial change from the approved land use plan includes a change in 1) the number and general massing of buildings or groups of buildings, 2) density, 3) setbacks, 4) open space or 5) circulation configuration. Such a deviation will cause the loss of exemption. All cases evaluated for significant change shall be made known to the Planning and Zoning Commission through the Planning and Zoning Administrator's Report.

(b.) Special Recommendations

The Planning and Zoning Administrator may recommend such development requirements as the Administrator deems necessary to assure compliance with Oracle Road Scenic Corridor Specific Plan Goals and Objectives and for the protection of neighboring residences for all plats and development plans that may be submitted in the development period.

(ii.) Approvals Required

No structure or building shall be built or remodeled on land in the Oracle Road Scenic Corridor District until approval has been granted as set forth in this Section and as required in other applicable Sections of this Zoning Code.

(iii.) Oracle Road Scenic Corridor District Use

Distinctions in development regulations are applied to 4 general types of land use (Residential, Resort, Commercial, Employment/Institutional) for their effective integration into the unique Scenic Corridor setting.

(a.) Residential Development Regulations

The Oracle Road Scenic Corridor Specific Plan and the Oro Valley General Plan characterize the plan area's predominant land use character as being resort-residential in nature. Accordingly, additional assurances and criteria are set forth to protect scenic quality and to protect and enhance residential character within the Corridor. Zoning district requirements shall pertain except as herein provided for

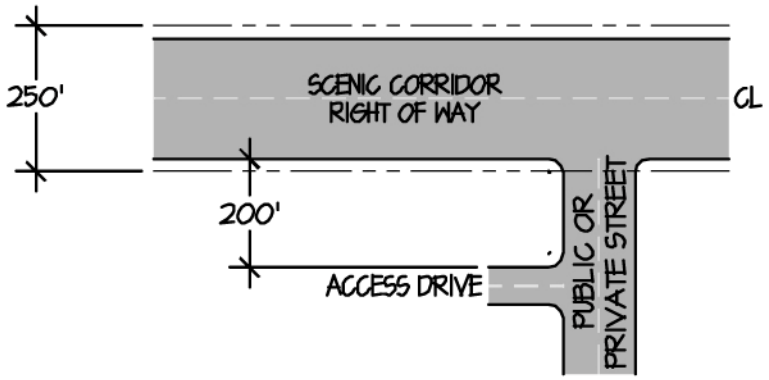
properties, or portions thereof, classified according to the Oro Valley Zoning Code Revised, Sections 23.6 and 23.7, Single-Family and Multi-Family Residential District Regulations, and located within the Oracle Road District.

i. Access to Oracle Road. Direct access to Oracle Road is permitted only for pre-existing, residentially zoned lots of record as of the effective date of the Oracle Road Scenic Corridor Overlay District. Thereafter, subdivisions or residential clusters containing a minimum of forty residential lots or dwelling units shall have access points spaced a minimum of 660 feet on center, except as hereinafter required or modified by Specific Plan variance.

   Indirect access to Oracle Road, by way of a dedicated public street or by private street observing the aforementioned spacing requirement, is required as feasible, to any residence or residential development from a point not less than 200 feet from the Oracle Road right-of-way.

ii. Required Setbacks. Setback requirements of the applicable zoning district are to be provided and, except for residentially-zoned lots existing prior to the adoption of this ordinance, a peripheral landscaped setback, exclusive of access driveways, is to be designated as common area to a depth of not less than 30 feet from the front and rear property lines.

FIGURE 27.10 – 6: Residential Indirect Access Design



iii. Density. Within perimeter setbacks and view corridor restrictions, the setbacks, heights, coverage, density, and open space requirements of the underlying residential district apply to individual lots or dwelling clusters.

iv. Height. Structures within 100 feet of the Oracle Road right-of-way may not exceed 18 feet in height.

v. Landscaping Treatments. Landscaping is to be installed and maintained for perimeter setbacks and all common open space

areas according to an approved phasing schedule. Further requirements are applied:

(b.) Resort Development Regulations

The Oracle Road Scenic Corridor Specific Plan and the Town of Oro Valley General Plan designate the Corridor as being resort-residential in character. Accordingly, resort development is encouraged for its potential contribution to the recommended use characteristics and scenic qualities of the Corridor.

i. Access to Oracle Road. Resort development requires a minimum frontage of 660 feet on Oracle Road, with a single roadway access (unless frontage exceeds 2000 feet or as may be required for emergency access). The entry drive or street is to be a minimum of 200 feet in length from the Oracle Road right-of-way to any intersecting interior drive.

ii. Required Setbacks. A setback of not less than 150 feet from the Oracle Road right-of-way is to be provided, the front 100 feet of which shall be landscaped or natural open space. Where adjacent to existing residential development, buffers of 300 feet are required as side or rear setbacks, which may be used for parking if properly screened.

iii. Density/Bulk. Subject to Planning and Zoning Commission approval, resort/residential developments proposed in the Oracle Road Scenic Corridor Overlay District shall consist of contiguous land areas totaling 7.5 acres or more.

1. A qualifying resort is to contain a minimum total of 30 guest rooms, casitas, and/or dwelling units of which the majority are to be located within the principal structure.

2. Subject to Town Council approval, additional guest rooms or dwelling units may be constructed in excess of those determined from gross land area as specified in Section 23.7.B.4.c.

iv. Landscaping Treatments. Not less than 25 percent of the gross site area is to be devoted to common landscaped or natural open space recreation areas accessible to resort guests and homeowners.

v. View Corridors. Buildings over 18 feet in height or other structures, including walls, signs or mechanical equipment over 4 feet in height, may not be placed within 100 feet of the Oracle Road right-of-way, with the following exceptions:

1. Resort signage; principal resort structure 200 feet or more from the right-of-way.

2. Retaining walls for screened parking areas.

vi. Performance Requirements. All other development requirements of the R4-R district, as well as the requirements of this Section, shall apply.

(c.) Commercial Development Regulations

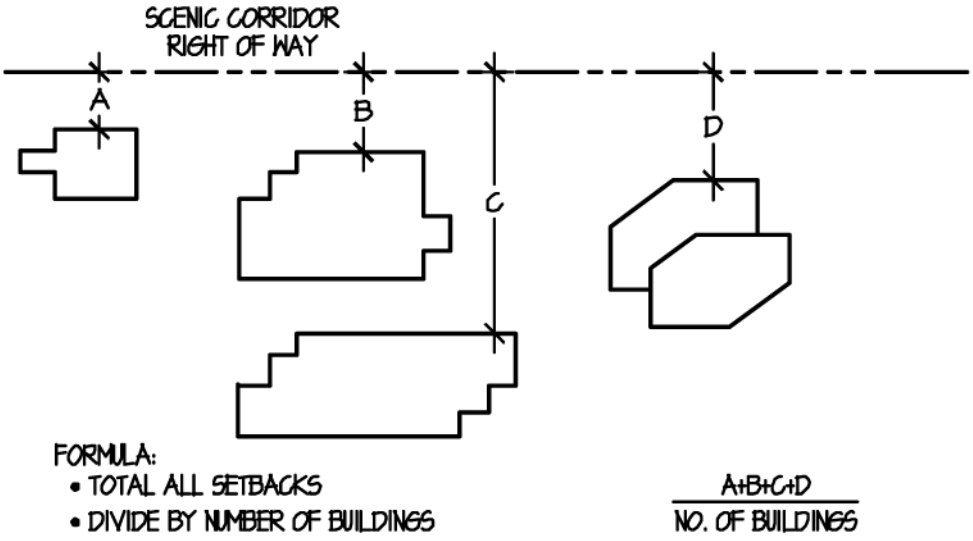
The Oracle Road Scenic Corridor Specific Plan requires additional assurances with regard to the design and placement of commercial structures or uses so as to protect the scenic qualities that accrue to the value of all properties within the Corridor. Zoning district requirements apply except as herein provided for properties, or portions thereof, classified according to the Town Zoning Code, Section 23.8, Commercial District Regulations as C-1, C-N, C-2 or P-1 Districts, located within the Oracle Road District.

i. Access to Oracle Road. Direct access to Oracle Road is to be spaced a minimum of 330 feet on center, except as hereinafter required or modified by Specific Plan variance.

ii. Required Setbacks. Setback requirements of the applicable zoning district classification are applied, except as provided below:

1. Front setback for multiple structure development: Average 120 feet.

FIGURE 27.10 – 7: Setbacks



2. Front setbacks for single structure development: Minimum 60 feet and must comply with a 4:1 setback to building height ratio.

3. Side setback distances of the applicable zoning district, are to be provided.

4. Office developments on parcels of 2 acres or less and not exceeding 5,000 square feet of gross leasable area shall be permitted to observe the adjacent residential setback plus 10 feet for buildings up to 2,000 square feet; and for buildings of 2,000 - 5,000 square feet in area, 1.5 times the residential setback. Half of the additional requirement (in excess of the residential district setback) shall be waived where all parking is provided with security concerns addressed or internalized parking; half shall be waived for single-story structures of 15 feet in height or less.

   Examples:

   Building up to 2,000 square feet, adjacent to R1-36; 40 foot rear setback + 10 feet = 50 feet, may be reduced in increments of 5 feet to 40 feet.

   Building 2,000 - 5,000 square feet adjacent to R1-43; 20 foot side setback x 1.5 = 30 feet, may be reduced in increments of 5 feet to 20 feet.

iii. Freestanding Building Pads. Within development envelopes established by setbacks and view corridor restrictions, the following free-standing pads may be built:

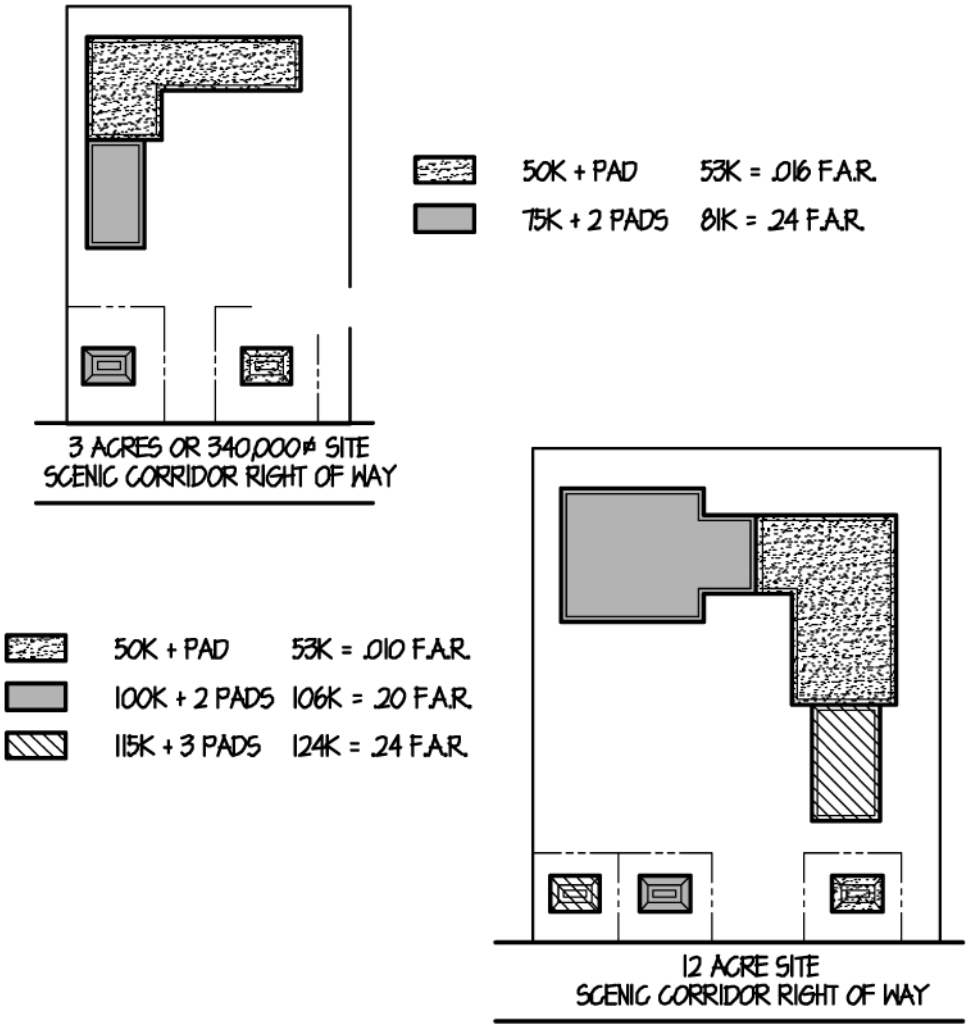
1. Establishment of freestanding building pads fronting on or directly accessible from Oracle Road is permitted only on sites of 5 acres or greater, with a minimum of 50,000 square feet of GFA (gross floor area) in the principal structure required for the first such pad. Additional pads, requiring further increments of principal building GFA, may be permitted only by express Planning and Zoning Commission approval, subject to the following requirements:

   a. Properties not exceeding 10 acres in area shall provide an additional 25,000 square feet of GFA or portion thereof for each additional pad requested; or

   b. Properties of greater than 10 acres in area shall provide an additional 50,000 square feet of GFA or portion thereof for each additional pad requested.

   c. All Convenience uses shall comply with Section 25.1.M.

FIGURE 27.10 – 8: Freestanding PAD illustrations



2. Allowable building area is .25 FAR for sites with an area of 2 acres or larger; reduced by 50 percent (.125 FAR) for sites or existing freestanding pads of lesser area. FAR may be increased to a total not exceeding .3 FAR, by the following site plan features:

   a. An additional .01 FAR shall be permitted for each 10 percent (or fraction thereof) over 80 percent of total building volume in the rear half of the site; a .03 FAR increment shall be permitted for placing the total building bulk in the rear half of the site.

b. Principal buildings which are oriented perpendicular to Oracle Road, observing a ratio of 1:3 or greater of proportionate facade parallel to Oracle Road, shall be permitted an additional .01 FAR.

c. Double-fronted principal structures, with landscaped, architecturally designed entrances on two opposing sides, shall be permitted an additional .01 FAR.

iv. Landscaping Treatments. Approved landscaping is to be installed and maintained prior to the issuance of a certificate of occupancy, subject to the following:

1. Freestanding building pads require approved landscape plans consistent with areas maintained as natural open space.

2. All areas other than those covered by buildings or paving for required parking and maneuvering are to be landscaped or maintained in their undisturbed natural desert condition

v. View Corridors. The applicant shall be responsible for indentifying view corridors that meet the requirements of Section f.v.a).(1).(c) v.2, below. Flexibility from the view corridor requirements defined below shall be determined by express approval of the Planning and Zoning Commission.

1. The following requirements are applied to the east and west sides of Oracle Road as follows:

a. West Side

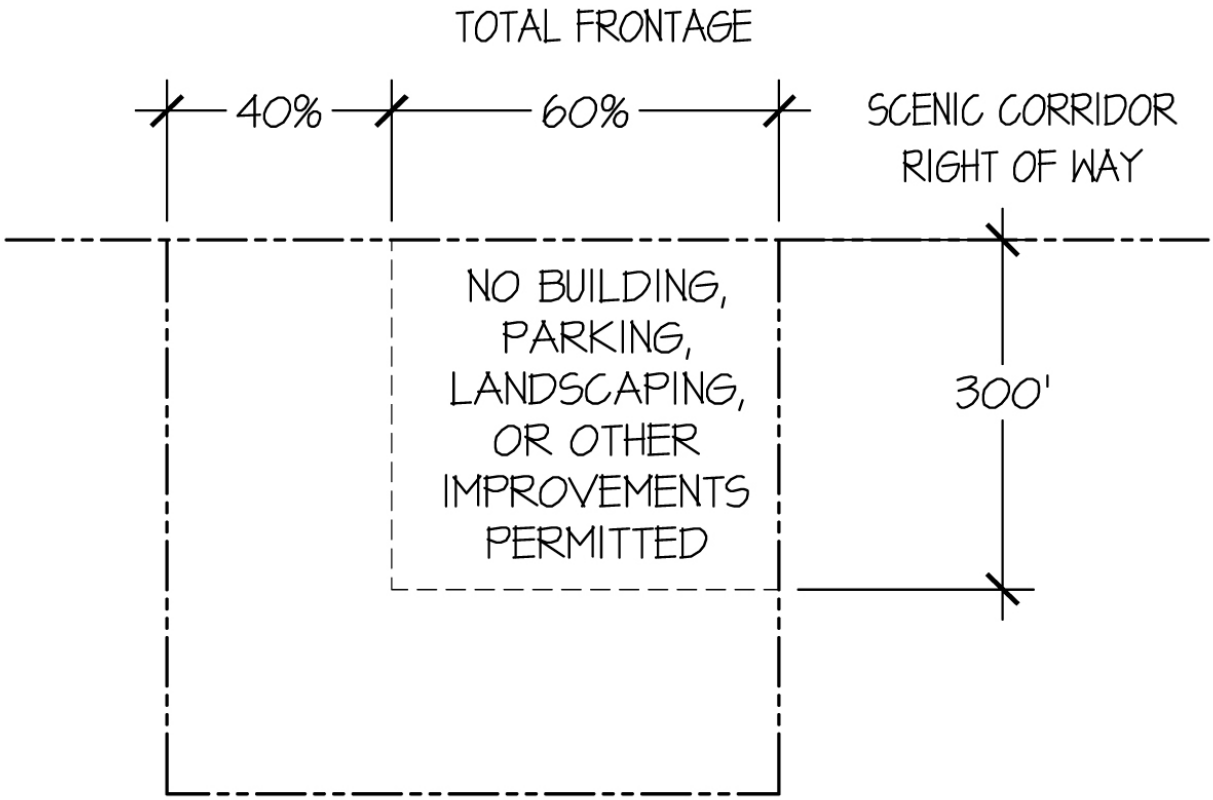
No building heights over 18 feet or structures, including walls, signs, or mechanical equipment over 4 feet in height, within a minimum of 60 percent of the frontage to a depth of 300 feet is maintained as a view corridor.

b. East Side

i. A minimum of 60 percent of the frontage to a depth of 300 feet is maintained as a view corridor (Figure 27.10-9) and is not used for building purposes. Total building exposures or frontages will be measured to calculate the view corridor open area percentage.

ii. Properties with an average depth of 400 feet or less, or containing less than 2 acres in size, building heights in excess of 25 feet (as permitted by underlying zoning) shall be limited to 40 percent of the frontage. The remaining buildable area heights shall be limited to 25 feet.

FIGURE 27.10 – 9: View Corridor Illustration



3. Landscaping, walls, or other improvements installed by the developer within or adjacent to view corridors require express Development Review Board approval.

4. No signage, wall, or other structure may be placed so as to obstruct defined view corridors, except as provided for above.

5. No structure or appurtenance may project above ridgelines; all development must blend with the background slope as established in the applicable Scenic Resource Area Design Guidelines.

(d.) Employment/Institutional Regulations

Campus developments on larger sites are especially desirable for preserving view corridors, adding variety to the Specific Plan area and creating activity balance with in-community destination sites. Special attention is required to maintain the Corridor's structural scale and efficient traffic management. Zoning district requirements apply, except as hereinafter provided, for properties classified under the Town Zoning Code, Section 23.8.D., Private Schools (PS), and 23.8.E., Technological Park (T-P) Districts and located within the Oracle Road Scenic Corridor District.

i. Access to Oracle Road. Campus uses require a minimum frontage of 660 feet on Oracle Road or other arterial streets, with roadway access located so as to be at least 300 feet from an established entry point to an adjacent property or street:

1. Multiple entries may be required if traffic projections for the proposed use so warrant.

2. Signalization, at appropriate spacing, is permitted only if warranted according to Arizona Department of Transportation criteria.

ii. Required Setbacks. A setback of not less than 150 feet from the Oracle Road right-of-way is to be provided, the front 100 feet of which shall be landscaped or natural open space.

Natural open space or landscaped buffers (which may include natural washes) of not less than 100 feet in width are required as side or rear setbacks to any adjacent residential district.

iii. Density/Bulk. Development intensity for institutional or employment campus uses is limited to a maximum of .3 FAR and may be further limited by the Town Council.

iv. Landscaping Treatments. Not less than 25 percent of the gross site area is to be devoted to common landscaped or natural open space recreation area.

v. View Corridors. The applicant shall be responsible for indentifying view corridors that meet the requirements of Section f.v.a).(1).(d).v.2,below.

1. Along the west side of Oracle Road, buildings over 18 feet or other structures, including walls, signs or mechanical equipment over 4 feet in height may not be placed within 150 feet of any identified view corridor without express Development Review Board approval.

2. Along the east side of Oracle Road, a minimum of 60 percent of the frontage to a depth of 300 feet along the east side of Oracle Road is maintained as a view corridor and is not used for building purposes. Building exposures will be measured to calculate the view corridor percentage. For properties along the east side of Oracle Road, with an average depth of 400 feet or less, or containing less than 2 acres in size, building heights in excess of 25 feet (as permitted by underlying zoning) shall be limited to 40 percent of the frontage. The remaining buildable area heights shall be limited to 25 feet.

(e.) Commercial Retail Intensity

An increase to the intensity of commercial retail use of a specific parcel shall require a conditional use permit in accordance with Section 22.4.

(2) Tangerine Corridor Overlay District

(i.) Tangerine Corridor District Regulations

The provisions herein are adopted as supplements to the applicable zoning requirements of the underlying zoning district classifications. Regulatory provisions, including standards and measurements, are mandatory.

(ii.) Tangerine Corridor District

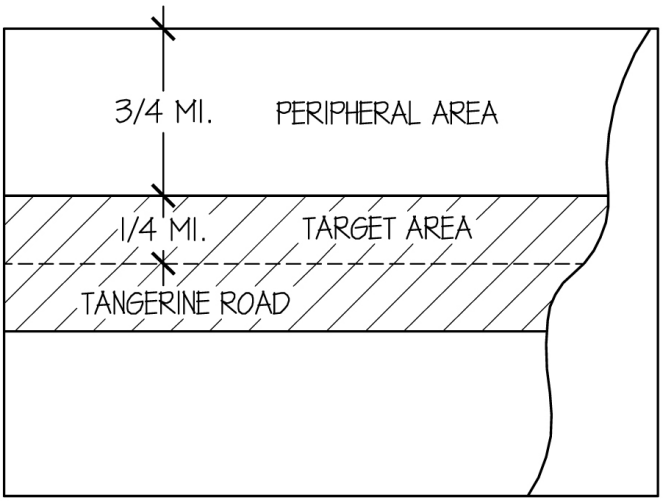
The Tangerine Corridor District is an Overlay District to provide implementation directions for the Tangerine Road Corridor Specific Plan, which has been duly adopted as a refinement of the Town of Oro Valley General Plan. The purpose of these regulations and guidelines is to preserve the value of lands possessing the unique Upper Sonoran Desert character found within the Tangerine Road Corridor, as well as to protect the health, safety, and welfare of the public by encouraging reasonable use and enjoyment of private property. It is the further premise of this Ordinance that attention to the Corridor's environmental quality is necessary to maintain a natural coexistence with the desert that enhances the value of all lands with it.

(a.) Overlay District

The District shall include lands located between Naranja Road and Moore Road, or their alignments, within the corporate limits of the Town of Oro Valley (the "Corridor"); and shall be applied to all properties lying within the Corridor at the time of this Ordinance adoption; and to such lands within the Corridor which may, from time to time, be annexed into the Town.

i. Applicability. Overlay District regulations, as stated herein, apply to all property within one quarter (¼) mile of the Tangerine Road centerline (the "Target Area", as defined in the Tangerine Road Corridor Specific Plan.) Overlay District guidelines pertain to all uses in the Corridor. Construction, addition to or remodeling of individual residences within the Target Area shall require only observance of frontage tract and setback requirements and of non-access provisions.

FIGURE 27.10 – 10: Target Area Illustration



ii. Exceptions. Development plans, preliminary plats, or final plats approved prior to the adoption of this Ordinance and still in effect, and individual residences on single lots are exempt from the requirements of this Section.

1. The adopted Rancho Vistoso PAD, having addressed, met or exceeded certain requirements of this Overlay District, is exempt from the following requirements of this Ordinance: Section 24.1.D.1.a; and Sections 24.1.E.1.b, 24.1.E.1.e, 24.1.E.2.c, and 24.1.E.3.c, except that the allowances of 2.c shall be applicable.

2. The adopted Rancho Vistoso PAD design guidelines shall prevail, where they conflict with the guidelines in Section 24.1.F. However, large expanses of glass or other materials of high reflectivity should not be used. In addition, residential developments, which may be impacted by noise from Tangerine Road, should include the noise mitigation provisions of Section 24.1.F.

(b.) Conformance to General Plan

The Overlay District is intended as a refinement to the Oro Valley General Plan, in the form of a regulatory specific plan with additional design guidelines. All development hereunder is required to be consistent with the General Plan. It is, however, expressly intended that residential densities or intensities of development may be averaged or clustered, with Town approval on any property where such siting has the effect of further separating development from Tangerine Road or from sensitive natural or cultural resources.

Any conflicts arising as a result of amendments to the General Plan, Tangerine Road Corridor specific plan, or the text provisions of

applicable, underlying zoning districts shall be resolved in favor of the General Plan, unless interpreted otherwise in this Section.

(c.) Conformance to Specific Plan

Evaluations of development plans by the Development Review Board should result in findings and/or recommendations that are consistent with the Tangerine Road Corridor Specific Plan.

(iii.) Application Requirements

Any application for land improvement within the Tangerine Road Corridor Overlay District target area, or where specifically required elsewhere in the Corridor, shall be submitted for development review; and, in the case of non-residential site plans, Planned Area Development, subdivision plats or other development plans, shall be submitted in a form and in such numbers as required by the official responsible for accepting the application.

Special Consideration

The application shall be accompanied by a statement with justification, describing any requested waiver, such as exemption from visual analysis or increased building height; or adjustment to otherwise applicable criteria, such as masterplanned developments flexibility.

(iv.) Tangerine/Arterial Frontage Tracts

As a means to assure safety through unimpeded traffic visibility with minimal distraction, separation of travel modes, adequate stormwater drainage and other recommended traffic engineering improvements, tract reservations in the nature of non-buildable, non-access easements are required adjacent to all property lines abutting Tangerine Road or other arterial roadway rights-of-way in the Corridor Target Area. The intent is to severely restrict direct access onto Tangerine Road or intersecting arterial (within a specified distance from Tangerine); encouraging, instead, well-separated side arterial access and internal loop circulation. These tracts serve the further purposes of providing additional buffering from transportation facilities, preserving vegetation essential to the Corridor's character and enhancing the value of private property.

All developments shall be responsible for reserving and maintaining tracts, as specified herein, adjacent to the property lines abutting Tangerine Road and arterial roadway frontage within a distance of 660 feet from the Tangerine Road right-of-way, unless otherwise specified.

(a.) Non-Development or Conservation Easements

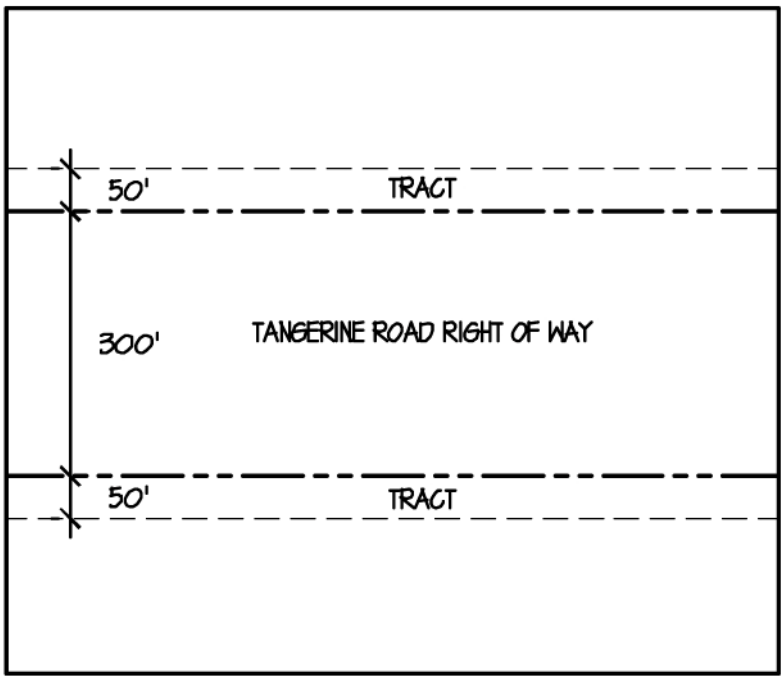
The widths of tracts to be provided are as follows:

i. Tangerine Road

A tract of not less than 25 feet in width for Commercial Developments located at arterial intersections and 50 feet in width for all other developments shall be designated on all properties abutting Tangerine

Road, measured from the right-of-way. Crossing of the tract with roads, public or private, and driveways (except for emergency vehicle access where required) is prohibited without the approval of ADOT and the Town, and in no case shall such direct access crossing be less than 330 feet from an arterial intersection or less than 1000 feet from another vehicular tract crossing.

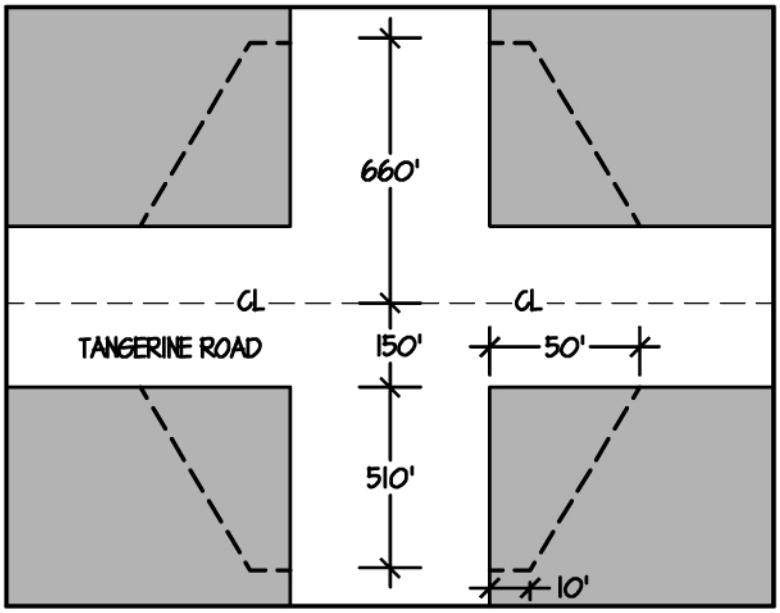
FIGURE 27.10 – 11: 50' Tract along Tangerine Road R-O-W



ii. Arterial Roads

A tract not less than fifty feet in width beginning at the point of intersection with the corresponding Tangerine Road tract and tapering to a width of not less than 10 feet at a point 660 feet from the Tangerine Road centerline shall be designated on all properties abutting arterials in the Target Area, measured from the arterial right-of-way. Under special circumstances, such as restricted parcel dimensions, improved structural massing or uneven topography, ADOT and the Town may approve reduction of the tract to not less than 330 feet in length and 25 feet in width at the Tangerine tract. Crossings of arterial tracts are prohibited.

FIGURE 27.10 – 12: Tangerine Road Crossings



iii. Signage Permitted

Signs are permitted within the tract in accordance with Chapter 28, Signs.

iv. Pathway Linkages

Locations for trails or paths may be approved for placement within the reserved area.

(b.) Berms

Where existing vegetation is minimal or has been disturbed, earthen berms, or portions of earthen berms, may be placed in frontage tracts for purposes of traffic noise attenuation or screening requirements.

Berms must be designed in a manner to insure compliance with water harvesting requirements in Section 27.6.

(c.) Drainage Facilities

Natural materials, such as river rock and vegetative groundcover, shall be required for lining drainage structures placed on reserved tract areas unless other materials are approved by the Planning and Zoning Administrator and the Town Engineer. All such drainage structures shall be designed and installed to accommodate ultimate roadway design plans.

(d.) Utility Easements

Provisions for utilities may be included in separate easements within the frontage tract upon approval of the Town. Utility providers shall be required to keep disturbance of natural vegetation to a minimum during the installation or maintenance of their facilities and to restore vegetation in a manner consistent with requirements for adjacent property owners. Future above-ground power lines carrying 46kV or less are subject to conditional use permit (CUP) approval and the criteria specified in Section 23.3. A CUP may be conditioned to require undergrounding of power lines with a specified time frame or concurrent with specific projects. Development plans for properties abutting arterial intersections shall provide conduit for future intersection lighting requirements.

(v.) Tangerine Road Corridor Overlay District Use Provisions

General types of land use as anticipated for the Corridor in the Oro Valley General Plan (Residential, Commercial, Employment/Institutional) are provided additional distinctions for their applicability in conjunction with underlying zoning district use regulations. Resort or other nonresidential uses not covered by these provisions may be considered in accord with Commercial regulations. The Overlay District, in requiring the reservation of frontage tracts, Section 24.1.D, carries further expectation that existing vegetation shall be preserved or otherwise be revegetated with specimens from the disturbed areas on the subject site to maintain native plant material along all Tangerine Road property lines. Pathway linkages are to be provided within each development and connecting with pathways, trails or bike lanes paralleling or otherwise linking to Tangerine Road.

(a.) Residential Development Regulations

Construction in any residential zoning classification shall comply with the following provisions in addition to the applicable regulations of the underlying zoning district:

i. Roadway Access

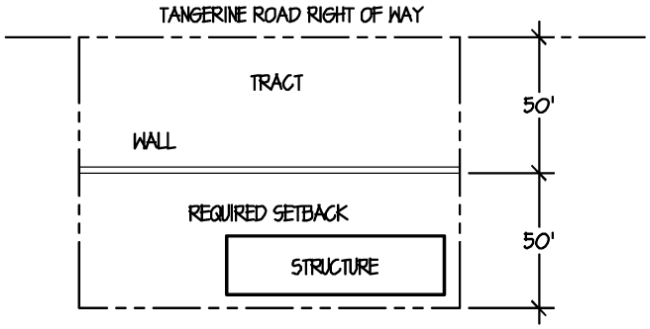
Direct access to Tangerine Road or to an intersecting arterial roadway within 600 feet of the Tangerine right-of-way is prohibited for any future development without the express approvals of the Town and ADOT (see Sections 24.1.D.1.a, and 24.1.D.1.b). The intent is to eliminate curb cuts from Tangerine Road's parkway improvements, affording access only from streets intersecting with Tangerine or approved circulation roadways and/or frontage roads provided with acceleration/deceleration lanes accessing the major roadway.

ii. Required Setbacks

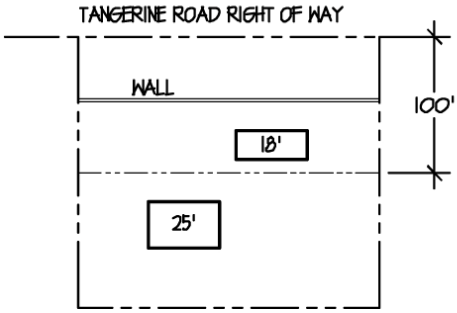
Setback requirements of the applicable, underlying zoning district shall be provided in addition to the reserved easement tract.

Undulating setback distances may be approved in planned developments to provide variety and visual interest.

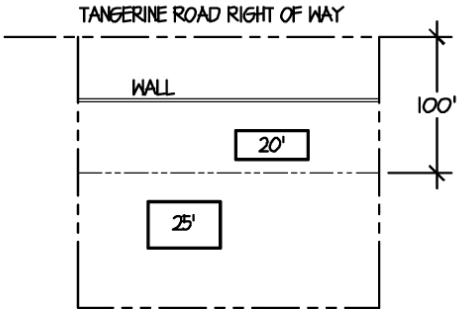
FIGURE 27.10 – 13: Tangerine Road Easements and Structure Heights



- RESIDENTIAL STRUCTURE HEIGHT NOT TO EXCEED THE LESSER OF 18' OR THE APPLICABLE ZONING DISTRICT HEIGHT.
- COMMERCIAL, EMPLOYMENT / INSTITUTIONAL STRUCTURE HEIGHT NOT TO EXCEED THE LESSER OF 20' OR THE APPLICABLE ZONING DISTRICT HEIGHT.



RESIDENTIAL



COMMERCIAL, EMPLOYMENT / INSTITUTIONAL

iii. Density

Coverage, density, and open space requirements of the underlying zoning district shall apply to individual lots or dwelling clusters.

1. Lots including frontage tracts are entitled to include the tract area in meeting these requirements.

2. Planned residential developments may compute perimeter tracts for open space and dwelling unit density yield.

3. Minimum lot areas of the applicable residential zoning district may be reduced by as much as 20 percent for lots clustered in the interior of the development to take advantage of frontage tract area reservations. Further reductions may be permitted with provision of Environmentally Sensitive Open Space (ESOS) as provided in Section 27.10F.2.

4. No lot of reduced area, however, may be sited adjacent to a residence existing at the time of platting.

iv. Perimeter Screening Walls and Berms

Screening is required for traffic noise attenuation and residential privacy. Residential developments abutting Tangerine Road shall provide a solid, masonry wall 5 feet or greater in height, which structure may be constructed to a height of 8 feet with engineering approval. Walls shall not be constructed within non-development or conservation easements. Earthen berms may be substituted for, or alternated with, walls to a height not less than 5 feet from natural grade. Berms must be designed in a manner to insure compliance with water harvesting requirements in Section 27.6.D.

v. Building Height

Structures within 100 feet, and visible from the Tangerine Road right-of-way, shall not exceed 18 feet in height; except, where the natural grade of the structure's site is below that of Tangerine Road's proposed profile grade, the structure may be built to the lesser of 18 feet above the proposed roadway grade or the maximum height of the applicable zoning district.

(b.) Commercial Development Regulations

The sensitive natural character of the Tangerine Road Corridor, coupled with the community's desire for economic development on specified, masterplanned and strategically located sites, requires additional assurances with regard to the design and placement of commercial uses. Construction in any commercial zoning classification shall comply with the following provisions in addition to the applicable regulations of the underlying zoning district:

i. Roadway Access

Access provisions of Section 24.1.E.1.a and 24.1.E.1.b shall apply. Internal loop circulation roadways, with access/egress points observing the desired spacing and providing additional turning lanes, shall be provided.

ii. Required Setbacks

Setback requirements of the applicable underlying zoning classification are applied, except that the front setback from Tangerine Road, including the reserved tract, shall be not less than a 4:1 setback to building height ratio.

iii. Building Height

Structures within 100 feet, and visible from the Tangerine Road right-of-way, shall not exceed 20 feet in height.

1. Except, however, where the natural grade of the structure's site is below that of Tangerine Road's proposed profile grade, the structure may be built to the lesser of 20 feet above the proposed roadway grade or the maximum allowable height of the applicable zoning district.

2. Architectural features, such as decorative bell or clock towers, campaniles, carillons and spires of a size proportional to the building they embellish shall be exempted from the 4:1 setback ratio and this height restriction to the maximum allowable height of the applicable zoning district upon compliance with View Preservation Plan requirements of Section 27.10.D.f.iv.

iv. Building Bulk

The following structural volumes may be built within the development envelopes established by required setbacks: .3 FAR for sites with an area of 2 acres or larger; reduced by 50 percent (.15 FAR) for parcels or freestanding pads of lesser area.

v. Land Use Distinctions

Uses permitted in the underlying zoning districts, as determined by the Planning and Zoning Administrator, shall be permitted except that the following may be sited only within masterplanned commercial developments (such as the Rancho Vistoso PAD or Forest City sites, as indicated on the Future Development Plan, or future commercial PADs) on parcels 200 feet or more from the development's nearest entry point:

1. Building or Home Improvement Supplies

2. Plant Nurseries

3. Indoor Theaters

vi. View Preservation

All properties required to submit a visual analysis will develop in accord with the View Preservation Plan as provided in that analysis.

vii. Site Planning

Additional development plan review criteria applicable to Tangerine Corridor commercial properties include:

1. Interior calculation shall include maneuvering aisles, access for deliveries and trash pick-up and pedestrian connections. Sites of 20 acres or greater shall have entry road designs that prohibit cross traffic within 200 feet of the entry point.

2. The proposed location of all trash receptacles, heating, ventilating, and air conditioning equipment, loading and parking areas shall be screened from public view.

(c.) Employment and Institutional Regulations

Sites for campus-type developments are established within the Tangerine Corridor's natural context to create unique, unobtrusive opportunities for employment and institutional activity centers. Construction shall comply with the following provisions in addition to the applicable regulations of the underlying zoning district.

i. Roadway Access

Access provisions of Section D.2.f.v.a).(2).v.a and D.2.f.v.a).(2).v.b apply; however, multiple access points from Tangerine Road may be appropriate for institutional developments exceeding 20 acres in area, which experience high peak hour traffic demand. Construction of a public roadway perpendicular to Tangerine, separated by not less than one quarter (¼) mile from any arterial intersecting Tangerine, may be approved for the purpose of providing multiple entries to the campus. Secondary, alternative access to an intersecting arterial is also desirable.

ii. Required Setbacks

The Commercial Development regulations, Section D.2.f.v.a).(2).v.b, shall also apply.

iii. Building Height

The Commercial Development regulations, Section D.2.f.v.a).(2).v.c shall apply.

iv. Building Bulk

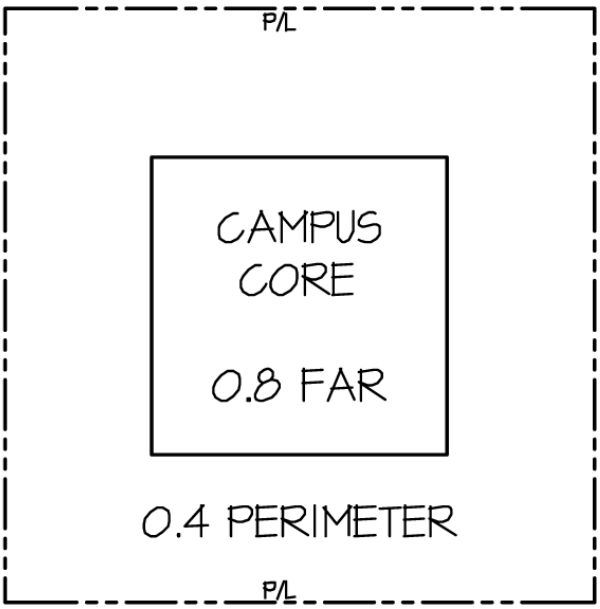
The following structural volumes may be built within the development envelopes established by required setbacks:

1. The overall campus building area shall not exceed the FAR for the appropriate zoning district.

2. Buildings within the campus core (an area representing one-fourth (¼) or less of the total site area surrounded by an equidistant peripheral band with lesser or no structural development. (See Figure 27.10-14) shall not exceed .8 FAR.

3. Building area within peripheral area shall not exceed .4 FAR or the FAR for the appropriate zoning district whichever is less.

FIGURE 27.10 – 14: Allowable FAR using Campus Core



v. Land Use Distinctions

Uses permitted in the underlying zoning districts as determined by the Planning and Zoning Administrator shall be permitted except that the following may be sited only within masterplanned institutional or employment developments at a distance of 200 feet or more from the development's nearest entry point:

1. Office Buildings exceeding 2 stories or 30 feet in height.

2. Research, Fabricating or Manufacturing Structures exceeding one (1) story or 24 feet in height.

3. Hospitals/Extended Care Facilities exceeding 2 stories or 30 feet in height.

4. Warehouse Structures.

vi. View Preservation

The Commercial Development regulations, Section 24.1.E.2.f shall apply.

vii. Site Planning

The Commercial Development regulations, Section 24.1.E.2.g shall apply.

(d.) Master planned Developments Flexibility

Master planned developments are encouraged. The Town may accept alternative means for compliance with Ordinance and Design Guidelines criteria on master planned sites of 15 acres or more, which include among other things, clustering of residential uses (if included in the plan) away from Tangerine Road, comprehensive interior circulation plans, a mixture of land use types (see subsection iv, below) and pedestrian access amenities among uses.

i. Applicability

Requests for waivers of otherwise-applicable provisions and/or requirements of this Overlay District may be submitted in conjunction with applications filed under Town development procedures.

ii. Subject Matter

Any provision of this Overlay District, other than express prohibitions, may be altered in its application to an individual site upon persuasive presentation, documentation, and stipulation of alternative means for meeting or exceeding Ordinance intent.

iii. Frontage Tracts

Use of reserved easements contained on the subject property which is consistent with Tangerine Road Corridor purposes (such as pathways, trails, view points, nature walks or other recreation) may be provided. The overriding interest of preserving native vegetation shall, in all instances, be observed.

iv. Mixtures of Use Types

Complementary land uses within planned developments that are principally intended to benefit its residents, customers or employees (such as commercial recreation, banking, retail and service establishments) may be proposed. Such uses shall be located internal to the development, buffered appropriately to be compatible with the predominant type of use.

1. Density/Intensity. Acceptable, additional uses, not to exceed 10 percent of the total site area, shall not alter the overall yield of dwelling units or FAR of the proposed development; however, if such uses are found to contribute positive amenities for site quality, areas devoted to such uses shall not be subtracted from the gross site area for the purpose of dwelling density or FAR calculations.

2. Compatibility Assurance. Landscaping bufferyards or walls shall be employed to separate mixed uses from areas devoted to the predominant use. Vehicular traffic shall be minimized with a preference for pedestrian access to mixed uses.

3. Shared Facilities. Parking for mixed uses with differing peak activity times, open space, and project amenities may be proposed in locations suitable for meeting the requirements of

the Ordinance and the needs of site residents, guests, customers, and/or employees.

b) Tier 2 Scenic Corridors: First Avenue and La Cholla Boulevard

The sensitive natural character and scenic vistas from Tier 2 Scenic Corridors require additional development design assurances. This Section includes requirements for the establishment of landscape conservation tracts and the development of land uses as anticipated for these corridors in the Oro Valley General Plan. These requirements are applied in conjunction with applicable zoning district use regulations.

(1) Applicability

(i.) When ESL is applied to property, the requirements of Tier 2 Scenic Corridors are used for all development within the Scenic Resource Conservation Area established in Section D.2.f.ii.a), above.

(ii.) Tier 2 Scenic Corridor design requirements, as stated herein; apply to all property or portions of property within the Scenic Resource Conservation Area as established in Section D.2.f.ii,b), above.

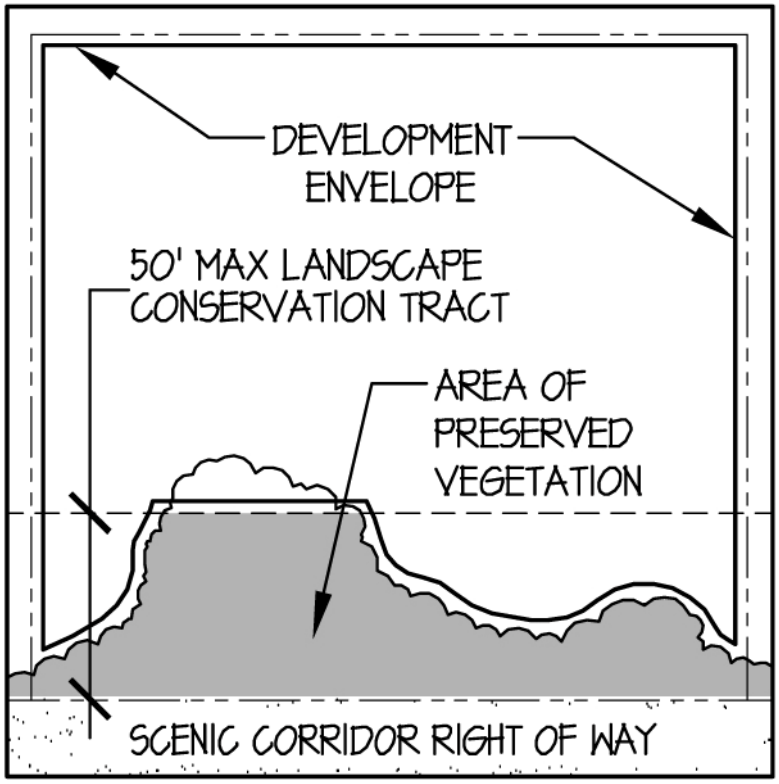
(2) Tier 2 Landscape Conservation Tracts

(i.) Landscape conservation tracts are required adjacent to all property lines abutting Tier 2 Scenic Corridors. These open space tracts provide additional buffering from transportation facilities, preserve native vegetation essential to scenic corridor character, and enhance the value of private property.

(ii.) A separate tract of not less than 50 feet in width for all residential and nonresidential developments shall be designated on all properties abutting Tier 2 corridors, measured from the right-of-way. In areas where no Corridor Character Vegetation (described in Section 27.10.D.2.f.b.)(1) exists, the tract may be narrowed to the width of the minimum required landscape bufferyard.

(iii.) Crossing of the tract with roads, public or private, and driveways is permitted with approval of the Town

FIGURE 27.10 – 15: 50' Landscape Conservation Tract



(iv.) Signage Permitted

Signs are permitted within the tract in accordance with Chapter 28, Signs.

(v.) Pathway Linkages

Locations for trails or paths may be approved for placement within the tract. Routing must be arranged to avoid displacement of CCV. Any displaced CCV is subject to Native Plant Salvage, and Mitigation requirements in Section 27.6.B.

(3) General Regulations

(i.) Development shall comply with ESL Design Requirements, Section F.3.c.v, Structures.

(ii.) Resort or other nonresidential uses not covered by these provisions will be considered in accord with Commercial regulations.

(iii.) Corridor Character Vegetation (CCV) shall be preserved in its natural condition in accordance with Section D.2.f.v.

(iv.) Drainage Facilities. Natural materials, such as river rock and vegetative groundcover, shall be required for lining drainage structures placed in Landscape Conservation Tracts unless other materials are approved by the Planning and Zoning Administrator and the Town Engineer. All such drainage structures shall be designed and installed to accommodate ultimate roadway design plans.

(v.) Utility Easements. Provisions for utilities may be included in easements within the Landscape Conservation Tract upon approval of the Town. Utility providers shall be required to keep disturbance of natural vegetation to a minimum during the installation or maintenance of their facilities and to restore vegetation in accordance with Section 27.10.G, Mitigation.

(4) Residential Development Regulations

Construction in any residential zoning classification shall comply with the following:

(i.) Required Setbacks

(a.) Front setbacks from a Tier 2 scenic corridor right-of-way shall not be less than 50 feet or a ratio of 2 feet of setback for each foot of building height, whichever distance is greater applies.

(b.) The required 50 foot landscape conservation tract shall lie within the required setback area.

(ii.) Building Height

Additional building height may be approved when additional building setback is provided. A maximum of 10 additional feet of building height is permitted if 4 feet of setback from the scenic corridor right-of-way is provided for each foot of building height.

(5) Commercial Development Regulations

Construction in any commercial zoning classification shall comply with the following provisions:

(i.) Required Setbacks

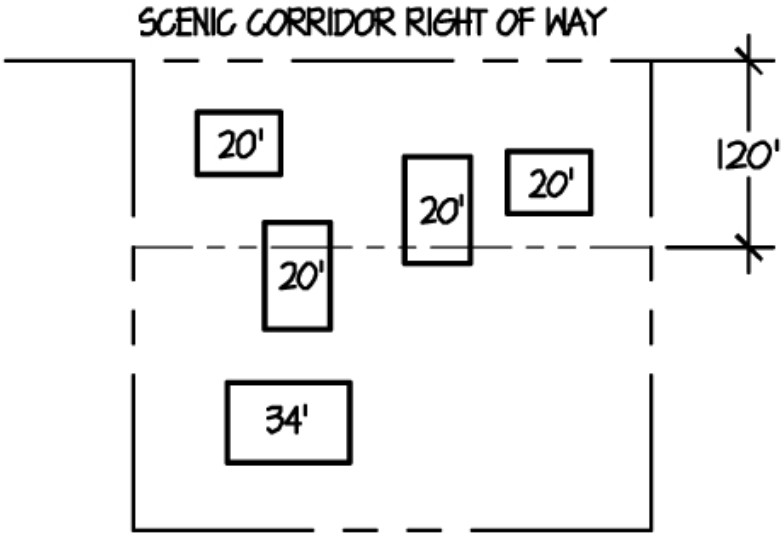
(a.) The front setback from the Tier 2 Scenic Corridor shall be not less than 2:1 setback to building height ratio.

(b.) No setback from a Tier 2 Scenic Corridor right-of-way shall be less than 50 feet.

(c.) The required 50 foot landscape conservation tract shall lie within the required setback area.

(d.) In a multi-building project, a 10 foot front setback differential for all buildings adjacent to and within 120 feet of a scenic corridor right-of-way is required.

FIGURE 27.10 – 16: Commercial, Employment/Institutional Setback



(ii.) Building Height

(a.) A maximum of 10 additional feet of building height may be approved by the Town Council if 4 feet of setback from the scenic corridor right-of-way is provided for each additional foot of building height.

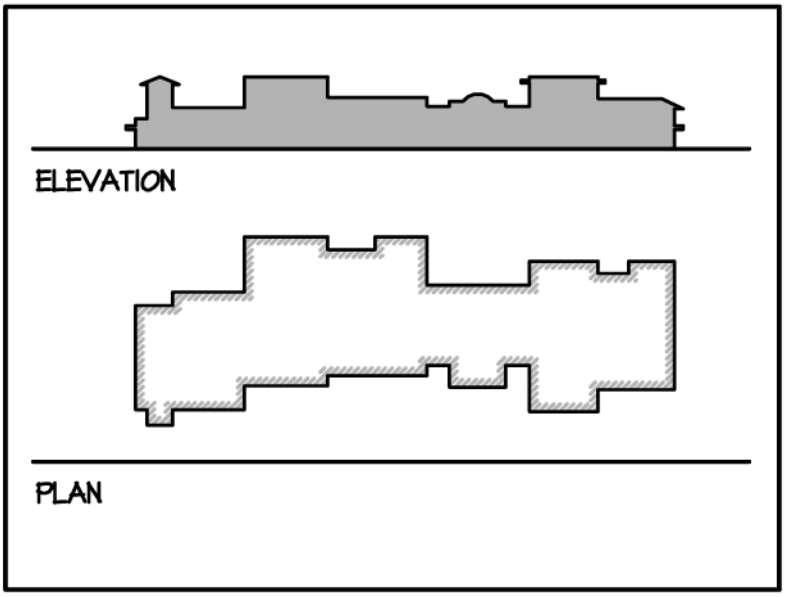
(b.) Architectural features, such as decorative bell or clock towers, campaniles, carillons and spires of a size proportional to the building they embellish shall be exempted from the 2:1 setback ratio up to the maximum allowable height of the applicable zoning district upon compliance with View Preservation Plan requirements of Section D.2.f.iv.

(iii.) Buildings

(a.) The following structural volumes may be built within the development envelopes established by required setbacks: .3 FAR for sites with an area of 2 acres or larger; .15 FAR for parcels or freestanding pads of lesser area.

(b.) Building mass shall be segmented into multiple planes each with distinctive architectural character or features that result in a cohesive design.

FIGURE 27.10 – 17: Segmented Building Mass



(c.) Roof-mounted equipment, other than energy generating devices, shall be screened from public view. Small appurtenances such as satellite dishes are exempt if the color matches the roof.

(6) Employment/Institutional Regulations

Sites for campus-type developments are intended to blend with scenic corridors' natural context to create unique, unobtrusive opportunities for employment and institutional activity centers. Construction shall comply with the following provisions in addition to the regulations of the applicable zoning district.

(i.) Required Setbacks

The Commercial Development regulations, Section D.2.f.vi.b).(5) apply.

(ii.) Building Height

The Commercial Development regulations, Section D.2.f.vi.b).(5) apply.

(iii.) Buildings

The following structural volumes may be built within the development envelopes established by required setbacks:

(a.) The overall campus building area shall not exceed the FAR for the appropriate zoning district.

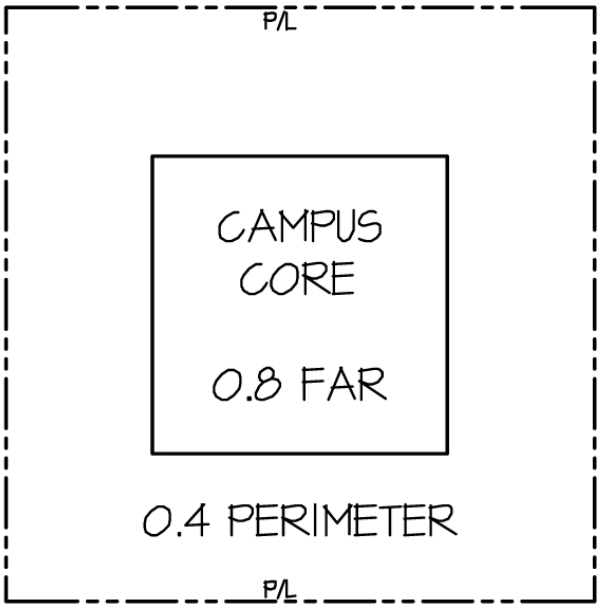
(b.) Buildings within the campus core (an area representing one-fourth (¼) or less of the total site area surrounded by an equidistant peripheral band with lesser or no structural development [See Figure 27.10-18]) shall not exceed .8 FAR.

(c.) Building area within peripheral area shall not exceed .4 FAR or the FAR for the appropriate zoning district whichever is less.

(d.) Building mass shall be segmented into multiple planes each with distinctive architectural character or features that result in a cohesive theme.

(e.) Roof-mounted equipment, other than energy generating devices, shall be screened from public view. Small appurtenances such as satellite dishes are exempt if the color matches the roof.

FIGURE 27.10 – 18: Allowable FAR Using Campus Core



vii. Vegetation and Landscape

(a.) Berms

Where existing vegetation is minimal or has been disturbed, earthen berms, or portions of earthen berms, may be placed in Landscape Conservation Tracts for purposes of traffic noise attenuation or residential screening. Earthen berms shall comply with Section 27.6.D.4, Rainwater Harvesting requirements.

(b.) Drainage Facilities

Natural materials, such as river rock and vegetative groundcover, shall be required for lining drainage structures placed on reserved tract areas unless other materials are approved by the Planning and Zoning Administrator and the Town Engineer. All such drainage structures shall be designed and installed to accommodate ultimate roadway design plans.

(c.) Utility Easements

i. Provisions for utilities may be included in easements within the Landscape Conservation Tract upon approval of the Town.

ii. Utility providers shall be required to keep disturbance of natural vegetation to a minimum during the installation or maintenance of their facilities and to restore vegetation in a manner consistent with requirements for adjacent property owners.

c) Tier 3 Community Scenic Resource

The scenic vistas from Tier 3 Community Scenic Resources require additional development design guidance. All development applications are expected to respond to the Design Guidelines included in Addendum H.

viii. Design Guidelines

a) Scenic Resource Area Design Guidelines are included in Addendum H. Guidelines are directions for achieving Town of Oro Valley expectations; they may be applied flexibly to achieve desired effects as a regulatory supplement to the development requirements set forth in Section D.2.f.vi. They are also in addition to the Design Guidelines included in Addendum A of the OVZCR. The full intent of the Design Guidelines criteria should be met, as determined by the Development Review Board.

b) The review of development proposal's responsiveness to design guidelines is mandatory for all properties or portions of properties located in all three Tiers of the Scenic Resources Category. Alternative means for complying with guidelines' intent may be accepted by the Town.

c) Applicants or designers of these uses are expected to document proposals for construction with plans, graphics, elevations, and narrative descriptions that demonstrate responsiveness to these design guidelines.

g. Hillside Area Category

i. Purpose

The Hillside Area category is intended to protect public safety, conserve visually significant sloped areas, evaluate slopes and potential impacts, and ensure development compatibility with the distinct hillside topography that is vital to the visual and scenic character of the Town.

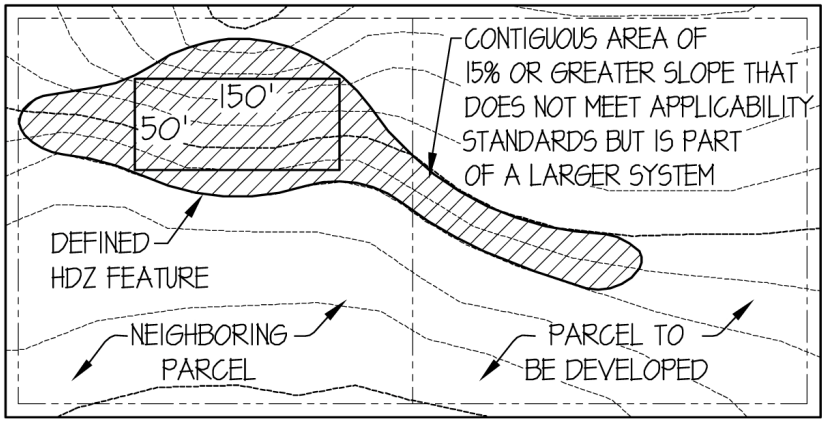
ii. Applicability

The Hillside Area requirements apply to:

a) Sloped areas of 15 percent and greater where the sloped area is greater than 150 feet in length and no less than 50 feet wide and greater than 7½ feet vertically.

b) Sloped areas of 15 percent and greater contiguous to any area defined in Section a, above.

FIGURE 27.10 – 19: Hillside Area Applicability



c) Ridges, as defined in Chapter 31, with an elevation change of 25 feet or more.

d) Areas of less than 15 percent slope are not restricted by these Hillside Area requirements.

e) Rock outcrops and boulders, as defined in Section D.2.b and d, are excluded from this Section. See Section D.2.b and F.3, Design.

f) If a lot or parcel existing as of the date of adoption of this Ordinance does not meet the minimum size requirements of Table 27.10-4, disturbance limitations based on percent of slope from Table 27.10-4 still apply.

iii. Sloped Area Analysis

a) When land division, subdividing, development plan or other development approval is requested, a sloped area analysis shall be prepared and all areas of 15 percent slope or greater shall be identified and delineated on the plans.

b) The sloped area analysis must be prepared by a State of Arizona, licensed and registered engineer and shall identify and map all “Percent Slope” categories specified in Table 27.10-4.

c) Digital topographic information with a one foot contour interval, shall be used to prepare the sloped area analysis. Alternative information or methodologies may be approved by the Town Engineer.

iv. Conservation

Hillside Areas shall be conserved in the following manner:

a) Sloped areas from 15 percent to less than 25 percent may be developed in a limited manner in accordance with the requirements of this Section, Section 27.10.B and the OVZCR.

b) In accordance with the Critical Resource Category, 95 percent of sloped areas of 25 percent and greater are to be conserved as ESOS. For residential parcels of 36 acres or larger comprised completely of 25 percent and greater slopes, 96 percent of sloped areas 33 percent and greater are to be conserved as ESOS. Exceptions may be approved in accordance with Section F.2, Development Balance and Incentives.

v. General Requirements

a) A development envelope shall be delineated in accordance with Section F.3, on the subdivision plat, development and site plan when sloped areas of 15 percent or greater are present on the plat, development or site plan.

b) For all subdivision plats, development envelopes for roadways, each lot and other disturbed areas shall be delineated. The development envelope shall be treated in accordance with F.3.

c) When lots or development plans include sloped areas over 15 percent, the extent of grading or other ground disturbance of 15 percent and greater sloped areas is limited in accordance with Table 27.10-4. The limits of Table 27.10-4 do not apply to sloped areas of less than 15 percent.

d) Section F.2, Development Balance and Incentives should be applied to provide flexibility in designing lots that do not include areas of 15 percent and greater slope.

TABLE 27.10 - 4: Slope Density and Disturbance Limits

Percent Slope	Minimum Lot Size (acres)	Maximum % of Sloped Area Disturbance	Maximum Building Height (ft) within Sloped Area
15 < 18	1.00	40.0	Per Base Zoning
18<20	1.5	30.0	18
20 < 25	2.00	20.0	18
25 < 33	8.00	5.0	18
33.0 and Greater	36.00	4.0	18
* Or as permitted by base zoning, whichever lot size is larger.			

e) If proposed lots include multiple slope categories:

(1) The extent of each slope category on the lot shall be delineated,

(2) Lot size is determined by the slope category comprising the largest percent of the proposed lot, and

(3) Sloped area disturbance limits in Table 27.10-4 apply to each slope category on the lot.

f) Calculations shall be provided indicating the percent of disturbance, if any, to each slope category described in Table 27.10-4.

g) Flexible Disturbance

(1) Applicability

Flexible design options may be applied to property or portions of property with slopes of 15 percent and greater, but less than 20 percent and ridge features when:

(i.) Visually Significant Slopes and ridges are 95 percent conserved.

(ii.) The cumulative size of designated Hillside View Conservation Areas is 5 acres or greater.

(iii.) There are no demonstrable adverse impacts to other ESOS areas onsite or to a riparian area downstream.

(2) Modified Requirements

Modified requirements can only be applied to areas that are not visible from existing public roadways, parks, and all trails identified in the Oro Valley Trails Master Plan.

When the conditions specified in Section D.2.h).(1), above, are met, the slope density requirements and disturbance limitations of Table 27.10-4 are modified in conjunction with the rezoning, subdivision plat or development plan review process. Allowable modifications include:

(i.) Sloped areas 15 percent and less than 20 percent. Areas within these slope categories are exempt from the density and disturbance limitations of Table 27.10-4.

(ii.) Cut and fill limits. The maximum cut or fill restrictions in Section 27.9 may be increased and shall not exceed 12 feet measured vertically from existing grade to finished grade elevation.

h) In determining the areas to be developed, maximum disturbance limits and specific design criteria must be considered. Table 27.10-4 indicates the maximum amount of grading and disturbance to sloped areas. Prioritized criteria for site planning and the delineation of hillside ESOS and/or Hillside Conservation Areas are included below.

(1) Subdivision design shall meet the following:

(i.) Contiguous location of hillside open space to established open space areas or other ESL features,

(ii.) Minimized disturbance of ESL features as prioritized in Section E.3,

(iii.) Conservation of the largest sloped areas of 15 percent and greater on the site, and

(iv.) Consolidation of hillside and other open space areas.

(2) Development envelope design on individual lots shall meet the criteria as listed above, however, replacing Criteria iii, above, with:

Exclude the areas of highest percent slope from the development envelope.

(3) Designation, Ownership and Maintenance of Hillside Areas

(i.) After delineation of permissible development areas, all remaining areas of 25 percent and greater slope shall be designated as ESOS tract(s) in accordance with the provisions of Section E, Open Space Requirements. Areas of 25 percent slope that do not meet the minimum requirements for ESOS shall be designated as Hillside Conservation Area.

(ii.) Areas of 15 percent and greater slope to be conserved may be designated as ESOS in accordance with Section E. Areas of 15 percent and greater slope not designated as ESOS or that do not meet the minimum requirements for ESOS shall be designated as Hillside Conservation Area. Hillside Conservation Areas may be allocated to common areas or designated on individual lots.

(iii.) Ownership and maintenance of hillside open space areas shall be assigned as follows:

(a.) Hillside ESOS tracts shall be dedicated to the HOA and Hillside Conservation Areas shall be dedicated to the HOA or designated as a conservation easement on individual lots.

(b.) Alternative ownership arrangements that provide an equivalent degree of conservation may be approved by the Town Council.

(iv.) Open space identified during individual residential lot development or open space not meeting the minimum requirements for ESOS must be designated as Hillside Conservation Area.

vi. Hillside Area Design

a) Development must be in compliance with Section F.3, Design. Flexible Development or Conservation Design options may be applied in accordance with the provisions and limitations in Section F.2.

b) Building Height

(1) Building heights are limited in accordance with the applicable zoning district, except in ridge areas as described in Section c), below.

(2) For buildings located in slope areas of 15 percent and greater, building height shall be measured in the following manner:

(i.) Where building pad elevation is the same or higher than predevelopment grade due to engineered fill, the building height contour line method shall be used (as defined and illustrated in Chapter 31). Small areas of rugged

terrain shall not increase or reduce building height. Small areas are those features with a maximum width of 25 feet.

(ii.) Where building pad elevation is lower than predevelopment grade due to cut conditions, building height is measured from finished grade.

(3) Additional building height of 13 feet may be approved in accordance with Section F.2.e, Flexible Development Options, but cannot be approved in Scenic Resource Areas, or protrude above adjacent ridges as viewed from public streets and abutting residential property. Adjacent ridges include ridge features on site or within 150 feet of the proposed building.

c) Building rooflines shall not protrude above the existing height of a ridge, unless approved by the Town Council in accordance with the criteria below.

(1) Structures are single story, and no more than 18 feet, including parapets, above the Building Height Contour Line.

(2) Minimum 90 foot separation is maintained between residences.

(3) Roof design is limited to a slope of no greater than ½ inch rise per 12 inch horizontal run.

(4) Approved plant materials are installed along exterior walls of 15 feet or more in length.

d) Cut and fill slopes shall be shielded by structures to be invisible from adjacent properties or public roadways, or shall be colored or otherwise treated as approved by the Town Engineer in a manner to blend with surrounding native soils and rocks.

e) All structures and appurtenances thereto such as antennas and satellite dishes shall be earth tone and shall comply with Section F.3.e, Structures.

f) Outdoor storage shall be located within an entirely opaque barrier designed to match the materials, color, and finish of the primary structure. Storage or stored materials may not be visible from private or public streets or adjacent residential areas.

g) Roof mounted equipment is prohibited unless shielded from all neighboring properties. Screening devices may not exceed permitted building heights as measured in hillside areas.

E. Open Space Requirements

1. Open Space ESOS Designation

Open space associated with the ESL conservation system is designated as Environmentally Sensitive Open Space (ESOS), except for the following resource categories:

a. Hillside Resource Area

b. Scenic Resource Areas

2. ESOS Tracts

ESOS shall be permanently protected by one of the following methods:

a. Open Space tract, or

b. Dedication to the public including the Town, Pima County or Land Conservation Trust as approved by the Planning and Zoning Administrator, or

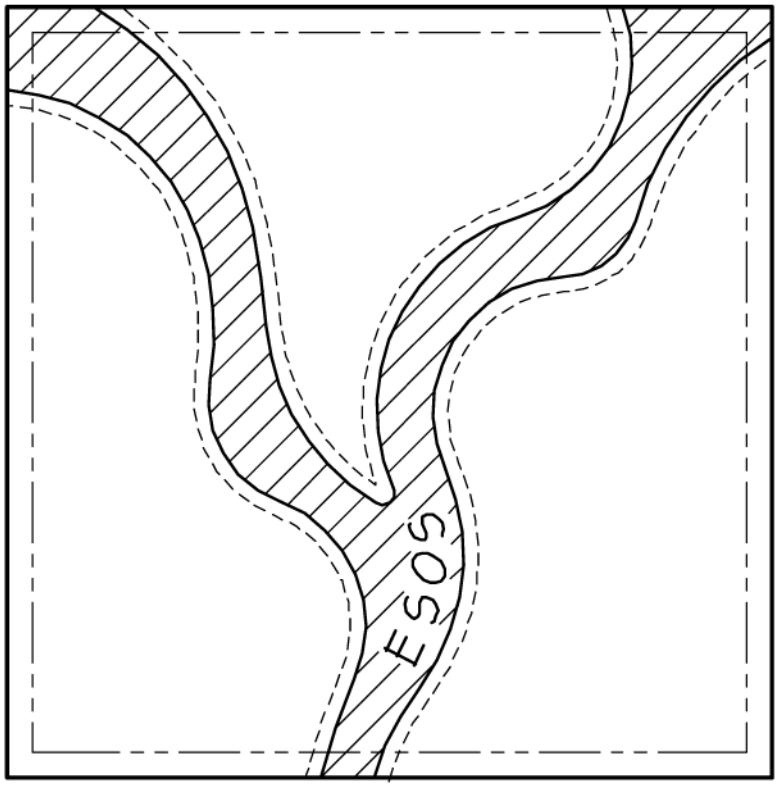
c. A separate tract owned by a Homeowners' Association.

3. General Requirements

a. Required ESOS must be configured in accordance with this Section to conserve minimum percentages of identified resource categories as specified in Table 27.10-2.

b. Development can only occur in the non-open space areas of the site. Required open space areas must be designated as ESOS in one of the approved forms described in Section E.2.

FIGURE 27.10 – 20: Areas Designated as ESOS



c. The quantity of open space created by recreation area, bufferyard, and other zoning-based open space requirements may be credited to Resource Management Area ESOS only when:

i. Minimum ESOS dimensions are maintained as specified in Section E.4.c

ii. Open space abuts ESOS and/or creates functional habitat connectivity, .

iii. Compliance with Section F.1. ESOS Use is achieved.

d. ESOS areas shall be assigned for dedication, conservation, and maintenance as follows:

i. ESOS areas of national, state, regional, or community-wide importance will be the responsibility of a public entity, land trust, or land conservation organization that is capable of satisfying the objectives specified herein. This level of dedication shall include ESOS areas with the following characteristics:

a) Adjacent to federal, state or county parks, preserves or other permanent open space.

b) Regionally significant drainage.

c) Significant cultural resource when preservation in place is specified in an approved Treatment Plan (Section D.2.e).

d) Inclusion of identified Major Wildlife Linkage areas.

ii. All other ESOS areas that contribute resource value primarily to adjacent neighborhoods and do not meet the criteria above shall be the responsibility of an HOA.

iii. Alternative ownership arrangements that provide an equivalent degree of conservation may be approved by the Town Council.

e. Permanent open space easements and/or deed restrictions must be provided for all ESOS tracts, unless dedicated to the public, prior to certifying that all conditions of rezoning, development plan or plat have been satisfied. Said easements or deed restrictions will be included on documents upon official recordation.

f. The open space easement or deed restriction must include the following:

i. Compliance with use and access provisions provided in Section F.1.

ii. Provisions to fund maintenance in perpetuity that may include:

(1) Use of future Homeowner Association dues, or

(2) Agreement for the Town to provide open space maintenance, or

(3) Assurance from a third party caretaker such as a land trust, or

(4) Other methods to assure maintenance as approved by the Planning and Zoning Administrator.

g. Maintenance

i. Maintenance, when necessary, is required for established ESOS areas. Provisions for ESOS maintenance shall be established prior to development application approval.

ii. Maintenance shall include ongoing trash removal, sign repair/replacement and elimination of invasive plant species.

iii. The Town retains the authority to perform maintenance in ESOS tracts or common areas managed by an HOA or other property management association. A note will be included on the subdivision plat and/or development plan indicating the Town's ability to enter the property and perform ESOS maintenance.

h. Common area or tract ESOS locations and boundaries, including precise acreage, shall be shown on the subdivision plat and/or development plan.

i. Required ESOS must be platted separate from any developable lot.

j. In no event shall the provisions of this section require greater area of ESOS than required by Section D.3.

4. Criteria for ESOS Selection and Location

The following criteria must be used to select and locate ESOS providing the greatest degree of conservation for the most sensitive resource categories.

a. All Resource Areas identified on the ESL Planning Map, except the Major Wildlife Linkage Category, enable limited encroachments as specified in Table 27.10-5.

TABLE 27.10 - 5: ESOS Conservation and Disturbance

Category	Maximum Percentage Disturbance Permitted	Minimum Percentage ESOS Conservation
Major Wildlife Linkage	0*	100
Critical Resource Area	5	95
Core Resource Area	20	80
Resource Management Area-1	34	66
Resource Management Area-2	75	25
Resource Management Area-3	100	0

* Permitted uses, such as trails, specified in Section F.1.b. require a minimal degree of disturbance.

b. Within the resource categories, specific locations of final conservation and permitted disturbance areas shall be identified for each individual site as part of the development review process.

c. All mapped ESL Resource Areas meet required values specified in the category descriptions in Section D.2. The following factors must be utilized to select priority areas for conservation within a resource category designation:

i. Areas that maintain or create connectivity of open space within and beyond the site are the highest priority.

ii. Areas that exceed resource area density, size, and frequency specifications are a high priority.

iii. The value of different resources within a specific category will be balanced in a manner to achieve diversity of habitat.

iv. ESOS credit for cultural resources will be addressed in concert with an approved Treatment Plan.

v. Disturbance areas should be located in areas of least resource density, size, and frequency.

vi. Areas that include healthy and viable resources are a priority.

vii. When a site includes multiple outcrops and boulders, conservation priority will be given to outcrops and boulders displaying one or more of the following characteristics:

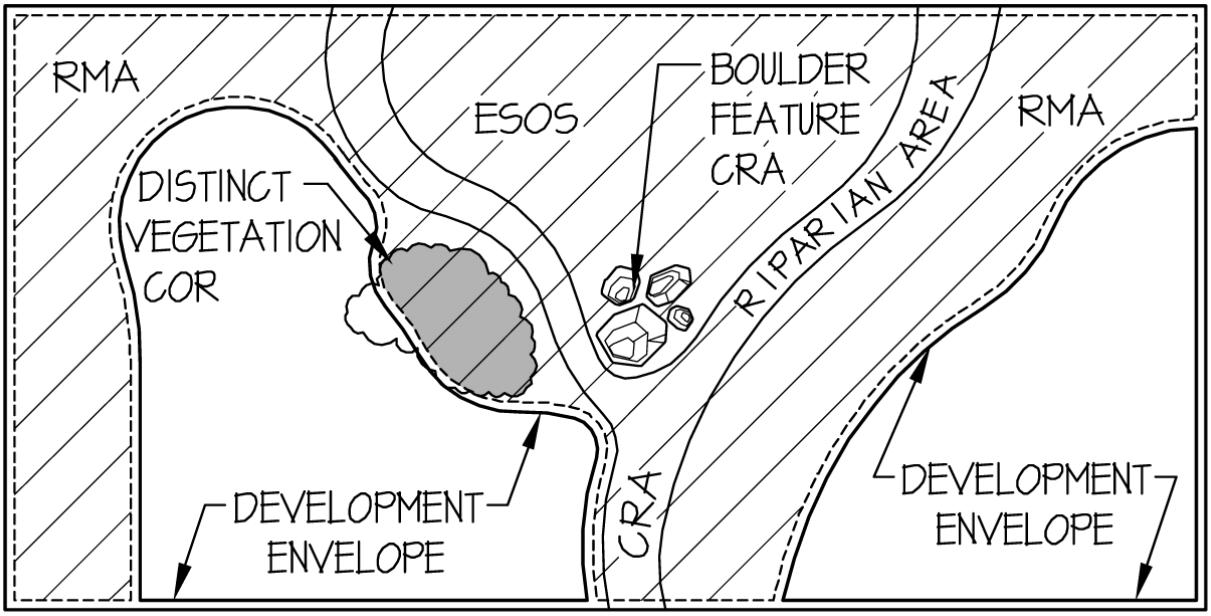
(1) The largest rock outcrop or boulder features, including height and areas as measured vertically from the lowest adjacent natural grade or horizontally in any direction.

(2) The rock outcrop or boulder is an isolated feature, located 1,000 feet or more from public preserves, Major Wildlife Linkages or other rock outcrop or boulder features.

(3) The rock outcrop or boulder feature provides connectivity between two identified ESL areas, or is part of an identified linkage area including minor or major wildlife linkages and riparian areas.

(4) The rock outcrop or boulder exhibits fractures, cracks and/or crevices.

FIGURE 27.10 – 21: Multiple ESL Features and ESOS Areas



c. Minimum ESOS Dimensions

i. Applicability. Dimensions apply to all resources except rock outcrops, boulders, and cultural resources.

ii. Area. The minimum contiguous area for ESOS is 4,000 square feet.

iii. Horizontal. The minimum horizontal dimension for ESOS areas is 30 feet.

iv. Exceptions. ESOS dimensions do not apply to distinct native vegetation.

v. Modification. The Planning and Zoning Administrator may approve modifications to the minimum ESOS dimensions set forth above, subject to the following criteria:

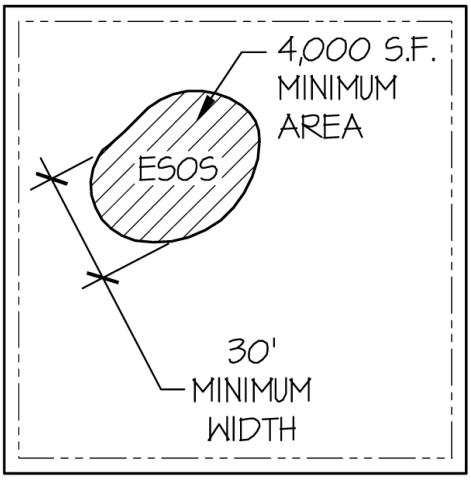
a) The ESOS location criteria set forth in Section E.4 are met.

b) Landscape connectivity and open space linkages are maintained.

c) Reductions in dimensions will maintain ESOS areas that provide habitat value, are easily recognizable, and will not result in maintenance problems due to their proposed locations.

d) Adjacent land uses, such as streets, will not negatively impact the viability of vegetation or other features of the land to be preserved.

FIGURE 27.10 – 22: Minimum ESOS Dimensions



d. ESOS distribution within Planned Area Developments (PADs).

If a master developer elects to provide ESOS in excess of the minimum requirements for a specific development site, the balance may be credited against ESOS requirements for other development sites within the Town, if approved by the Town Council. ESOS may be credited as follows:

i. Any excess ESOS areas and the resultant credits shall be acknowledged by the property owner and shown as part of an Open Space Master Plan.

ii. The Open Space Master Plan shall be included with the PAD application and must identify any excess ESOS by development project and allocate any excess ESOS to specific development locations elsewhere within the Open Space Master Plan.

iii. The excess ESOS must result in additional protection for the most sensitive resources in accordance with the hierarchy established in Table 27.10-5. Reductions in ESOS due to the application of credits cannot be applied to Major Wildlife Linkage or Critical Resource areas.

e. Connectivity of ESOS areas is essential in maintaining ecosystem function. Conservation of identified areas that provide connectivity but are environmentally degraded is required.

i. Degraded areas that provide connectivity to the natural open space system, including identified Minor Wildlife Linkages, must be protected from further disturbance. Restoration in accordance with ESL Mitigation requirements, Section 27.10.G, may be approved by the Planning and Zoning Administrator.

ii. Additional open space linkages that have not been identified on the ESL Planning Map may be recommended by the Planning and Zoning Administrator when the area:

a) Provides a unique and necessary connection to other ESOS areas.

b) Is not isolated from other open space areas.

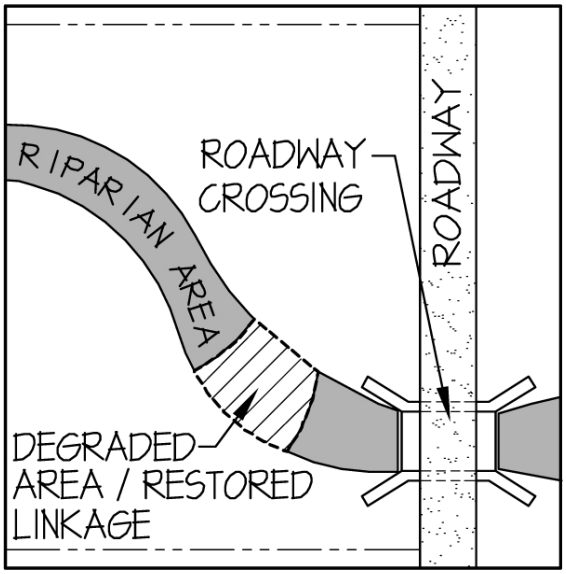
c) Serves as a habitat corridor for movement of wildlife.

d) Newly identified linkages will be conserved in accordance with the following:

(1) Restoration areas will be applied toward total ESOS requirements of the appropriate resource category as assigned by the Planning and Zoning Administrator.

(2) A proportional area will be exempt from Native Plant Salvage and Mitigation requirements in Section 27.6B. This does not apply to any plant listed as Threatened or Endangered under the Endangered Species Act or Highly Safeguarded by the Arizona Department of Agriculture.

FIGURE 27.10 – 23: Degraded/Restored Linkage



F. ESOS Use and Conservation Development

1. ESOS Use

a. Applicability

Areas protected as ESOS, upon approval of a development application, are subject to use restrictions and requirements. Each must be recorded when land is reserved by tract and/or deed restriction.

b. Permitted Uses

i. Natural open space.

ii. Trails.

iii. Identification, use restriction, and/or interpretive signage.

iv. Cultural resource exhibition.

v. Essential services as provided for in Section E.3, Open Space Standards, except for Major Wildlife Linkages.

vi. The following when in the Resource Management Category:

a) Golf Courses as limited below:

(1) Design must be in accordance with Section 24.6.C, Golf Course Overlay Zone Development and Section 24.6.E, Landscape Conservation (turf limitations).

(2) Golf course best environmental management practices for irrigation, fertilizer use and pest control must be utilized.

(3) Golf cart paths must be designed to minimize disturbance and avoid Distinct Vegetation and other environmentally sensitive features. Paved paths may be utilized.

b) Neighborhood-serving passive and active recreation facilities that are compatible with the conservation purposes of ESOS and do not include impermeable surfaces unless provided herein. Allowable facilities include:

(1) Soccer or ball field.

(2) Volleyball court.

(3) Horseshoe pit.

(4) Parcourse.

(5) Turf area subject to the limitations of Section 27.6.

(6) Benches.

(7) Picnic tables.

(8) Barbecue grills.

(9) Pathways.

(10) Impervious sidewalks for ADA accessibility.

(11) Open air ramadas and/or shade awnings.

(12) Garbage containers and dog stations.

(13) Other uses that have no greater impact than those specified above, subject to review and approval by the Planning and Zoning Administrator.

c. Prohibited Uses and Actions

i. Enclosed Structures.

ii. Parking

iii. Walls and fences.

iv. Dumpsters.

v. Motorized vehicle access except for maintenance purposes.

vi. Recreational activities not contained within the confines of a designated area.

vii. Off leash domestic animals.

viii. Establishment of non-native species.

ix. Removal of native vegetation with the following exceptions:

a) Development of recreation areas

b) Flood control purposes as approved by the Planning and Zoning Administrator and Town Engineer.

d. Access and Use

i. Private and Public Access

a) ESOS in common area ownership of a homeowners association may be restricted to private access. This excludes trail routes designated for public use as specified in F.d.i,b) below.

b) All trails identified within the Eastern Pima County Trails System Master Plan and/or the Oro Valley Trails Task Force report and their subsequent updates must enable public access.

c) All ESOS dedicated to the public will be open to public access.

ii. Motorized Vehicular Access

a) Access into ESOS areas is permitted for maintenance purposes and permitted uses only.

b) Within Major Wildlife Linkages, access is permitted for open space maintenance purposes only. Additional access can be permitted if supported by scientific evidence such access will not degrade the intended function of the linkage.

iii. Trails

Trails and associated amenities such as benches must conform to standards established by the Oro Valley Parks and Recreation Department.

iv. Signs

a) Permanent signs shall be posted at defined points of access into ESOS areas indicating the use restrictions contained in this Section.

b) Signs must conform to standards established by the Oro Valley Parks and Recreation Department.

2. Development Balance and Incentives

a. Purpose

Achieving or exceeding base zoning densities while implementing conservation objectives is the purpose of this section which includes increased flexibility for site planning, lot sizes and dwelling types.

b. Applicability

i. The following design options may be applied to property or portions of property when ESOS is applied to 25 percent or more of a project site, except as provided herein.

c. Flexible Development

i. Process. Development requirements may be modified to allow flexibility as a part of the rezoning, subdivision plat, or development plan review process. The process to enable use of flexible development options is delineated by application type:

a) As part of a rezoning application, the Town Council retains discretion to enable flexible design options on a case by case basis.

b) For development plan and subdivision plat proposals utilizing the ESL application incentive provided in Section 27.10B3, all flexible options are permitted upon Planning and Zoning Administrator review and approval, except the following:

(1) Section 27.1-F2c.iii.d). Building Height. Increases to building in excess of five feet must be considered by the Development Review Board and approved by Town Council.

(2) Section 27.1-F2c.iii.e). Open Space

(3) Section 27.1-F2c.iii.f). Mixed Use

ii. Review Criteria. The determination to permit a modification is subject to all of the following findings:

a) Enables development to the base zoning density, at a minimum, for the entire site.

b) Compatibility with adjacent land uses is achieved through architectural design, buffers, and placement of structures and improvements to reduce view impacts.

c) The modification does not conflict with an approved treatment plan for cultural resources.

d) Statutes, development agreements, appeal processes, or other provisions of this code are not violated.

iii. Requirements Subject to Modification

The following requirements may be modified as they relate to the proposed construction of single family attached and detached residences, multi-family residences, commercial, employment and mixed use projects.

a) Building Setback. Minimum setbacks may be reduced to no less than five feet on lots less than or equal to 12,000 s.f. and up to 20% of the required distance on lots greater than 12,000 s.f. Reductions are subject to the following:

(1) Side yards shall not be less than five feet, unless a zero lot line design is utilized,

(2) Setback reductions shall not result in on-lot driveway lengths that are less than 20 feet.

(3) Reductions to not apply to setback requirements in Section 27.10F.2.d.ii.f) for a conservation subdivision design.

b) Landscape Bufferyards. Minimum required bufferyards may be reduced to 10 feet with a corresponding decrease in planting ratios specified in Section 27.6, Table 27-10, except when the bufferyard is adjacent to an existing residential subdivision or public street.

c) Minimum Lot Size. Minimum lot sizes in all R1, R-4, R-S and SDH-6 districts may be modified subject to Conservation Design requirements of this Section.

d) Off-Street Parking. Modifications resulting in reduced amounts of parking and circulation area are supported. Off-street parking requirements may be reduced in accordance with Section 27.7.C.

e) Building Height. Building heights for single family attached and multi-family dwelling types may be increased by no more than 13 feet.

f) Open Space. Reductions may be provided in accordance with Section E, Open Space Requirements.

g) Mixed Use. Residential uses that are functionally integrated, including access, non-vehicular circulation and amenities, with commercial or employment uses, may be approved within commercial zoning districts.

h) Modified Review Process. Development plans and preliminary plats submitted in conformance with the approved Tentative Development Plan, as determined by the Planning and Zoning Administrator, may be administratively approved.

i) Recreation Area Credit. Permissible passive and/or active recreational amenities located within Resource Management Area ESOS may be credited toward residential recreation area requirements as approved by the Planning and Zoning Administrator when the locational requirements of Section 26.5.B, Provision of Recreation Area, are satisfied.

j) Native Vegetation Preservation. When 66 percent or more of a site is preserved as ESOS, requirements for Native Plant Salvage, and Mitigation (Section 27.6B) shall be waived within a development envelope. This modification cannot be applied to areas of distinct vegetation which are designated as a Core Resource area.

d. Conservation Subdivision Design

i. Purpose

Conservation subdivision design positions residential development on a portion of the available land in order to maximize protected open space and improve the efficiency of infrastructure systems. The provisions of this Section further provide offsets to typical reductions in development yield derived from drainage and circulation improvements. Conservation options include potential increases to development density.

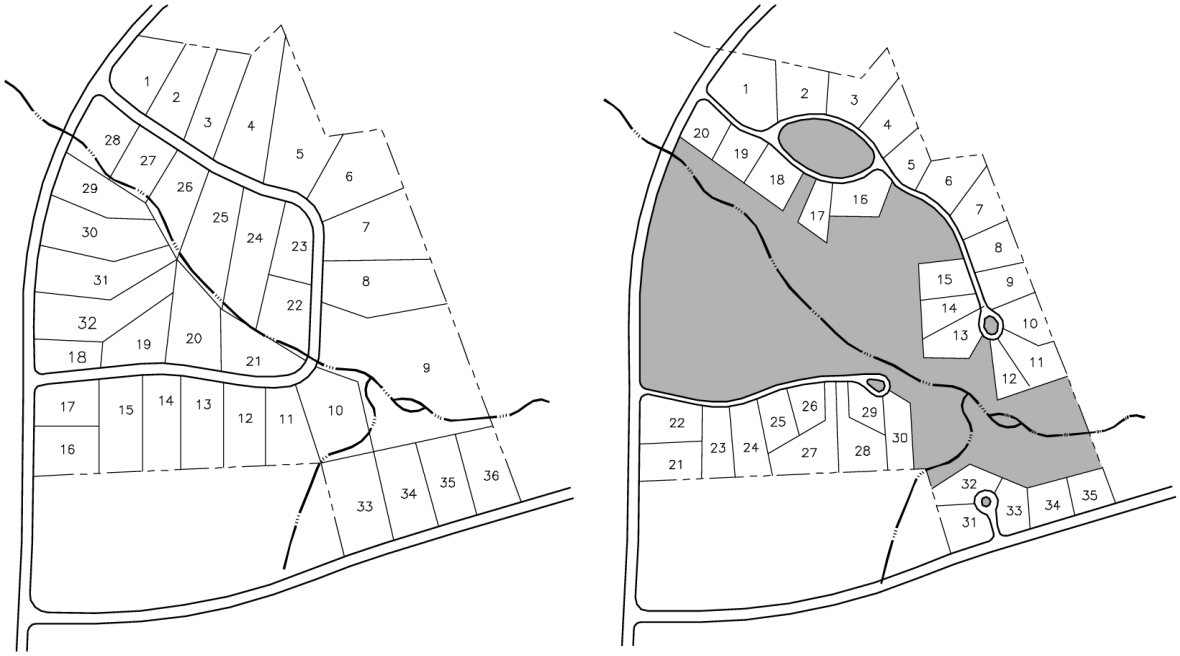
ii. General Requirements

a) Development shall be arranged in a manner to conserve identified resources.

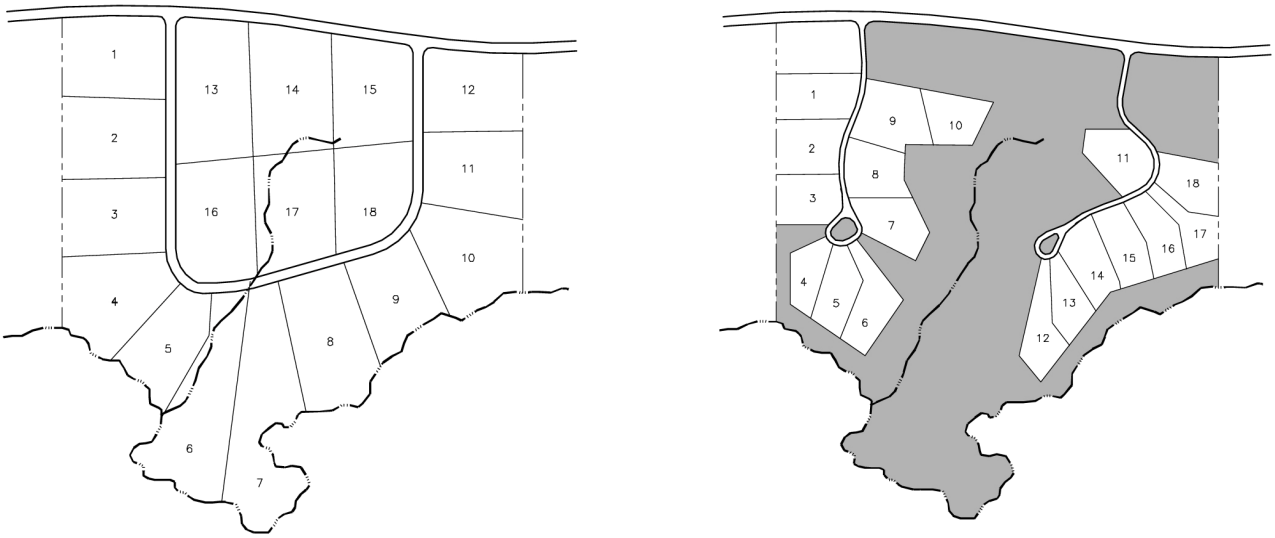
b) The area to be developed must be consolidated to a greater extent than permitted in Section 23.4, Dimensional Requirements and provide a concomitant increase in ESOS.

c) Conservation subdivision design shall enable a maximum number of individual lots that adjoin open space areas. Designs that create a single grouping of residences are not intended unless specific site conditions leave no alternative. Multiple groupings of residences are typically expected in a conservation subdivision design. Examples of desired conservation design are shown in Figure 27.10-24.

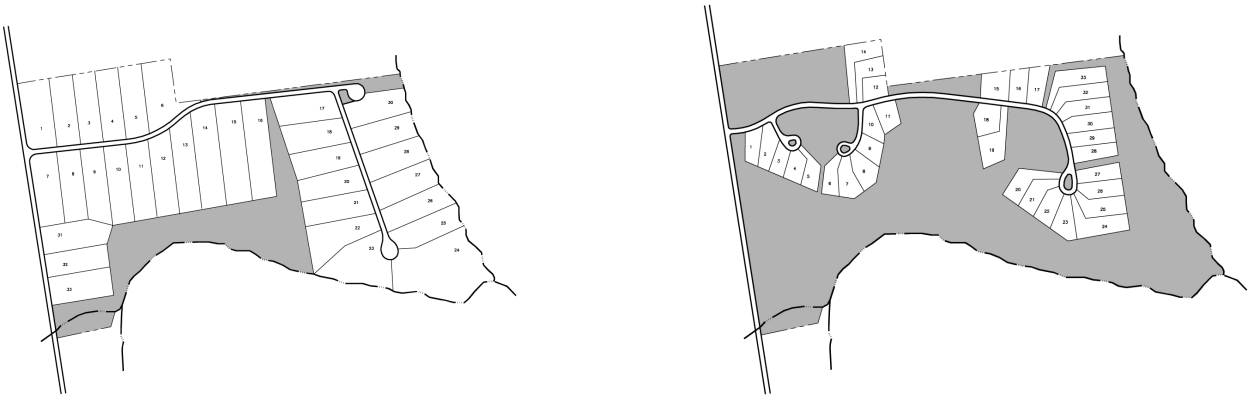
FIGURE 27.10 – 24: Conservation Subdivision Design Examples



Example 1



Example 2



Example 3

d) Open space areas created by conservation subdivision design must remain viable for wildlife use and movement.

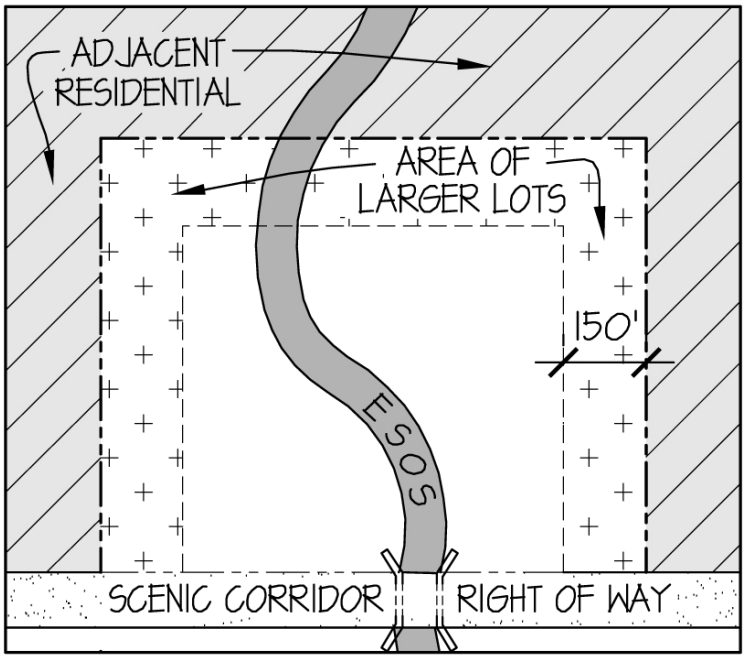
e) The length of residential streets, driveways and utility lines shall be reduced in comparison to a design that complies with zoning requirements identified in Section 23.4. The length of collector streets shall not be considered in assessing overall roadway reductions.

f) Compatibility with adjacent land uses through architectural design, transition of density, buffers, and placement of structures and improvements must be achieved as follows:

(1) Architectural Design. Structures shall include architectural design features and a color palette that is compatible with an adjacent subdivision(s). Design compatibility is subject to Development Review Board review and approval.

(2) Lot Size Transition. In perimeter areas adjacent to residential development, a transition shall be provided. Base zoning district lot sizes are required within 150 feet of adjacent residential uses.

FIGURE 27.10 – 25: Lot Size Transition



g) Conservation subdivision designs may employ any dwelling unit type permitted by OVZCR, except site-delivered housing as defined in Chapter 31.

(1) Alternative dwelling unit types shall employ the OVZCR development requirements associated with said alternative dwelling type.

(i.) If townhouse dwellings are proposed, the requirements for the R-4 zoning classification, Section 23.7.A, shall be applied.

(ii.) If multi-family dwellings are proposed, the requirements for the R-6 zoning classification, Section 23.7.D, shall be applied.

(2) The sum total of square feet by which the area of each lot in the subdivision is reduced shall not exceed the total square footage of the conserved area.

h) Any proposed increase in density must be specified on the tentative development plan required for rezoning.

i) Building heights must comply with base zoning, or building heights modified by an ESL rezoning approval.

iii. Lot Size Reduction

a) Conservation subdivision design without an increase in density may occur by reducing minimum lot sizes while retaining the overall Base Zoning Dwelling Count as defined in Chapter 31. All density calculations for ESL are intended to be completed using this method (See Figure 27.10-26).

b) When ESOS is applied to 25 percent or more of a project site, residential lots may be reduced in size by 40 percent, but shall not be smaller than the minimum lot areas set forth In Table 27.10-6.

TABLE 27.10 - 6: Allowable Lot Size Reductions with 25% ESOS

District	Minimum Base Zoning Lot Area	Minimum Conservation Subdivision Lot Size
R1-144	144,000	86,400
R1-43	43,000	24,000
R1-36	36,000	21,600
R1-20	20,000	12,000
R1-10	10,000	6,000
R1-7	7,000	5,500
SDH-6	6,000	5,500

c) When ESOS is applied to 66 percent or more of a project site, residential lot size may be reduced to a minimum of 3,000 square feet.

e. Conservation Development With Density Increase

i. When conservation development designs are utilized and minimum open space requirements of the ESL are met, a density increase of 10 percent above the base zoning density is permitted for residential and non-residential development.

ii. A density incentive up to 20 percent of the residential base zoning density or commercial intensity is permitted if ESOS requirements are exceeded by 10 percent or more.

iii. This density bonus provision may be applied when utilizing the flexibility and modifications permitted in this Section.

iv. The increase in residential density is calculated by dividing the area of additional ESOS by the minimum lot area of the base zoning district. Maximum density increases for development are listed in Table 27.10-7. The increase in non-residential intensity is 2 percent additional FAR for each additional one percent (1%) of open space not to exceed the maximum listed in Table 27.10-7.

FIGURE 27.10 – 26:
Formula to Calculate Base Zoning Dwelling Count and Density Bonus

Step One:

Base Zoning Dwelling Count =
Gross Land Area ÷ Minimum Lot Area of Base Zone

Step Two:

Additional Dwellings Permitted =
Additional ESOS Area (acres) ÷ Base Zoning Lot Size

Step Three:

Total Allowable Dwelling Count with Bonus=
Additional Dwellings + Base Zoning Dwelling Count

v. The additional ESOS must meet the following criteria:

a) Meet the requirements in Section E, Open Space Requirements.

b) Be natural, undisturbed desert area and cannot include revegetated areas.

c) The additional ESOS shall be provided in common area or separate tracts and cannot be located on an individual single-family lot.

TABLE 27.10 - 7: Maximum Density Bonus

Zoning District	Minimum Area per Dwelling	Base Density (D.U.'s / acre	Maximum Density with Bonus
Residential			
R1-300	300,000	**0.15**	**.18**
R1-144	144.000	**0.3**	**.36**
R1-72	72,000	**0.6**	**.72**
R1-43	43,000	**1.0**	**1.2**
R1-36	36,000	**1.2**	**1.44**
R1-20	20,000	**2.2**	**2.64**
R1-10	10,000	**4.4**	**5.28**
R1-7	7,000	**6.2**	**7.44**
SDH-6	6,000	**7.3**	**8.76**
R-4	5,450	**8.0**	**9.6**
R-4R	4,250/rental 15,000/dwelling	**10.2** **2.9**	**12.24** **3.48**
R-S	5,450	**8.0**	**9.6**
R-6	3,500	**12.4**	**14.88**
Non-Residential			
		Base (FAR)	Maximum FAR with Bonus
CN		**.20**	**.24**
C-1		**.30**	**.36**
C-2		**.40**	**.48**
PS			
T-P		**.50**	**.60**
POS		**.15**	**.18**

f. ESOS Flexibility

i. ESOS flexibility is available for any property subject to the requirements contained in this section. The Applicability requirements of Section F.2.b do not apply.

ii. The Town Council may reduce the amount of required ESOS specified in Table 27.10-2.

iii. Review and approval of a proposed reduction in ESOS is subject to the following limitations:

a) Critical and Core Resource Areas: 10 percent maximum reduction.

b) Resource Management Areas: 25 percent maximum reduction.

c) Major Wildlife Linkage Areas: No reduction permitted.

iv. Criteria

When it is demonstrated that one of the following criteria is satisfied and that open space connectivity is equally conserved, a reduction in minimum ESOS in the Critical, Core or Resource Management Areas may be approved by the Town Council.

a) The site is identified as appropriate for C-1, C-2 or Technological Park growth in accordance with the adopted strategic economic development policy, or

b) Development proposal is wildlife permeable as defined in Chapter 31, or

c) The area has been isolated by development from other open spaces and lost all connectivity with other open space areas.

v. Resource Priorities

Relative resource priorities as identified in Section E.4 shall be applied to guide open space design when ESOS flexibility is requested.

vi. Essential Services

a) Essential services include vehicular access, utilities and sewer improvements.

b) Disturbances to ESOS, excluding Major Wildlife Linkages, for essential services may be approved by the Town Council when:

(1) The proposed location improves public safety; or

(2) No economically viable alternative location exists, and

(3) It has been demonstrated that the least amount of disturbance has been planned.

c) Areas disturbed as a result of providing flexibility for essential services must be mitigated in accordance with Section 27.10.G, Mitigation.

d) Areas damaged by roads or infrastructure that do not enable complete restoration must be mitigated by providing onsite replacement of the same quantity and quality of ESOS or providing off-site mitigation as outlined below.

vii. Off-Site Mitigation

As a component of ESOS flexibility, ESOS may be provided on an alternative, off-site land parcel subject to the following:

a) Off-site mitigation proposals must further the purposes of the ESL regulations.

b) The resources must be equal or higher value in the ESL hierarchical system.

c) Mitigation must be provided on a 1:1 ratio.

d) The remaining ESOS, after any reduction, retains its environmental value as intended by the ESL regulations.

viii. Approved Cultural Resources Site

Land designated as a protected cultural resources site in accordance with an approved treatment plan shall qualify as required ESOS on a 1:1 basis (each square foot of cultural resource site shall equal one (1) square foot of required ESOS) as determined by the Planning and Zoning Administrator.

3. Design

a. Development Envelope

i. Development envelopes must be delineated when development is proposed adjacent to ESOS areas. The specific location of a development envelope shall be shown on the development plan, subdivision plat, improvement plan, and Type 1 grading permit. The method of delineating the envelope boundary must enable precise field verification.

ii. All improvements requiring ground disturbance shall be contained within development envelopes. No clearing, grading, grubbing, or disturbance may occur outside of the approved development envelopes or within ESOS areas subject to specified exceptions in Section F.1.b, Permitted Uses, and F.1.c.iv Prohibited Uses-Vehicular Access and Section E.4, Open Space-Essential Services.

iii. A field survey to determine the location of development envelope boundaries is required at the discretion of the Planning and Zoning Administrator.

iv. The boundary of ESOS or the development envelope shall be delineated by a temporary, highly visible, protective fence. Fencing must be established prior to construction and remain in place until construction is complete as determined by the Planning and Zoning Administrator.

b. ESOS Setbacks

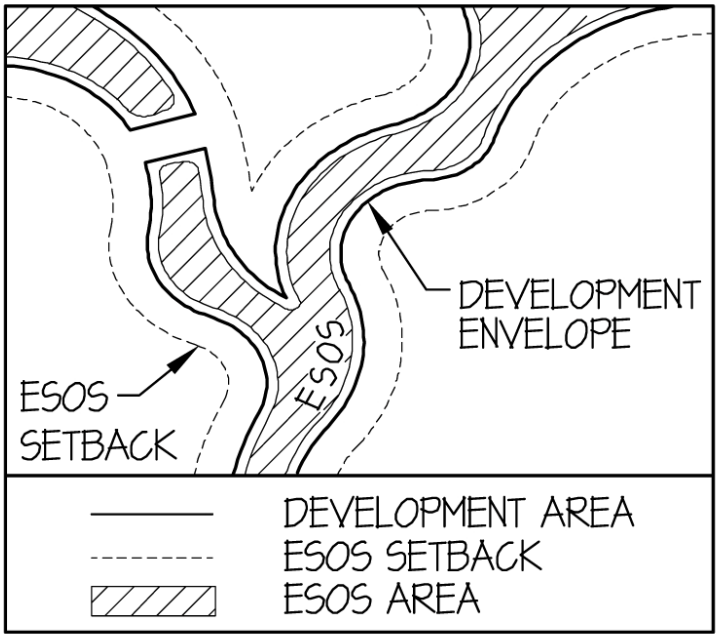
i. All structures must be setback to permit their installation or construction without any impact to ESOS areas. The following setbacks apply to the following structures:

a) Walls and fences: 15 feet

b) Buildings, ramadas, play structures,
similar accessory structures, swimming pools,
and retaining walls over 3 feet: 20 feet

Setbacks may be reduced at the discretion of the Planning and Zoning Administrator to no less than 5 feet if the property owner can demonstrate conditions or specific techniques that insure no encroachment into ESOS.

FIGURE 27.10 – 27: Building Envelope and ESOS Setback



ii. When other setbacks are required per the OVZCR, the more restrictive setback shall apply.

iii. The Planning and Zoning Administrator may require wider ESOS setbacks where conditions dictate additional disturbance is required for construction.

c. Rock Outcrops and Boulders

Mitigation measures are required for rock outcrop and boulder encroachments. A mitigation plan, prepared in accordance with the requirements contained in Section 27.10.G, Mitigation is required.

d. Circulation Improvements

i. Circulation improvements include facilities for vehicular and non-vehicular use such as roadways, driveways, parking, circulation areas, bridges, drainage crossings, multi-use and bicycle pathways and sidewalks. Trail system design is addressed in Section E, Open Space.

ii. Circulation improvements must be designed to avoid impacts to environmentally sensitive areas. When no other viable alternative exists, circulation improvements shall use shortest distance alignments and otherwise minimize grading and disturbance of environmentally sensitive areas.

iii. The design of circulation improvements and wildlife crossings in environmentally sensitive areas shall:

a) Comply with Oro Valley Subdivision Street standards and the Drainage Design Criteria unless specifically modified to preserve ESL resources and approved by the Town Engineer,

b) Be based on a Town-approved assessment of wildlife species occurring in the area, and,

c) Include design features that support conservation of identified species.

iv. The Town Engineer retains discretion for specifying wildlife-friendly design features for circulation improvements located in environmentally sensitive areas.

v. Restoration of all disturbed areas is required in accordance with Section 27.10.G, Mitigation.

e. Structures

i. For all structures on residential lots adjacent to ESOS, or non-residential and multi-family structures within 200 feet of ESOS, building materials must meet the requirements listed in Section 27.10.F.3.e.ii below.

ii. Design requirements for all structures and utility equipment such as surface mounted utility transformers, pull boxes, pedestal cabinets, service terminals or other similar on-the-ground facilities include:

a) Glass surfaces shall not exceed a reflectivity of 20 percent.

b) Exterior finishes shall not exceed a reflectivity of 60 percent.

c) Materials used for exterior surfaces of all structures shall match in color, hue, and tone with the surrounding natural desert setting. Green and beige hues and tones are preferred for utility equipment located in environmentally sensitive areas.

Surface materials of walls, retaining walls or fences shall be similar to and compatible with those of the adjacent main buildings.

d) Cumulative application of structural and other design requirements within Scenic Resource areas.

f. Permanent Walls and Fences

i. In open space areas such as recreation areas, bufferyards and drainage facilities adjacent to ESOS and in wildlife permeable development, wall and fence design features shall:

a) Be wildlife-friendly and promote conservation of identified species as determined by the Planning and Zoning Administrator.

b) Utilize wall and fence design based on a Town-approved assessment of the wildlife species using the area.

ii. No walls, fences, or other barriers may be located so as to impede wildlife movement through designated ESOS. Walls or fences shall not enclose or disconnect contiguous ESOS.

iii. Chain link, wire mesh, woven wire and similar fence materials are prohibited.

iv. Walls can be in the form of a view fence that combines solid wall elements with wrought iron or other open material to permit unobstructed views.

v. Walls and fences shall not require the removal of distinctive vegetation as defined in Section D.2.c.iii.;

vi. Walls shall be built of materials that blend into the rough textures and rustic character of the vegetation, rocks and other features of the natural desert setting and shall comply with Section 27.6.C.5, Landscape Conservation – Screening.

G. Mitigation

1. Purpose

Site-specific mitigation is required in order to restore biological functions and resource values of riparian areas, distinctive vegetation and rock outcrop features impacted by development activity or previous human disturbance.

2. Applicability

a. Mitigation is required for disturbed areas of environmentally sensitive resources including restoration due to impacts from:

i. Essential services installation as described in Section F.2.f.vi,

ii. Degraded linkage areas as described in Section E.4.e.i, and

iii. Other instances of disturbance to environmentally sensitive resources.

b. When ESOS is applied to a minimum of 66 percent of a project site or parcel in the Resource Management Area Category, the requirements of Section 27.6.B, Native Plant Preservation, Salvage and Mitigation do not apply.(repeat this in section 27.6.B.1)

c. This section applies to natural resources and does not apply to mitigation of a cultural resource.

3. General Requirements

Mitigation specific to each disturbed area is required for impacts to environmentally sensitive resources including:

a. Riparian Areas

b. Distinctive plant stands and communities, and

c. Rock outcrops and boulders.

4. Mitigation

a. Site Characterization

i. If the proposed impact area is less than ¼-acre in size, prior to disturbance the site shall be characterized through a 100% inventory of resource elements.

ii. If the proposed impact area is greater than ¼-acre in size site characterization may be accomplished through sampling as described below.

b. Sampling Riparian Areas and Distinctive Vegetation Stands

i. Sample Area(s)

a) Determine the sample areas within which plots or transects will be established in accordance with Reference Site requirements. The following qualities shall be included in the sample area:

(1) Sample areas for distinctive vegetation stands should include stands of mature and healthy vegetation that meet the minimum cover or density definitions in the ESL for those resources being impacted.

(2) Sample areas area shall be large enough to include all species belonging to the plant community.

(3) The habitat should be relatively uniform throughout a single sample area. Each habitat type shall be sampled separately.

ii. Configuration

a) Plots or transects shall be distributed throughout the sample area in a manner to capture all of the variability within that sample area. Plots or transects can be either located randomly within a sample area or according to an orderly sampling scheme (e.g., on a grid, at regular intervals, etc.)—as long as the result is that the sample area is accurately described by the plot number and arrangement.

b) The sampling locations must be approved as part of the Mitigation Plan review process, and must be representative of the area of being sampled.

iii. Plot Sampling

a) Plot sampling, or quadrat sampling, can be used to describe a variety of plant community characteristics of an area that is too large for a complete vegetation inventory to be feasible.

b) The parameters to be addressed include: diversity (species present), cover, and density (number of species in a given area).

c) The number of plots or transects conducted within each sample area should be sufficient to characterize the range of vegetation condition within it.

d) Size and Shape

(a) Plot size and shape should fit the nature of the vegetation community to be sampled. Circular plots are generally recommended with these field mapping standards, as they are more efficient to accurately establish in the field.

(b) Plot size should be large enough to include a significant number of individual plants, representing all dominant species, but small enough that plants can be counted without duplication or omission of individuals.

(c) Suggested plot sizes that are typically appropriate for vegetation in the context of riparian habitat are listed below. Site characteristics may necessitate using a different plot size or shape (i.e., if the riparian vegetation entity is not wide enough). Plot shape and size should be consistent throughout.

(d) Circular plots (preferred): 10-meter radius (314 m^2 or 3,380 ft^2)

(e) Square plots: 15–20 meters per side (225 m^2–400 m^2 or 2,422 ft^2– 4,306 ft^2)

(f) Rectangular plots: 15 meters x 20 meters (300 m^2 or 3,229 ft^2)

iv. Transect Sampling

Transects may be conducted according to the point intercept and belt transect methods. The method is based on a 50-meter point transect centered on a 2×50-meter plot (i.e., the belt transect). Using this method, vegetation is sampled by points at 0.5-meter intervals along the 50-meter transect to determine cover. The surveyor will note the species encountered at each interval. In addition, individuals of each perennial species rooted within the 2×50-meter plot will be counted to determine density and diversity. All annuals present in the 2×50-meter plot will also be noted.

c. Rock Outcrops and Boulders

If rock outcrops and/or boulders, as defined in Chapter 31, will be impacted beyond established thresholds, they must be addressed in the Mitigation Plan through salvage and relocation to re-create the original character as determined by an assessment of the following features:

i. The surface area and average height of the feature.

ii. Average size of boulders within the feature.

iii. General density and width of crevices or fractures across the outcrop.

iv. Aspect/orientation of the outcrop.

d. Reference Sites

i. When degraded areas do not permit site characterization in accordance with Section 4.b, above, a reference site shall be selected and used as a “proxy” for desired conditions at the mitigation site.

ii. Reference sites shall be used to determine appropriate plant species, size and density to be included in the Mitigation Plan.

iii. Reference sites shall be located in the same watershed and carefully chosen to reflect similar habitat resources including vegetation qualities and abiotic characteristics such as elevation, topography, stream characteristics, and substrate. Reference sites are informative and suggestive rather than prescriptive. Characterization of reference sites shall use the sample methodology outlined herein.

iv. Reference sites for riparian habitat impacts should include healthy, intact riparian habitat that is the same or higher riparian/xeroriparian classification and within the same watershed as that being impacted.

v. Each reference site may include several sampling areas.

vi. Number of Reference Sites

a) If the proposed impact area is less than ¼-acre in size and has been previously degraded or disturbed, at least one (1) reference site shall be selected for characterization.

b) If the proposed impact area is between ¼ and 5 acres in size and has been previously degraded or disturbed, at least two (2) reference sites shall be selected for characterization.

c) For proposed impacts areas greater than 5 acres that have been previously degraded or disturbed, at least three (3) reference sites shall be selected for characterization.

5. Mitigation Plan

a. Mitigation Plans shall be prepared by a qualified habitat restoration specialist. The requirement to use a Qualified Habitat Restoration Specialist is waived for Mitigation Plans prepared for single residential parcels.

b. A Mitigation Plan shall include accurate information about resource elements present in the proposed impact area prior to such impacts and at any proposed mitigation area if different than impact area.

c. Mitigation Plan Contents

The following information must be included in a Mitigation Plan:

i. Aerial photograph at an appropriate scale with the following items clearly labeled:

a) Proposed project area, mitigation area, and reference area(s),

b) ESL resources,

c) Sampling entities,

d) Plot and/or transect locations, numerically labeled, to identify the plot relative to the data.

ii. Results summary table with all species listed,

iii. Evaluation of species diversity and vegetation cover,

iv. Representative photographs of each sample entity,

v. Planting Plan, including specifications for the placement and relocation of rock and boulder features, and

vi. Other supporting data and evidence as appropriate.

d. Plant Density

i. For each area sampled, calculate the mean (average) number of individuals per species, based on the area of all plots or transects in that entity. For creating a planting plan, these values can be extrapolated to a meaningful area (e.g. 1 acre or the size of the proposed disturbance) for each species as well as a total for shrubs and trees. The mean value will be used to calculate the mitigation required, using the following formula:

$$\frac{\text{Total number of plants in all plots}}{\text{Total combined area of all plots}} = \frac{\text{X plants per area of interest}}{\text{Area of interest}}$$

ii. At a minimum, all mitigation areas should achieve a density of 45 trees per acre and 100 shrubs per acre.

Species and quantities of plant materials must be calculated based on density values obtained in the vegetation sampling of the reference site(s) as described below.

e. Plant Palette

i. The specific plant palette should include native species that are present in the proposed impact area or reference site(s), as determined by the sampling techniques described above.

ii. Historic floras may be consulted for additional species that may have occurred in the area in the past and that may be appropriate.

iii. Plant materials must be selected to create a diverse native vegetation community that will have the greatest habitat value possible. This should include (as appropriate) species of trees, large and mid-sized shrubs, bunchgrasses, sub-shrubs, vines, and annuals that will provide a structurally diverse vegetation community with ample cover for a variety of wildlife.

iv. Species selection must incorporate plant species that provide a variety of food resources for wildlife, include grains, berries, insects, pollen, and nectar.

f. Plant Size

Trees and shrub size shall reflect the average found in the transects. The following serves as minimum size requirements:

i. Trees: 50% at 24” boxed and 50% at 15 gallon

ii. Shrubs: 100% at 5 gallon

g. Planting, Rock and Boulder Design

i. Container plants must be installed in natural-looking patterns that mimic the surrounding and reference areas and not in rows or grids. Planting design shall be detailed on the Planting Plan.

ii. The placement of rock and boulder materials shall re-create the original character of the feature to the greatest practical extent. Rock and boulder placement shall be detailed on the Planting Plan.

h. Plant Material Quality

i. Emphasis on plant materials shall be for restoration quality stock that is native and as local to the project area as possible and preferably from within the same watershed.

ii. Plant materials may consist of salvaged plants or cuttings as well as container plants grown in traditional or tall pots from seed collected locally specifically for the project. Container plants will be grown at a nursery that specializes in producing high-quality native plant species for habitat restoration projects.

iii. Native soil shall be used in the plant containers if possible. If more native soil is needed than is available to fill plant containers, each container shall receive some native soil mixed with an appropriate commercial nursery soil mix.

iv. Container plants must be grown outdoors and in full sunlight. Prior to container plants being delivered to the project site, they shall be hardened off from water, so they may be able to sustain themselves under potential drought conditions once planted.

v. Deep–planting techniques for woody species are permitted in order to achieve maximum survival with minimal irrigation. This may include deep-planting of dormant pole cuttings as well as the use of container stock grown in tall pots.

vi. All plant materials shall be inspected by Town staff prior to installation to ensure they are healthy, disease free, and of proper species, quantities, and sizes.

i. Seed Purchase and Collection

i. If the proposed impact area is 5 acres or less in size, commercially purchased seed that is appropriate for the site may be used.

ii. Seed labels, including origin, purity, and germination rates, shall be made available to Town staff for review and approval prior to application at the project site.

iii. The seed mix palette must include only native species that occur in the vicinity of the restoration mitigation area and that are appropriate for the site, as determined by vegetation sampling.

iv. The mix should include as many species as possible, and, as with the container plants, a diverse mix of structural habits. It is important to include species that germinate at different times of the year as a contingency if precipitation is below average during the first wet season and to provide cover throughout the year.

v. If the proposed impact area is greater than 5 acres in size, seed will be collected from the impact site and vicinity. Seed collection shall occur in at least two seasons, spring and

late summer, prior to project implementation. It is critical that the project schedule include ample time for the collection and production of local plant materials. Seeds must originate from as close to the project area as possible, and within the same watershed if possible. Alternative means to achieve collection of native seeds may be approved by the Planning and Zoning Administrator.

j. Seed Application

Seeds can be applied through a variety of methods, including hand-broadcasting, pelletization, pitting, and hydroseeding. Timing of application shall be coordinated with precipitation for the greatest likelihood of germination success.

6. Off Site Mitigation

a. Location

i. Mitigation may be proposed onsite or off-site subject to Planning and Zoning Administrator approval. Onsite mitigation is appropriate when impacts are temporary such as disturbance for a utility right-of-way. Offsite mitigation may be proposed if impacts will be permanent.

ii. Appropriate off-site mitigation locations include areas adjacent or in close proximity to the impacted area that contain similar resource elements such as areas upstream along the same riparian corridor where the impact occurred, or areas where resources have previously been degraded or disturbed.

iii. The location of the proposed mitigation area should consider the following items:

a) Proximity and connectivity to other resource elements within and adjacent to the parcel containing the mitigation area

b) Soil and landscape characteristics

c) Hydrology

d) Zoning and long-term protection

e) Access and logistical concerns

f) Land use history

Addendum G
ESL Resource Science Specifications and Definitions

1. Methodology for Mapping

The following methodology is utilized in mapping riparian area boundaries within the Town of Oro Valley:

a. Hydroriparian includes any drainage with perennial surface water regardless of plant species composition; Mesoriparian includes any drainage without perennial surface water but any of the following species: Arizona Walnut (Juglans major), Fremont cottonwood (Populus fremontii), Gooding willow (Salix gooddingii), Arizona sycamore (Platanus wrightii), Arizona ash (Fraxinus velutina), netleaf hackberry (Celtis reticulata), or seep willow (Baccharis salicifolia); Xeroriparian includes any drainage with intermittent/ephemeral flow but not containing the above indicator species; Xeroripairan areas will have a representative vegetation volume of 0.500 m3/m2 or greater.

b. The lateral riparian boundary is a contiguous line along the canopy margins of the predominant overstory vegetation species parallel to a riparian area, where the lateral distance between canopy margins of individuals of the predominant plant species is less than two times the height of the tallest individuals. Where the distance between canopy margins parallel to the channel are greater than two times the height of the tallest individuals, the boundary is considered to be the top of bank of the channel.

c. Boundary between Meso and Xeroriparian habitat types -- any gap between Mesoriparian indicator species of 1,000 ft or greater will indicate a transition to xeroriparian. Mesoriparian boundary will be at indicator species' canopy.

d. In braided riparian systems where 'islands' may occur, these are included as part of the riparian area. Islands more than 200 feet wide, or whose surface elevation is significantly higher than surrounding channels, are not included.

e. Because of natural variability, not all areas within mapped riparian areas will support the overall representative vegetation volume. Additionally, mapped riparian areas may include areas without representative vegetation volume, but do contribute to regional riparian system functions (e.g. drainage connectivity, sediment and nutrient transport, channel meander, etc.)

f. Riparian areas disconnected hydrologically from downstream riparian areas by human disturbance or impacts are not included.

g. The criteria for determining an upstream starting point (headwaters) of Riparian Areas with representative vegetation volume is where a discernable channel with an ordinary high water mark begins.

h. Vegetation volume within a riparian area will be determined using Pima County Regional Flood Control District Technical Procedure 116: Quantitative Methods for Regulated Riparian Habitat Boundary Modifications and On-Site Vegetation Surveys.

2. Special Status Species Habitat

Special Status Species Habitat is comprised of the following:

a. Breeding, foraging, cover, and dispersal habitat for common and special-status species as designated by Pima County at the time of adoption of this ordinance.

b. Wildlife habitat includes all areas identified as Significant Vegetation, Rock Outcrops and Boulders, Riparian Areas, Distinct Habitat Resources or Major and Minor Wildlife Linkages.

c. Pima County Conservation Land System Biological Core and Important Riparian Areas.

d. Nature Conservancy Conservation Target #18 (Tortolita Mountains).

e. Priority Conservation Areas (PCA's) for Priority Vulnerable Species.

f. Designated Critical Habitat for ESA Threatened and Endangered species.

g. SDCP Priority Vulnerable Species (AZ WFSC, and ESA T&E).

h. Habitat for threatened and endangered species, if designated, is to be regulated by State and Federal law.

3. Criteria Utilized to Refine Pima County SDCP designated Multiple Use Areas

Lands were retained in Resource Management Areas by applying the following:

a. Adjacent to Protected Open Space: Land areas that are adjacent to or have connectivity to publicly or privately protected open space area or preserves.

b. Abut or connected to Riparian Areas: Land areas that directly abut or have connectivity to mapped riparian areas and floodplains.

c. Wildlife Permeable Areas: Land areas that are committed to or directly abut wildlife permeable development as defined in Section 31.

d. Minimum Size Thresholds: RMA's shall meet the following minimum size thresholds:

1) One (1) acre when abutting other resource areas, open space areas, preserves, or riparian areas. The cumulative area of the parcel(s), resource areas, open space areas, preserves, or riparian areas must be 20 acres or larger.

2) 20 acres on a single or multiple parcels when not abutting resource areas, open space areas, preserves, or riparian areas.

e. Developed areas: Exclude graded areas of active development and areas developed at a density of greater than one home per acre.

Addendum H
Scenic Resources Area Design Guidelines

1. Purpose

Design guidelines seek to implement the adopted land use goals of the community with regard to community design within Scenic Resource areas. The purpose includes:

To ensure the built environment conserves environmentally sensitive resources in accordance with the adopted General Plan,

To promote community development that is aesthetically pleasing and compatible with the natural surroundings,

To maintain the value of the Town's scenic and environmentally sensitive resources, and

To minimize disturbance to the natural environment.

2. Design Review and Approval Procedures

The baseline for design guidance is contained in the OVZCR, Addendum A, Design Guidelines. These Scenic Resource Design guidelines supplement Addendum A and are intended as a flexible addition to the development requirements set forth in Section 27.10.D.2.f, Scenic Resources Category, for general land development use types along scenic corridors and within public park viewsheds.

These guidelines apply to any development in all three Tiers of the Scenic Resource Category as specified in Section 27.10.D.2.f.iii, Scenic Resources Applicability. Procedures for applying these guidelines are included in Section D.2.f.vi.

3. Design Guidelines

Review of all development plans and subdivision plats in scenic corridor areas should consider the following particulars. Site Planning and Architectural guidelines are expected to be met for the approval of a subdivision plat or commercial development plan.

Employment / Institutional guidelines are in addition to consideration of Commercial guidelines for employment/institutional development plans in scenic corridor areas. Proposed resort developments are to be evaluated according to General Plan, Specific Plan and overlay district criteria to assure project excellence.

a. Site Planning

1) General

i. Incorporation of natural elements such as boulders, native rock or designing to blend structures with natural washes or existing stands of vegetation is highly desirable.

ii. Include subdued lighting for entries, signage and parking areas.

iii. Provide pathway links to interior residential neighborhoods or planned recreational trails.

iv. Include Integration of structures, pedestrian paths with natural earthforms.

v. Parking or maneuvering should not be located in required minimum setback.

vi. Structures should be used to screen access or frontage roadways parallel to scenic corridors. Earthen berms should comply with adopted rainwater harvesting requirements.

2) Residential

The following site design expectations are to be met for the approval of any subdivision plat or development plan:

i. Street patterns and/or landscaping are to be provided consistent with safe traffic visibility and design practice to screen views of rights-of-way perpendicular to scenic corridors.

ii. Walls enclosing individual lots, residential clusters, or multi-family structures are to be located at the setback line of perimeter landscaped buffer areas or maintained setback tracts (see Section 24.5.G.1.b).

iii. Pathway linkages are to be provided within the development and connecting with pathways, trails, or bike lanes paralleling the scenic corridor.

iv. Except where specific view corridor preservation is intended, curvilinear street patterns and/or landscaping are to be provided to screen views of rights-of-way perpendicular to Oracle Road consistent with safe traffic visibility and design practice.

v. Maintain views from residences to mountain vistas, major washes, and native vegetation.

vi. Provide structure spacing to permit views and focus on stands of vegetation.

vii. Utilize subdued or managed lighting.

viii. In sloped areas provide screening of structural support piers.

ix. Provide shared roadway access.

3) Commercial

i. Rear and side setbacks adjacent to residential districts should include berms and/or walls, augmented with landscaping achieving opaque screening to a height of not less than 8 feet. Berming shall comply with Town landscape requirements for rainwater harvesting.

ii. No loading, storage, outdoor activity (except as expressly permitted in the underlying district), or display of merchandise visible from scenic corridors, intersecting arterials or adjacent residential neighborhoods.

iii. Pathway linkages to be provided to adjacent properties where appropriate and within multi-use developments.

iv. Clustering structures as a central “outcropping” visible when approaching the development on entry driveways, with principal parking areas (majority of spaces) screened by structures from scenic corridors or adjacent arterials.

v. Access driveways should be spaced 660 feet apart.

vi. Provide shared roadway access.

4) Employment and Institutional

i. Adjacent to residential districts, setbacks of the residential district are to be met or exceeded, and to include a masonry wall with landscaping as augmentation.

ii. No outdoor storage visible from Oracle Road or adjacent residential neighborhoods.

iii. Provide pathway links to internal recreation facilities and external pathways and routes.

iv. Maintain view corridors through the site.

v. No parking or access driveways within required setbacks.

5) Resort Development

i. Open vistas are characteristic of this use type; walls and enhanced vegetation are to be utilized for screening functions.

ii. Clustering of structures is oriented away from the perimeter of the site and view corridors, providing a central "outcropping".

iii. Keeping principal structure on lower slopes, not exceeding ridge heights.

iv. Maintaining wide sight angles beyond structures is preferred.

v. Casitas should be deployed to create residential scale.

vi. Emphasis should be placed on existing vegetation to accent principal buildings and plazas.

vii. Vehicular circulation ways are minimized.

viii. Pathway linkages, particularly to encourage resort guests' and residents' use of the Corridor path systems, are to be established for access to and from the principal resort structure.

ix. Include visible display of open space and recreational features, such as golf courses.

x. Maintain open expanses to preserve adjacent neighborhood views.

xi. Structures should be grouped well away from view corridors.

xii. Low-lying building profiles should be utilized.

xiii. Views through the site should be preserved.

b. Architectural Design

1) General Design

i. Buildings constructed in scenic corridors and park viewsheds should be low and of colors, materials and textures, which blend with natural desert vegetation, leaving large areas of open space between developments. Buildings that are visible from scenic corridors should seem to be a part of, or in, the landscape rather than appearing to be an imposition on the site. The buildings should follow the natural contours of the existing topography.

ii. Building Colors

a) Building colors should relate to one another and the natural environment on the basis of pigment, color value, and/or intensity. In scenic corridors, earth tones and pastels are encouraged, especially in areas of high visibility. Desert/mountain colors that blend with the natural background are encouraged.

b) In areas upslope from scenic corridors, darker, geologic colors to blend with mountain slopes.

c) In locations upslope from the ultimate scenic corridor roadway right-of-way, richer, earthtone or geologic colors and rougher textures are preferred, especially those which complement background views; downslopes, darker earth colors with more dense landscaping clusters.

d) Color schemes should avoid jarring juxtapositions with primary colors.

e) In more private area, away from scenic corridors, homeowners and business owners are permitted more freedom in color selections.

f) Bright colors should not be visible from scenic corridors or other public rights-of-way.

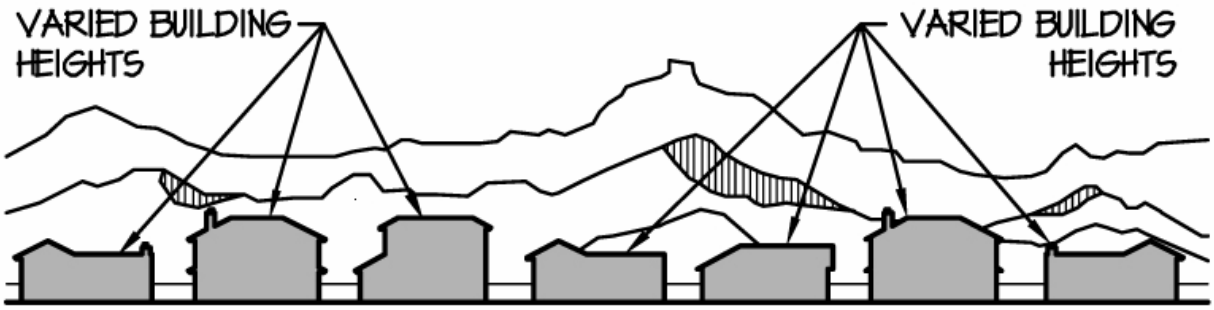
g) Foreground colors should harmonize and blend with existing vegetation, natural rock/earth forms or built background.

iii. Include architectural detailing on all structure facades.

2) Residential

Review of all residential developments other than individual, detached, single-family home construction shall consider the following criteria to assure design consistency with Scenic Resource intent and character:

i. Building heights should be varied, preferably mixing one and two-story homes to enable views across the site from the scenic corridor right-of-way.



ii. Consistent, finished rooftop treatments, without visible roof-mounted equipment.

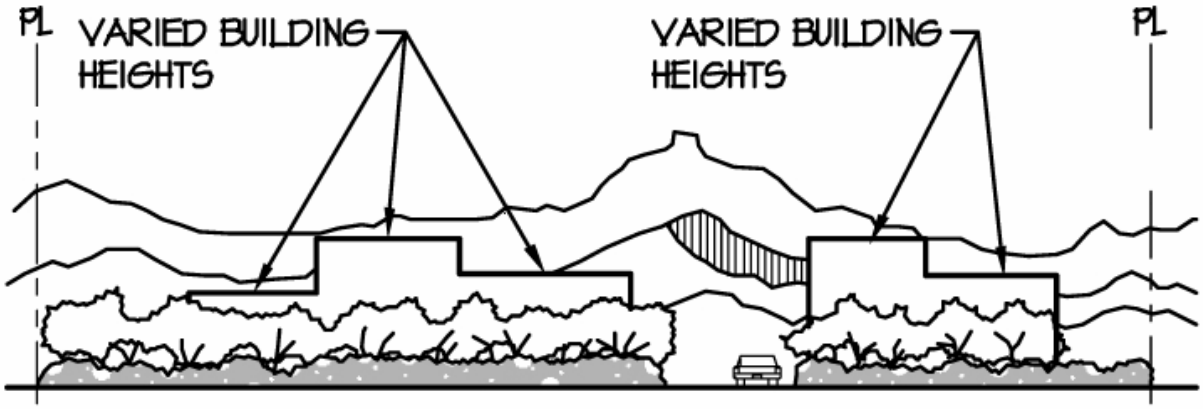
iii. Noise Mitigation should be addressed by masonry construction, double-paned windows, and limited window openings and recreational yard uses facing scenic corridors.

iv. Structural screening of access or frontage roads and parking visible from scenic corridors, and structural integration with terrain, such as building lower floors into slopes.

v. Thematic architectural detailing should be included.

3) Commercial

i. Building heights should be varied to enable views across the site from the scenic corridor right-of-way.



ii. Structural height restricted to 1:4 (from natural grade) relative to width.

iii. Principal structures are constructed of rough masonry, slump block, or similar materials; board and batten, untreated concrete block or metal buildings are discouraged.

iv. Moving appurtenances should not be visible from scenic corridors or other public rights-of-way.

v. Rooflines are preferred to be horizontal; others are permissible.

vi. Architectural detailing includes rough-cut stone accents, recessed window treatments, and vertical elements in visible walls of greater than 50 feet in length.

4) Employment / Institutional

i. Structural height is limited to a ratio of 1:3 relative to width.

ii. Provide enhanced native landscape along frontage.

iii. Include rougher building material textures.

5) Resort

i. Provide distinctive architecture blending with the Sonoran Desert context.

ii. Include creative use of light and shade in plazas.

iii. Extensive use of natural materials (rough native stone, wood) is preferred.

iv. Consideration of split-level entry from parking areas.

v. Mission-style, Santa Fe, or Territorial architecture is appropriate.

vi. Include landscaped focal points.

c. Vegetation Preservation and Screening Guidelines

Vegetation Preservation: Innovative site planning and architectural treatments, which preserve and incorporate the maximum number of existing trees, Corridor Character Vegetation, and shrubs is encouraged in concert with compliance with native plant preservation requirements.

Addendum P

Methods for Sampling Riparian Habitat and Specifications for Plant Material Quality

This Addendum contains the procedures and minimum specifications for determining and configuring sample areas and techniques for both plot sampling and transect sampling to be conducted in conjunction with preparation of a Mitigation Restoration Plan as required by Section 27.10.G.

1. Sample Area(s)

a. Determine the sample areas within which plots or transects will be established in accordance with Reference Site requirements. The following qualities shall be included in the sample area:

b. Sample areas for significant vegetation stands should include stands of mature and healthy vegetation that meet the minimum cover or density definitions in the ESL for those resources being impacted.

c. Sample areas area shall be large enough to include all species belonging to the plant community.

d. The habitat should be relatively uniform throughout a single sample area. Each habitat type shall be sampled separately.

e. Configuration

1) Plots or transects shall be distributed throughout the sample area in a manner to capture all of the variability within that sample area. Plots or transects can be either located randomly within a sample area or according to an orderly sampling scheme (e.g., on a grid, at regular intervals, etc.)—as long as the result is that the sample area is accurately described by the plot number and arrangement.

2) The sampling locations must be approved as part of the Mitigation Restoration Plan review process, and must be representative of the area of being sampled.

2. Plot Sampling

a. Plot sampling, or quadrant sampling, can be used to describe a variety of plant community characteristics of an area that is too large for a complete vegetation inventory to be feasible.

b. The parameters to be addressed include: diversity (species present), cover, and density (number of species in a given area).

c. The number of plots or transects conducted within each sample area should be sufficient to characterize the range of vegetation condition within it.

d. Size and Shape

1) Plot size and shape should fit the nature of the vegetation community to be sampled. Circular plots are generally recommended with these field mapping standards, as they are more efficient to accurately establish in the field.

2) Plot size should be large enough to include a significant number of individual plants, representing all dominant species, but small enough that plants can be counted without duplication or omission of individuals.

3) Suggested plot sizes that are typically appropriate for vegetation in the context of riparian habitat are listed below. Site characteristics may necessitate using a different plot size or shape (i.e., if the riparian vegetation entity is not wide enough). Plot shape and size should be consistent throughout.

   i. Circular plots (preferred): 10-meter radius (314 m^2 or 3,380 ft^2)

   ii. Square plots: 15–20 meters per side (225 m^2–400 m^2 or 2,422 ft^2– 4,306 ft^2)

   iii. Rectangular plots: 15 meters x 20 meters (300 m^2 or 3,229 ft^2)

3. Transect Sampling

Transects may be conducted according to the point intercept and belt transect methods. The method is based on a 50-meter point transect centered on a 2×50-meter plot (i.e., the belt transect). Using this method, vegetation is sampled by points at 0.5-meter intervals along the 50-meter transect to determine cover. The surveyor will note the species encountered at each interval. In addition, individuals of each perennial species rooted within the 2×50-meter plot will be counted to determine density and diversity. All annuals present in the 2×50-meter plot will also be noted.

4. Plant Material Quality

a. Plant materials may consist of salvaged plants or cuttings as well as container plants grown in traditional or tall pots from seed collected locally specifically for the project. Container plants will be grown at a nursery that specializes in producing high-quality native plant species for habitat restoration projects.

b. Native soil shall be used in the plant containers if possible. If more native soil is needed than is available to fill plant containers, each container shall receive some native soil mixed with an appropriate commercial nursery soil mix.

c. Container plants must be grown outdoors and in full sunlight. Prior to container plants being delivered to the project site, they shall be hardened off from water, so they may be able to sustain themselves under potential drought conditions once planted.

d. Deep–planting techniques for woody species are permitted in order to achieve maximum survival with minimal irrigation. This may include deep-planting of dormant pole cuttings as well as the use of container stock grown in tall pots.

All plant materials shall be inspected by Town staff prior to installation to ensure they are healthy, disease free, and of proper species, quantities, and sizes.

Chapter 31 Definitions

Archaeological site:

- *Repeal existing ZC definition 32. Archaeological site. Not required because it references a term defined by Arizona State Museum standards.*
- *Staff: Text search zoning code and substitute "cultural resources" for "archaeological" when it is used in conjunction with "site," because we are now using the term cultural resource, not archaeological, in Section 24.4, PAD, of the zoning code.*

XXX. Active Restoration

The process of taking specific intentional actions to re-establish natural processes, vegetation, and habitat of an ecosystem.

XXX. Base Zoning Dwelling Count

Shall be calculated by dividing the gross land area of the site or parcel, before any required dedications for right-of-way or drainage, or designations for open space or other OVZCR requirements, by the base zoning minimum lot size to identify the potential dwelling unit yield of the site or parcel.

Base Zoning Dwelling Count = Gross Land Area ÷ Minimum Lot Area of Base Zone

XXX. Conservation

Shall mean, in the context of the Environmentally Sensitive Lands Conservation System, the use and management of land to eliminate waste and maximize efficiency of use while yielding the highest sustainable benefit to present generations and maintaining the natural resources in such a state that remain biologically viable and they can provide for the benefit of future generations.

Cultural Resource:

- *Repeal existing ZC definition 90. "Cultural or Historic Resource" and add a new definition for "Cultural Resource," because new term incorporates both archaeological and historic resources*

xxx. Cultural Resource

Any prehistoric or historic site or object having historical, architectural, archaeological, or community importance, including artifacts, records, and material remains related to such property or resource.

Cultural Resource Professional:

- *New definition proposed.*

xxx. Cultural Resource Professional

Shall include archaeologists, architects, architectural historians, and historians who meet the minimum professional qualifications established by the Secretary of the Interior's Professional Qualification Standards.

Cultural Resources Survey:

- *Current ZC definition for "survey" describes "archaeological survey," propose to change to "Cultural Resources Survey.*
- *Staff: text search zoning code and change all references to "survey"* ***used in relation to archaeological resources*** *to "cultural resources survey."*

xxx. Cultural Resources Survey

An activity with the purpose of locating and identifying cultural resources without causing any disturbance of the ground.

xxx. Environmentally Sensitive Open Space (ESOS)

Comprised of lands designated as permanent, natural open space in accordance with the requirements of Section 27.10.

XXX. Hillside Conservation Area

Shall mean land area designated for conservation of natural slopes greater than 15 percent.

XXX. Hillside View Conservation Area

Shall mean the visually significant slopes and ridges of the site designated as ESOS. Visually significant slopes and ridges are identified by the Scenic Resources category of the ESL regulations.

XXX. Preservation

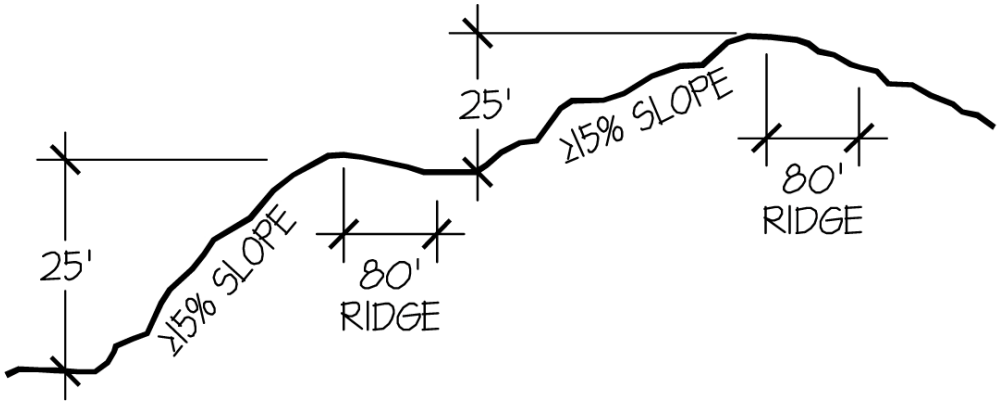
Shall mean, in the context of the Environmentally Sensitive Lands Conservation System, the attempt to maintain land in its current condition to protect the area from negative human influence.

XXX. Qualified Habitat Restoration Specialist

A person with a minimum of a Bachelor's degree in a natural resources-related field, and five years of experience in the field of habitat biology.

XXX. Ridge

Shall mean a topographic feature above sloped areas 15 percent and greater that forms a crest or hilltop of at least 80 feet in width. Ridges may include sloped areas as illustrated below.



XXX. Scenic Resource Conservation Area

Shall mean lands adjacent to designated scenic corridors where the land use and design requirements of the ESL Scenic Resources Category apply.

Treatment Plan:

- *Staff drafted new ZC definition for this term based on research from other jurisdictions.*

xxx. Treatment Plan

A plan prepared by a qualified cultural resource professional for the preservation, data recovery, excavation, archiving, monitoring, adaptive reuse, curation, and/or documentation of one (1) or more significant archaeological resources, buildings, structures, sites, landscapes, or artifacts.

XXX Visually Significant Slopes

Sloped areas of 15 percent and greater visible from Scenic Corridors, public rights of way, public parks and all trails identified in the Oro Valley Trails Master Plan.

XXX Wildlife Permeable Development

Residential development with a developed density of one home per acre or less and fences and walls that are wildlife friendly and do not impede the movement of wildlife between adjacent lots or between the development and adjacent open space areas.)

ESL Related Revisions to Section 27.6

Landscape Conservation Code

3. Site Resource Inventory Standards and Requirements

a. Site Resource Inventory

i. The Site Resource Inventory (SRI) shall be a primary evaluative design tool upon which the site design and salvage plans are based. The information contained in the SRI shall be utilized for purposes of site planning and design, and shall describe and identify natural characteristics of the site, as listed below, including areas of significant vegetation. Preservation of protected natural areas and significant vegetation shall be a primary consideration.

ii. The SRI shall strive to:

a). Minimize native plant disturbance, destruction, or removal.

b) Promote creative plat or development design to preserve significant vegetation.

c) Propose mitigation that maintains, as nearly as possible, significant native vegetation and animal habitat while preserving site soil stability.

d) incorporate native vegetation of a size, quality, and type consistent with native vegetation and the development.

e) Maintain significant vegetation, as described herein, in place, unless there is no other area available for construction.

f) Identify any prohibited plants (Appendix E) such as buffelgrass or tamarisk.

b. Significant Vegetation

Significant Vegetation (SV) is characterized as ~~distinctive native plant stands~~ and/or ~~distinctive individual native plants~~ ~~that demonstrate, through the presence of certain~~ criteria, as listed below, areas of special value to the Sonoran Desert ecosystem.

i. Distinctive Native Plant Stands are areas of native vegetation that exist in contrast to the majority of the surrounding vegetative community due to either microclimates or availability of water sources. Criteria include:

a) Saguaro cacti stands that include one foot or taller saguaro occurring at a density of 25 or more over a minimum one-half acre area.

b) Ironwood tree stands that include 30 percent or more average cover at the edge of all tree canopies within a minimum one (1) acre area.

c) Palo verde tree stands that include 50 percent or more average cover within a minimum one (1) acre area.

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Deleted: Plant Community is an area of vegetation dominated by one (1) or more species. Climate, elevation, soil types, and other factors ultimately determine the limits and boundaries of particular plant communities. Examples of a plant community dominated by one (1) species are desert grassland and creosote bush association, or a grove of trees, for example, a mesquite bosque. These communities can form almost pure stands of single species. Examples of co-dominate plant communities are cottonwood-willow and palo verde-saguaro association. Plant communities create an environment that is beneficial, unique, and/or valuable to the desert ecosystem.

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d) Mesquite tree stands that include 50 percent or more average cover within a minimum one (1) acre area.

e) Ocotillo stands that include areas of 50 ocotillo of any size within a minimum one (1) acre area.

ii.

A Distinctive Individual Native Plant refers to any native tree, shrub, or cacti with extraordinary characteristics such as, but not limited to age, size, shape, form, canopy cover, or aesthetic value. Criteria include:

a) Saguaro cacti over 15 feet tall with 2 or more arms.

b) Crested saguaro cacti.

c) Native tree with 12 inch basal caliper and over 12 feet tall.

d) Native 'nurse' tree with 3 or more saguaro cacti under or within its canopy.

e) Any Plant listed as Threatened or Endangered under the Endangered Species Act or Highly Safeguarded by the Arizona Department of Agriculture.

iv. Criteria for identifying areas of significant vegetation include the presence of the following (in addition to being characterized as a Distinctive Native Plant Stand and/or a Distinctive Individual Native Plant):

a) Plant species that are native to the area.

b) Plant species composition is typical for the area.

c) Plants are generally healthy and will survive for five (5) or more years.

d) Plant density is normal for the site conditions (soil, slope, orientation, water availability).

e) Mature specimens of individual trees and/or columnar cactus species are present.

f) Noxious/invasive species are few and not visually prominent, such as buffelgrass, desert broom, tamarisk, Mexican palo verde, and tree of heaven.

g) Grading or clearing has not substantially altered the landscape in the area.

h) Constructed non-native landscapes do not qualify as significant vegetation.

i) Specific groups of plant communities that are known to be habitat for protected species, for example: ironwood, saguaro, mesquite, and palo verde are known Pygmy Owl habitat.

v. Preservation of significant vegetation should emphasize maintenance or creation of connections between natural areas and significant vegetation. Areas of significant vegetation include, but are not limited to, other natural areas protected by this zoning code, such as riparian habitat.

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Unique Plant Occurrences are areas of vegetation that exist in contrast to the majority of the surrounding

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c. Mitigation

i. When areas of significant vegetation are present but are not preserved in place due to development, salvage and mitigation shall be required. For example, for 100 plants identified as significant vegetation that are not preserved in place, those that meet the salvage criteria in Section 27.4.B.4.c will be salvaged. If ten (10) are salvaged, the 90 remaining shall be mitigated as set forth in Table 27-1.

ii. Mitigation of Significant Vegetation does not apply to environmentally sensitive open space (ESOS) as provided in section 27.10G.

iii. Mitigation of significant vegetation, under-story requirements, and area measurement.

a) Mitigation of significant vegetation shall be according to the ratios in Table 27-1.

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TABLE 27-1: MITIGATION OF SIGNIFICANT VEGETATION

Amount of SV Disturbed	Tree Mitigation Ratio	Percent Trees Replaced w/ 48" Box	Percent Trees Replaced w/ 36" Box	Understory** Vegetation Required	Cacti and Other Protected Plants
0-29%	Standard mitigation requirements of Section 27.1.E apply.			5 understory plants for each mitigated tree.	Same size and species as that removed or destroyed.
30-49%	1:1	None	100%		
50-100%	2:1	50%	50%		
**Under-story plants selected from the supplemental native plant list, Addendum C, and either transplanted from onsite or nursery plants.					

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b) The percentage of significant vegetation shall be measured as the square footage of the ground cover area.

If the mitigated plant does not survive the first 18 months of transplanting after landscaping is complete, mitigation standards, as listed above, shall apply.

d. Preservation incentives. In order to promote preservation in place, development standard incentives are offered to permit clustering of development, as set forth in Table 27-2.

TABLE 27-2: PRESERVATION INCENTIVES

Amount of SV Preserved In Place	Reduction In Lot Size Permitted	Increase In FAR Permitted
71-100 %	Up to 20% of appropriate interior lots*	Up to 20%
51-70 %	Up to 15% of appropriate interior lots*	Up to 15%
50 % or less	None	None
*Appropriate interior lots are those lots not on the perimeter of the development and not adjacent to a natural resource area.		

e. Mitigation Remedy. When a proposed development is in conformance with the General Plan and meets other development standards of the Code, but unique circumstances exist in regard to significant vegetation, such as when a large percentage of a site is covered

with significant vegetation and mitigation results in plants too numerous to survive on the site, the developer may request approval for a mitigation remedy. Remedies include provision of required vegetation, irrigation materials, and associated labor as follows:

i. Relocation to an adjacent property
ii. Placement on a Town property
iii. In-lieu fee for a Town landscape or restoration project
iv. Other similar relocation effort

The developer must make his/her request to the Town for a mitigation remedy before or concurrent with a preliminary plat or development plan submittal. The request shall include a mitigation proposal and rationale and justification for the proposal. The Development Review Board (DRB) shall consider the proposal and make their decision at a public meeting.

Section 23.6 Property Development Standards for Single-Family Residential Districts

A. Common Regulations of R-1 Districts

The following property development standards shall apply to all land and buildings in single-family residential districts. Specific lot sizes, setbacks, and criteria which vary among individual single-family residential districts are identified in Sections 23.6.A through 23.6.H. Alternative development standards in OVZCR § 27.10 .B.3 (Environmentally Sensitive Lands) may be applied at the request of the property owner upon satisfaction of applicable ESL review criteria. .

Section 23.7 Property Development Standards for Multi-Family Residential Districts

A. Common Regulations of Multi family Districts

Alternative development standards in OVZCR § 27.10 .B.3 (Environmentally Sensitive Lands) may be applied at the request of the property owner upon satisfaction of applicable ESL review criteria.

Section 23.8 Property Development Standards for Nonresidential Districts

A. Common Regulations of Nonresidential Districts

Alternative development standards in OVZCR § 27.10 .B.3 (Environmentally Sensitive Lands) may be applied at the request of the property owner upon satisfaction of applicable ESL review criteria.

Section 23.9 Property Development Standards for Planned Districts

A. Common Regulations of Planned Districts

Alternative development standards in OVZCR § 27.10 .B.3 (Environmentally Sensitive Lands) may be applied at the request of the property owner upon satisfaction of applicable ESL review criteria.

Section 21.9 Historic Preservation Commission

A. Scope

In accordance with the General Plan: Archaeological and Historic Resources Element, the Historic Preservation Commission facilitates the conservation of cultural resources in the Oro Valley community.

B. Powers and Duties

In addition to other powers and duties of the Historic Preservation Commission specified in Article 6-10 of the Oro Valley Town Code, the Historic Preservation Commission performs the following:

1. Planning and Zoning Work Plan

The Historic Preservation Commission provides recommendations to the Town Council on the annual work plan, which is a formal list of the Planning Department's annual land use policy and zoning work projects.

2. General Plan

The Historic Preservation Commission reviews and recommends cultural resource conservation policies for inclusion in the General Plan.

3. Zoning Code Amendments

The Historic Preservation Commission reviews and recommends zoning requirements, historic districts, and design guidelines pertaining to conservation of cultural resources.

4. Development Review

The Historic Preservation Commission considers evidence and recommends action upon appeal or review of a Planning and Zoning Administrator's determination of cultural resource significance and/or action specified within a formal treatment plan.

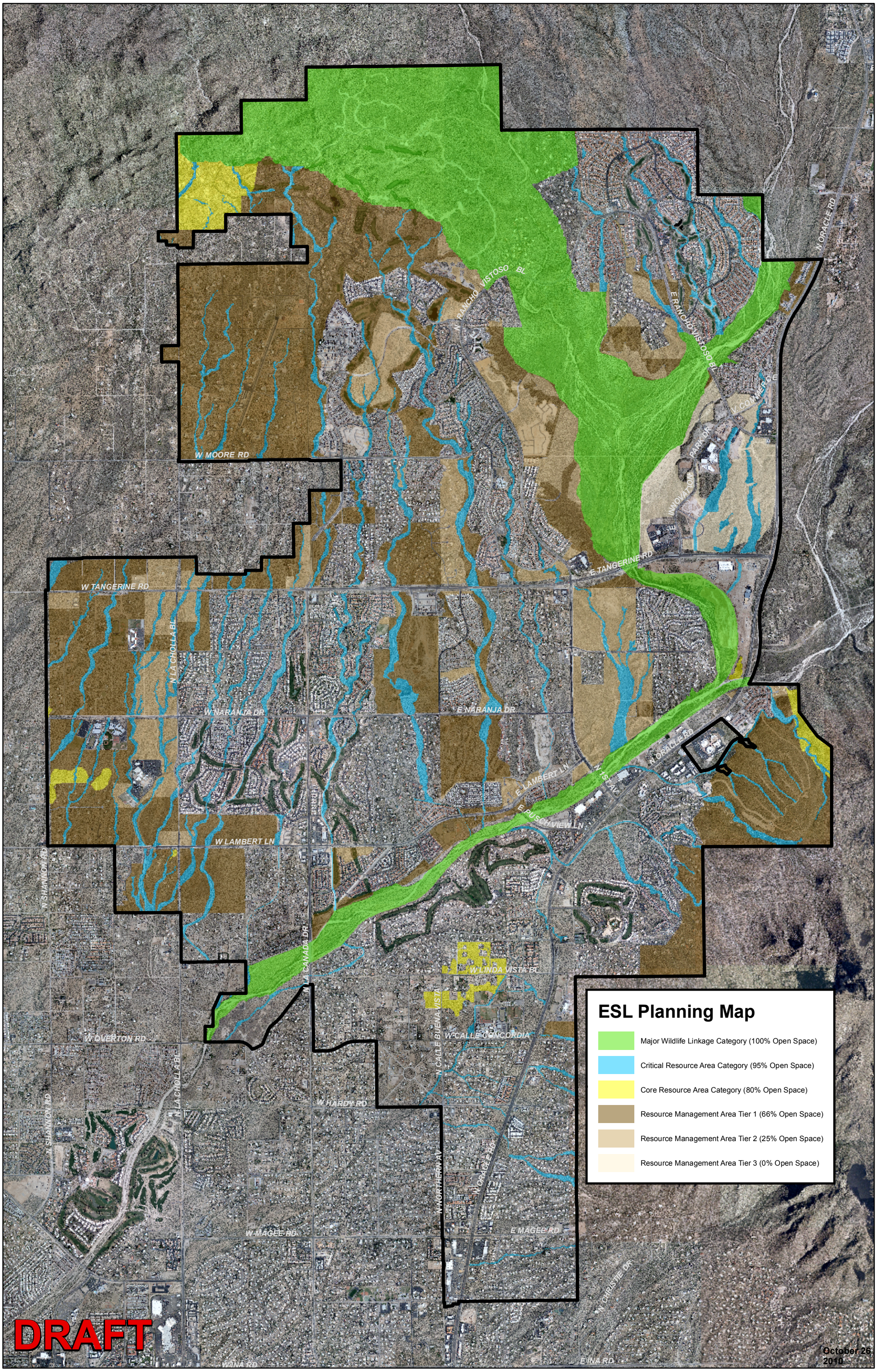
5. Special Inventories or Plans

The Historic Preservation Commission shall maintain a list of known significant cultural resources for consideration in planning of current and future development.

C. Transaction of Business

The Planning and Zoning Administrator shall apprise the Historic Preservation Commission of all determinations of significance, treatment plan approvals, and zoning enforcement actions that involve a cultural resource.

DRAFT


ESL Planning Map
Major Wildlife Linkage Category (100% Open Space)
Critical Resource Area Category (95% Open Space)
Core Resource Area Category (80% Open Space)
Resource Management Area Tier 1 (66% Open Space)
Resource Management Area Tier 2 (25% Open Space)
Resource Management Area Tier 3 (0% Open Space)
DRAFT
October 26 2010
N RANCHO VISTOSO BL
E RANCHO VISTOSO BL
N ORACLE RD
V COMMERCE
INNOVATION PARK DR
W MOORE RD
E TANGERINE RD
W TANGERINE RD
N LA CHOLLA BL
W NARANJA DR
E NARANJA DR
E LAMBERT LN
N 1ST AV
E PUSCH VIEW LN
W LAMBERT LN
N SHANNON RD
N LA CANADA DR
W LINDA VISTA BL
N CALLE BUENA VISTA
W CALLE CONCORDIA
W OVERTON RD
W HARDY RD
N NORTHERN AV
W MAGEE RD
E MAGEE RD
N CHRISTIE DR
W INA RD
E INA RD

Item #: D.

Town Council Regular Session

Date: 01/19/2011

Requested by:	Daniel G. Sharp, Police Chief	**Submitted By:**	Colleen Muhr, Police Department
Department:	Police Department		

Information

SUBJECT:

Resolution No. (R) 11-06 Authorizing and Approving a Memorandum of Agreement Between the Town of Oro Valley and the Pima County Superior Court to Refer Juveniles Charged with Misdemeanor Domestic Violence Offenses to the Domestic Violence Alternative Center

RECOMMENDATION:

Staff recommends approval of Resolution No. (R) 11-06.

EXECUTIVE SUMMARY:

The Town of Oro Valley wishes to enter into a Memorandum of Agreement (MOA) with the Pima County Juvenile Court Center to facilitate the appropriate referral of juveniles charged with misdemeanor domestic violence offenses to the Domestic Violence Alternative Center.

Approval of the MOA would allow for juveniles who meet specific criteria to be taken to the Domestic Violence Alternative Center. This facility is located in the community and has the goal of diverting juveniles charged with misdemeanor domestic violence offenses from the Pima County Juvenile corrections system.

BACKGROUND OR DETAILED INFORMATION:

The Domestic Violence Alternatives Center (DVAC) collaborative agreement, between Pima County Juvenile Court and several community law enforcement agencies, has been in effect for three years.

By working in partnership with the Court to divert these offenders we have created an effective juvenile justice intervention which leads to improved public safety and better outcomes for the youth and families. Additionally, law enforcement officers are able to expedite placing youth into the custody of the Juvenile Court, allowing them to return more quickly to their law enforcement duties.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to approve Resolution No. (R) 11-06 Authorizing and Approving a Memorandum of Agreement Between the Town of Oro Valley and the Pima County Superior Court to Refer Juveniles Charged with Misdemeanor Domestic Violence Offenses to the Domestic Violence Alternative Center.

Attachments

Link: Resolution R11-06 Pima County Superior Court

Link: MOA

Link: Signature Page

RESOLUTION NO. (R) 11-06

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND THE PIMA COUNTY SUPERIOR COURT TO REFER JUVENILES CHARGED WITH MISDEMEANOR DOMESTIC VIOLENCE OFFENSES TO THE DOMESTIC VIOLENCE ALTERNATIVE CENTER

WHEREAS, the Town of Oro Valley is a political subdivision of the State of Arizona vested with all associated rights, privileges and benefits and is entitled to the immunities and exemptions granted municipalities and political subdivisions under the Constitution and laws of the State of Arizona and the United States; and

WHEREAS, the Town desires to enter into a Memorandum of Agreement with the Pima County Superior Court to refer juveniles charged with misdemeanor domestic violence offenses to the Domestic Violence Alternative Center ("DVAC") in order to divert these juveniles from the Pima County Juvenile Court Intake/Receiving; and

WHEREAS, this Memorandum of Agreement will serve as the intergovernmental agreement between the Pima County Juvenile Court Center of the Pima County Superior Court and the Town to refer specific juveniles to the DVAC; and

WHEREAS, it is in the interest of the Town to enter into the Memorandum of Agreement with the Pima County Juvenile Court Center to set forth specific criteria juveniles must meet to be referred to the DVAC.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, **that:**

1. The Memorandum of Agreement, attached hereto as Exhibit "A" and incorporated herein by this reference, between the Town of Oro Valley and the Pima County Superior Court to refer juveniles charged with misdemeanor domestic violence offenses to the Domestic Violence Alternative Center is hereby authorized and approved.

2. The Police Chief and any other administrative officials of the Town of Oro Valley are hereby authorized to take steps as necessary to execute and implement the terms of the Agreement.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 19th day of January, 2011.

TOWN OF ORO VALLEY

_____
Dr. Satish I. Hiremath, Mayor

ATTEST:

_____
Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

_____
Tobin Rosen, Town Attorney

Date: _____

EXHIBIT “A”

SUPERIOR COURT OF THE STATE OF ARIZONA

Pima County Juvenile Court
2225 EAST AJO WAY
TUCSON, ARIZONA 85713-6295

An Organization committed to:
***Community Protection**
***Restoring Victims**
***Successful Youth and Families**

Rik Schmidt
Director of Court Services
Jesus Diaz
Deputy Director of Court Services

MEMORANDUM OF AGREEMENT
DOMESTIC VIOLENCE ALTERNATIVE CENTER

This Memorandum of Agreement between the Pima County Juvenile Court Center, and the Oro Valley Police Department, is to facilitate the appropriate referral of juveniles charged with misdemeanor domestic violence offenses to the Domestic Violence Alternative Center.

The undersigned Agency hereby agrees that juveniles, when charged with a misdemeanor domestic violence related offense or when probable cause exists that the offense was committed, may be taken to the Domestic Violence Alternative Center, a reception center for law enforcement. The Domestic Violence Alternative Center is located in the community with the goal of diverting juveniles charged with misdemeanor domestic violence offenses from the Pima County Juvenile Court's Intake/Receiving.

Juveniles **appropriate** for the Domestic Violence Alternative Center:

- Juveniles between the ages of 8 and 17 years old
- Juveniles arrested for one of the following misdemeanor domestic violence offenses:
  13-1202 Threats and Intimidation (no mention of a weapon or gang involvement)
  13-1203 Assault
  13-1502 Criminal Trespassing (3rd degree)
  13-1503 Criminal Trespassing (2nd degree)
  13-1602 Criminal Damage (Misdemeanors only)
  13-2904A1 Disorderly Conduct / Fighting
  13-2904A2 Disorderly Conduct / Unreasonable Noise
  13-2904A3 Disorderly Conduct / Abusive Language
  13-2921 Harassment

Juveniles **not appropriate** for the Domestic Violence Alternative Center:

- Juveniles charged with felony Domestic Violence offenses
- Juveniles who, at the scene of the domestic violence incident, continue to be potentially violent or pose a threat to themselves and others based on the judgment of the arresting Officer
- Juveniles who refuse to cooperate with the arresting Officer or Domestic Violence Alternative Center staff assisting with the processing of the case
- Juveniles found to have an outstanding Juvenile Warrant

Juveniles charged with criminal offenses, in addition to the domestic violence charge, are not eligible to be diverted to the Domestic Violence Alternative Center. Juveniles with medical issues, injuries, suicidal or under the influence of alcohol or drugs should be medically cleared prior to being referred to the Domestic Violence Alternative Center. Law enforcement may choose not to divert juveniles charged with domestic violence offenses to the Domestic Violence Alternative Center and may transport to the Pima County Juvenile Court Center as they determine necessary.

Participating Agencies:

- Pima County Juvenile Court Center
- Open Inn
- Tucson Police Department
- Oro Valley Police Department
- Marana Police Department
- South Tucson Police Department
- Pima County Sheriff's Department
- Sahuarita Police Department

This Memorandum of Agreement shall be in effect from July 1, 2010 through June 30, 2011, unless terminated by written notification by the Court. This agreement may be extended for up to three (3) additional one year periods or any portion thereof upon mutual consent of the parties. Any modification or extension of this Agreement shall be by formal written amendment executed by the parties.

_____

Daniel Sharp, Chief of Police **Date**
Oro Valley Police Department

Rik Schmidt/Bcs 12.10.10

Rik Schmidt, Director **Date**
Pima County Juvenile Court Center

TOWN OF ORO VALLEY

_____
Daniel Sharp, Chief of Police

ATTEST:

_____
Julie Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

_____
Tobin Rosen, Town Attorney

Date: _____

Item #: E.

Town Council Regular Session

Date: 01/19/2011

Requested by: Craig Civalier, Town Engineer

Submitted By: Scott Nelson, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

Resolution No. (R) 11-07 Accepting From Lin Trust and TF Naranja Group L.L.C. a Special Warranty Deed for Dedication of Public Right-of-Way From Certain Real Property Located in Pima County Along La Cholla Boulevard

RECOMMENDATION:

Staff recommends approval of Resolution No. (R) 11-07.

EXECUTIVE SUMMARY:

This dedication is a condition of the original rezoning for the area encompassing the yet to be built Los Saguaros Viejos subdivision, west of La Cholla between Glover Rd. and Naranja Dr. The development is required to dedicate or donate the east forty five (45) feet of their site adjacent to La Cholla Blvd. as public right-of-way.

BACKGROUND OR DETAILED INFORMATION:

On September 19, 2007, the Mayor and Council adopted Ordinance No. (O) 07-38, rezoning the 132 acres framed by La Cholla Blvd. to the east, Glover Rd. to the north, Naranja Dr. to the south and the un-subdivided parcels to the west. The ordinance conditionally rezoned the subject property from R1-144 residential to R1-20 residential. This is Exhibit “A” as depicted on the attached Special Warranty Deed Exhibit.

Ordinance No. (O) 07-38 special conditions of approval, condition No. 3 states:
"By separate instrument, this development shall dedicate or donate to the Town an additional 45 feet of right of way on La Cholla Blvd."

Refer to the legal description in Exhibit “B” for a delineation of the area to be donated to the Town.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to adopt Resolution No. (R) 11-07 Accepting From Lin Trust and TF Naranja Group L.L.C. a Special Warranty Deed for Dedication of Public Right-of-Way From Certain Real Property Located in Pima County Along La Cholla Boulevard.

Attachments

Link: Resolution R11-07 La Cholla ROW

Link: Special Warranty Deed
Link: La Cholla ROW Legal Description

RESOLUTION NO. (R) 11-07

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, ACCEPTING FROM LIN TRUST AND TF NARANJA GROUP L.L.C. A SPECIAL WARRANTY DEED FOR DEDICATION OF PUBLIC RIGHT-OF-WAY FROM CERTAIN REAL PROPERTY LOCATED IN PIMA COUNTY ALONG LA CHOLLA BOULEVARD.

WHEREAS, the Town of Oro Valley is a political subdivision of the State of Arizona vested with all associated rights, privileges and benefits and is entitled to the immunities and exemptions granted municipalities and political subdivisions under the Constitution and laws of the State of Arizona and the United States; and

WHEREAS, the Town requires additional right-of-way on La Cholla Boulevard from property owned by the Lin Trust and TF Naranja Group L.L.C.; and

WHEREAS, the Lin Trust and TF Naranja Group L.L.C. desire to convey to the Town by Special Warranty Deed for Dedication of Public Right-of-Way that certain real property located in Pima County along La Cholla Boulevard, attached hereto as Exhibit "A" and incorporated herein by this reference; and

WHEREAS, it is in the best interest of the Town to accept the Special Warranty Deed for Dedication of Public Right-of-Way for said real property.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley that:

1. The Special Warranty Deed for Dedication of Public Right-of-Way from Lin Trust and TF Naranja Group L.L.C., attached hereto as Exhibit "A", is hereby accepted by the Town.

PASSED AND ADOPTED by the Mayor and Council of Oro Valley, Arizona this 19th day of January, 2011.

TOWN OF ORO VALLEY

_____
Dr. Satish I. Hiremath, Mayor

ATTEST:

_____
Julie K. Bower, Town Clerk

Date: _____

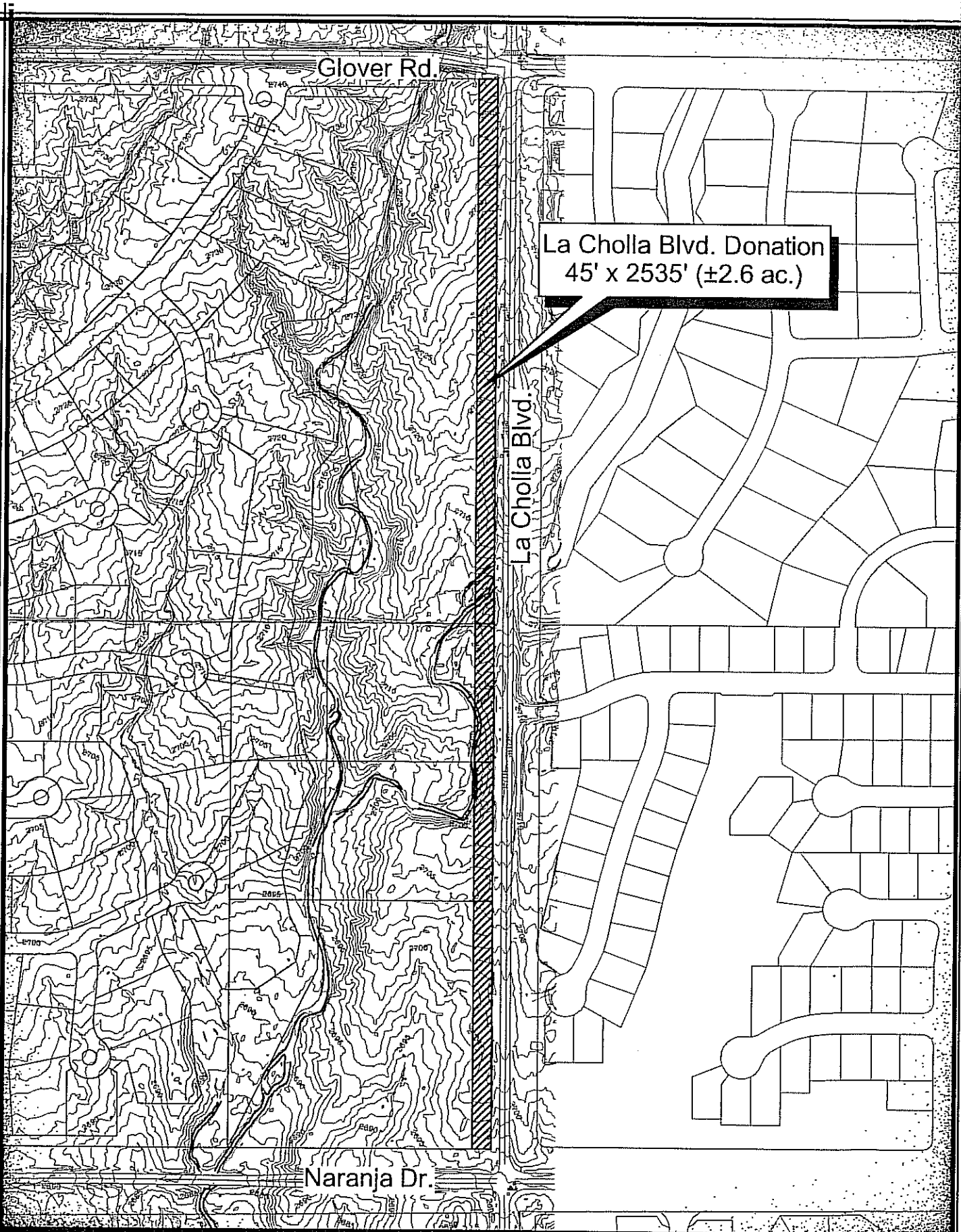
APPROVED AS TO FORM:

_____
Tobin Rosen, Town Attorney

Date: _____

EXHIBIT “A”

EXHIBIT "A'



The WLB Group **WLB**

EXHIBIT 'A': LA CHOLLA BLVD.
RIGHT-OF-WAY DONATION AREA

2008.04.07
CONTOUR INTERVAL = 1'
WLB No. 199032-A-000

0' 300'

L:\199032\La Cholla Glover Donation Agreement - Exhibit A.dwg Plotted: Jun. 02, 2008

When Recorded Return To:
Town Engineer
Town of Oro Valley
11000 N. La Canada Drive
Oro Valley, AZ 85737

Special Warranty Deed
For Donation of Public Right-Of-Way

For the consideration of charitable purposes, KUO-MING LIN, also known as KENNETH LIN, and YING-HUA LIN, as Co-Trustees under trust agreement dated January 11, 1980, known as the LIN TRUST; YANG-WEN LIN, a single man; ORSON LIN and EMMA LIN, husband and wife; and T/F NARANJA GROUP, L.L.C., an Arizona limited liability company ("Grantors") do hereby make a charitable gift and convey to the Town of Oro Valley ("Grantee") for a right-of-way all right, title and interest of the Grantor in that certain real property located in Pima County, Arizona described on the attached Exhibit A.

This charitable conveyance is only subject to all taxes, assessments, patent reservations, covenants, conditions, restrictions, servitudes, easements, encumbrances, liens, liabilities, declarations, restrictions imposed by imposed by governmental entities, and any other matter of record or any matter which an accurate survey or physical inspection would reveal.

Grantors warrant title only as to the acts of Grantors.

Exempt from Affidavit of Value pursuant to A.R.S. Section 11-1134(A)(3).

Dated this _____ day of December, 2009.

Grantors:

KUO-MING LIN, also known as Kenneth Lin,
as Trustee for Lin Trust dated January 11, 1980

YING-HUA LIN, as Trustee for Lin Trust dated January 11, 1980

YANG-WEN LIN

ORSON LIN

EMMA LIN

T/F NARANJA GROUP, L.L.C., an Arizona limited liability company

By: _____
Charles L. Townsdin
Its Manager

State of Arizona)
) ss
County of Pima)

This document was acknowledged before me on this 11 day of ~~December, 2009~~ March 2010 by KUO-MING LIN, also known as Kenneth Lin, as Trustee of the LIN TRUST dated January 11, 1980.

My Commission Expires:

Notary Public

State of Arizona)
) ss

ELISABETT VARGAS
Notary Public, State of Arizona
Pima County
My Commission Expires
September 09, 2011

County of Pima)

This document was acknowledged before me on this 11 day of ~~December, 2009~~ March 2010 by YING-HUA LIN, as Trustee of the LIN TRUST dated January 11, 1980.

My Commission Expires:

ELISABETT VARGAS
Notary Public, State of Arizona
Pima County
My Commission Expires
September 09, 2011

Elisabett Vargas
Notary Public

State of Arizona)
) ss
County of Pima)

This document was acknowledged before me on this __ day of December, 2009 by YANG-WEN LIN.

My Commission Expires:

Notary Public

State of Arizona)
) ss
County of Pima)

This document was acknowledged before me on this __ day of December, 2009 by ORSON LIN.

My Commission Expires:

Notary Public

State of Arizona)
) ss
County of Pima)

This document was acknowledged before me on this __ day of December, 2009 by EMMA LIN.

My Commission Expires:

When Recorded Return To:
Town Engineer
Town of Oro Valley
11000 N. La Canada Drive
Oro Valley, AZ 85737

Special Warranty Deed
For Donation of Public Right-Of-Way

For the consideration of charitable purposes, KUO-MING LIN, also known as KENNETH LIN, and YING-HUA LIN, as Co-Trustees under trust agreement dated January 11, 1980, known as the LIN TRUST; YANG-WEN LIN, a single man; ORSON LIN and EMMA LIN, husband and wife; and T/F NARANJA GROUP, L.L.C., an Arizona limited liability company ("Grantors") do hereby make a charitable gift and convey to the Town of Oro Valley ("Grantee") for a right-of-way all right, title and interest of the Grantor in that certain real property located in Pima County, Arizona described on the attached Exhibit A.

This charitable conveyance is only subject to all taxes, assessments, patent reservations, covenants, conditions, restrictions, servitudes, easements, encumbrances, liens, liabilities, declarations, restrictions imposed by imposed by governmental entities, and any other matter of record or any matter which an accurate survey or physical inspection would reveal.

Grantors warrant title only as to the acts of Grantors.

Exempt from Affidavit of Value pursuant to A.R.S. Section 11-1134(A)(3).

Dated this _____ day of December, 2009.

Grantors:

_____
KUO-MING LIN, also known as Kenneth Lin,
as Trustee for Lin Trust dated January 11, 1980

_____
YING-HUA LIN, as Trustee for Lin Trust dated January 11, 1980

YANG-WEN LIN

_____
ORSON LIN

_____
EMMA LIN

T/F NARANJA GROUP, L.L.C., an Arizona limited liability company

By: _____
Charles L. Townsdin
Its Manager

State of Arizona)
) ss
County of Pima)

This document was acknowledged before me on this __ day of December, 2009 by KUO-MING LIN, also known as Kenneth Lin, as Trustee of the LIN TRUST dated January 11, 1980.

My Commission Expires:

_____
Notary Public

State of Arizona)
) ss

County of Pima)

This document was acknowledged before me on this __ day of December, 2009 by YING-HUA LIN, as Trustee of the LIN TRUST dated January 11, 1980.

My Commission Expires:

Notary Public

State of Arizona)
) ss
County of Pima)

This document was acknowledged before me on this 25 day of ~~December, 2009~~ February 25, 2010 by YANG-WEN LIN.

My Commission Expires:

ELISABETH VARGAS
Notary Public, State of Arizona
Pima County
My Commission Expires
September 09, 2011

Elisabeth Vargas
Notary Public

State of Arizona)
) ss
County of Pima)

This document was acknowledged before me on this __ day of December, 2009 by ORSON LIN.

My Commission Expires:

Notary Public

State of Arizona)
) ss
County of Pima)

This document was acknowledged before me on this __ day of December, 2009 by EMMA LIN.

My Commission Expires:

Notary Public

State of Arizona)
) ss
County of Pima)

This document was acknowledged before me on this __ day of December, 2009 by CHARLES L. TOWNSDIN, as Manager of T/F NARANJA GROUP, L.L.C.

My Commission Expires:

_____
Notary Public

NOTE: The beneficiaries of the Lin Trust dated January 11, 1980 are disclosed in Docket 10835 at page 2346.

When Recorded Return To:
Town Engineer
Town of Oro Valley
11000 N. La Canada Drive
Oro Valley, AZ 85737

Special Warranty Deed
For Donation of Public Right-Of-Way

For the consideration of charitable purposes, KUO-MING LIN, also known as KENNETH LIN, and YING-HUA LIN, as Co-Trustees under trust agreement dated January 11, 1980, known as the LIN TRUST; YANG-WEN LIN, a single man; ORSON LIN and EMMA LIN, husband and wife; and T/F NARANJA GROUP, L.L.C., an Arizona limited liability company ("Grantors") do hereby make a charitable gift and convey to the Town of Oro Valley ("Grantee") for a right-of-way all right, title and interest of the Grantor in that certain real property located in Pima County, Arizona described on the attached Exhibit A.

This charitable conveyance is only subject to all taxes, assessments, patent reservations, covenants, conditions, restrictions, servitudes, easements, encumbrances, liens, liabilities, declarations, restrictions imposed by imposed by governmental entities, and any other matter of record or any matter which an accurate survey or physical inspection would reveal.

Grantors warrant title only as to the acts of Grantors.

Exempt from Affidavit of Value pursuant to A.R.S. Section 11-1134(A)(3).

Dated this _____ day of December, 2009.

Grantors:

_____
KUO-MING LIN, also known as Kenneth Lin,
as Trustee for Lin Trust dated January 11, 1980

YING-HUA LIN, as Trustee for Lin Trust dated January 11, 1980

YANG-WEN LIN

ORSON LIN

EMMA LIN

T/F NARANJA GROUP, L.L.C., an Arizona limited liability company

By: _____
Charles L. Townsdin
Its Manager

State of Arizona)
) ss
County of Pima)

This document was acknowledged before me on this __ day of December, 2009 by KUO-MING LIN, also known as Kenneth Lin, as Trustee of the LIN TRUST dated January 11, 1980.

My Commission Expires:

Notary Public

State of Arizona)
) ss

County of Pima)

This document was acknowledged before me on this __ day of December, 2009 by YING-HUA LIN, as Trustee of the LIN TRUST dated January 11, 1980.

My Commission Expires:

Notary Public

State of Arizona)
) ss
County of Pima)

This document was acknowledged before me on this __ day of December, 2009 by YANG-WEN LIN.

My Commission Expires:

Notary Public

State of Arizona)
) ss
County of Pima)

This document was acknowledged before me on this 1 day of ~~December, 2009~~ March 2010 by ORSON LIN.

My Commission Expires:

ELISABETT VARGAS
Notary Public, State of Arizona
Pima County
My Commission Expires
September 09, 2011

Notary Public

State of Arizona)
) ss
County of Pima)

This document was acknowledged before me on this 1 day of ~~December, 2009~~ March 2010 by EMMA LIN.

My Commission Expires:

ELISABETT VARGAS
Notary Public, State of Arizona
Pima County
My Commission Expires
September 09, 2011

Notary Public

State of Arizona)
) ss
County of Pima)

This document was acknowledged before me on this __ day of December, 2009 by CHARLES L. TOWNSDIN, as Manager of T/F NARANJA GROUP, L.L.C.

My Commission Expires:

_____
Notary Public

NOTE: The beneficiaries of the Lin Trust dated January 11, 1980 are disclosed in Docket 10835 at page 2346.

When Recorded Return To:
Town Engineer
Town of Oro Valley
11000 N. La Canada Drive
Oro Valley, AZ 85737

Special Warranty Deed
For Donation of Public Right-Of-Way

For the consideration of charitable purposes, KUO-MING LIN, also known as KENNETH LIN, and YING-HUA LIN, as Co-Trustees under trust agreement dated January 11, 1980, known as the LIN TRUST; YANG-WEN LIN, a single man; ORSON LIN and EMMA LIN, husband and wife; and T/F NARANJA GROUP, L.L.C., an Arizona limited liability company ("Grantors") do hereby make a charitable gift and convey to the Town of Oro Valley ("Grantee") for a right-of-way all right, title and interest of the Grantor in that certain real property located in Pima County, Arizona described on the attached Exhibit A.

This charitable conveyance is only subject to all taxes, assessments, patent reservations, covenants, conditions, restrictions, servitudes, easements, encumbrances, liens, liabilities, declarations, restrictions imposed by imposed by governmental entities, and any other matter of record or any matter which an accurate survey or physical inspection would reveal.

Grantors warrant title only as to the acts of Grantors.

Exempt from Affidavit of Value pursuant to A.R.S. Section 11-1134(A)(3).

Dated this _____ day of December, 2009.

Grantors:

_____
KUO-MING LIN, also known as Kenneth Lin,
as Trustee for Lin Trust dated January 11, 1980

_____
YING-HUA LIN, as Trustee for Lin Trust dated January 11, 1980

_____
YANG-WEN LIN

_____
ORSON LIN

_____
EMMA LIN

T/F NARANJA GROUP, L.L.C., an Arizona limited liability company

By: _____
Charles L. Townsdin
Its Manager

State of Arizona)
) ss
County of Pima)

This document was acknowledged before me on this __ day of December, 2009 by KUO-MING LIN, also known as Kenneth Lin, as Trustee of the LIN TRUST dated January 11, 1980.

My Commission Expires:

_____
Notary Public

State of Arizona)
) ss

County of Pima)

This document was acknowledged before me on this __ day of December, 2009 by YING-HUA LIN, as Trustee of the LIN TRUST dated January 11, 1980.

My Commission Expires: _____
Notary Public

State of Arizona)
) ss
County of Pima)

This document was acknowledged before me on this __ day of December, 2009 by YANG-WEN LIN.

My Commission Expires: _____
Notary Public

State of Arizona)
) ss
County of Pima)

This document was acknowledged before me on this __ day of December, 2009 by ORSON LIN.

My Commission Expires: _____
Notary Public

State of Arizona)
) ss
County of Pima)

This document was acknowledged before me on this __ day of December, 2009 by EMMA LIN.

My Commission Expires: _____

Notary Public

State of Arizona)
) ss
County of Pima)

This document was acknowledged before me on this 12th day of ~~December, 2009~~ February 2010 by CHARLES L. TOWNSDIN, as Manager of T/F NARANJA GROUP, L.L.C.

My Commission Expires: 3/31/2012

Tiffany Gorrell
Notary Public

OFFICIAL SEAL
TIFFANY GORRELL
NOTARY PUBLIC-ARIZONA
PIMA COUNTY
My Comm. Exp. Mar. 31, 2012

NOTE: The beneficiaries of the Lin Trust dated January 11, 1980 are disclosed in Docket 10835 at page 2346.

EXHIBIT "B'

The WLB Group Inc.

October 22, 2009
WLB No. 199032-A006-1003X
W:\LEGALS\199032\ROW-LACHOLLA-ALL.doc

EXHIBIT "B"
LEGAL DESCRIPTION OF
LA CHOLLA BOULEVARD
RIGHT-OF-WAY DONATION

The West 45.00 feet of the East 75.00 feet of the Southeast Quarter (SE 1/4) of Section 4, Township 12 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona.

Except the South 75.00 feet and the North 50.00 feet thereof;

Including a spandrel being a three sided parcel bounded on the south by a line being the South 75.00 feet and on the east by the West line of the East 75.00 feet of said Southeast Quarter (SE 1/4) and on the Northwest by a tangent curve concave to the Northwest with a radius of 25.00 feet;

Also including a spandrel being a three sided parcel bounded on the north by a line being the North 50.00 feet and on the east by the West line of the East 75.00 feet of said Southeast Quarter (SE 1/4) and on the Southwest by a tangent curve concave to the Southwest with a radius of 25.00 feet;

Prepared by:
THE WLB GROUP, INC

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
12214
JACK A.
BUCHANAN
DATE SIGNED 11-13-
Arizona U.S.A.
EXPIRES 3/31/2011
(INDICATES RENEWAL DATE)

Jack A. Buchanan, RLS
JAB: mo

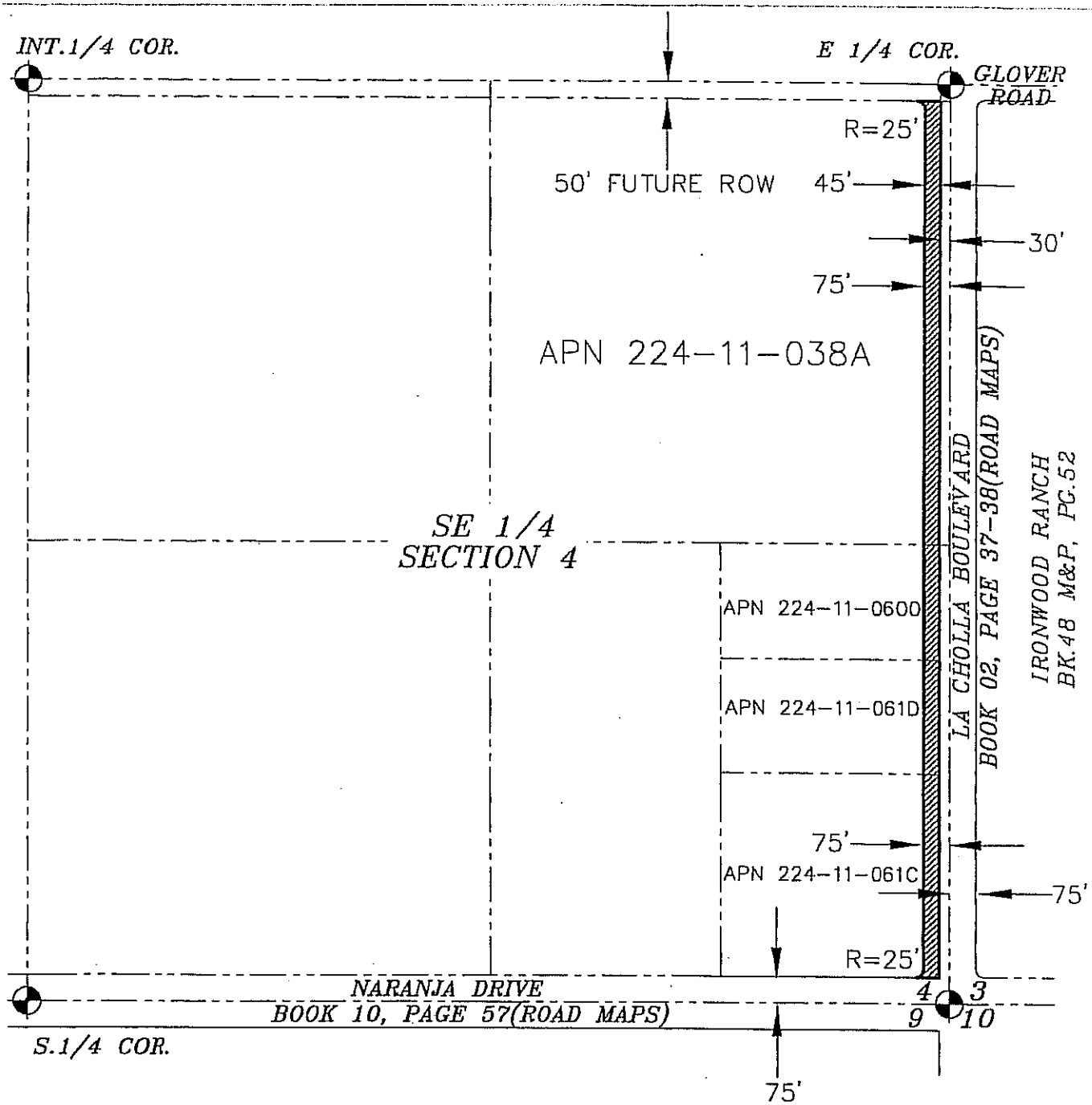


EXHIBIT "B"
TO ACCOMPANY DESCRIPTION OF
RIGHT-OF-WAY DONATION
SECTION 4, T. 12 S., R. 13 E., G.&S.R.M.,
PIMA COUNTY, ARIZONA

1"=400'

The WLB Group, Inc. WLB

WLB# project No. 199032-A001-1003X
N:□199032□survey□EXBT-ROW.dwg Plotted: Oct. 26,2009

Item #: F.

Town Council Regular Session

Date: 01/19/2011

Requested by:	David Williams, Planning Division Manager
Submitted By:	David Ronquillo, Development Infrastructure Services
Department:	Development Infrastructure Services

Information

SUBJECT:

OV12-05-36B Copperstone Development LLC requests a time extension to January 19, 2013 for an approved development plan for property located between Hardy Road and Calle Concordia on the west side of Oracle Road

RECOMMENDATION:

The development plan meets all zoning code requirements. The applicant submitted the request before the expiration date. Staff recommends extending the development plan approval until January 19, 2013.

EXECUTIVE SUMMARY:

The applicant seeks an extension to a previously approved development plan. The Zoning Code requires development plans to be re-approved if more then two years have elapsed since the prior approval without improvements occuring. The development plan approval expired on December 6, 2010. The first extension was approved by Council in 2008 and this is the second request. The rationale for the requested development plan extension is provided in the attached request letter from the applicant. The proposed medical office development has been slowed by economic conditions. There are no land use policy or zoning district changes affecting this property since the development plan was originally approved.

BACKGROUND OR DETAILED INFORMATION:

Site Conditions:

• The proposed site is currently vacant and undisturbed.
• Site is 3.35 acres in size.
• A 20' alley separates this property from the adjacent residential property line.
• The zoning is R-S, Residential Service District.

Proposed Improvements:

• The entire property will be developed in one phase.
• Two buildings are proposed totaling 40,800 square feet. Each will be two stories in height (28' 6" on the west side of the building and 33' 4" on the east side of the building).
• The proposed uses will include medical and general offices.
• Mitigation measures (lowered height, setbacks, bufferyards, etc.) were incorporated on the site to lessen impacts on the adjacent homes to the west.

Approvals to date:

• Board of Adjustment approved a height variance for this project, allowing a maximum building height of

34 feet, on July 2006.
• Town Council approved the development plan for this project on December 6, 2006.
• Town Council approved a development plan extension in October 2008.

Zoning Code Compliance:

All site design elements were addressed as part of the development plan process. There have been recent code updates (landscape code) that may require changes to the development plan when building plans are submitted. The proposed development plan is in conformance with applicable zoning code requirements.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to [approve, approve with conditions, OR deny] OV12-05-36B, Copperstone Development LLC., represented by Scott Welch, request for a development plan extension for a period of two years to expire on January 19, 2013.

Attachments

Link: Request Letter

Link: Development Plan

COPPERSTONE DEVELOPMENT LLC

10825 E. Escalante Road, Tucson, Arizona 85730

November 22, 2010

David Ronquillo
Senior Planner
Development and Infrastructure Services Department
Town of Oro Valley
11000 N. La Canada Drive
Oro Valley, AZ 85737

Subject: Development Plan Extension Request
Oro Valley Case File OV1205-36

Dear Mr. Ronquillo:

Due to historically poor market conditions, CopperStone Development LLC has not been able to develop the project labeled Oro Valley Case File OV1205-36.

We hereby request a two year extension of the Development Plan for this project.

If you have further questions, please feel free to call or email me at the numbers shown below.

Best regards,

D. Scott Welch
Managing Partner
CopperStone Development LLC
10825 E. Escalante Road
Tucson, AZ 85730
520-885-1861 Fax: 520-885-0207
dswelchs@earthlink.net

CopperStone Professional Center
Development Plan
OV12-05-36

General Notes and Calculations:

1. GROSS AND NET AREA OF DEVELOPMENT: 145,712.88 SF (3.35 AC).
2. EXISTING ZONING: R-S
3. BUILDING SQUARE FOOTAGE: 40,800
4. F.A.R. ALLOWED: 0.28 TOTAL
   F.A.R. BASE: 0.25
   F.A.R. ADDITIONS: 0.03 (ALL BUILDINGS IN REAR HALF)
5. F.A.R. PROPOSED: 40,800/145,713=0.28
6. PARKING LOT DESIGN VEHICLE: SU-30 (15 MPH)
7. PARKING SPACES REQUIRED (61% MEDICAL, 39% OFFICE):
   (0.61)(4.5)(40,800/1,000)+(0.39)(3)(40,800/1,000)=160 SPACES
8. PARKING SPACES PROVIDED: 160 (80 IN FRONT, 80 IN REAR)
9. HC SPACES REQUIRED: 5
10. HC SPACES PROVIDED: 6
11. VAN-ACCESSIBLE HC SPACES REQUIRED: 1
12. VAN-ACCESSIBLE HC SPACES PROVIDED: 4
13. BICYCLE SPACES REQUIRED:
    (160 PARKING SPACES/20)=8 SPACES (1 CLASS 1)
14. BICYCLE SPACES PROVIDED: 9 SPACES
    (2 CLASS 1, 7 CLASS 2)
15. LOADING SPACES REQUIRED: 1
16. LOADING SPACES PROVIDED: 1 (DROPOFF AREA)
17. LANDSCAPING REQUIRED:
    (0.36)(145,713)=52,457 SF
18. LANDSCAPING PROVIDED:

BUILDING AREA:	11,465 SF	
PARKING AREA:	3,635 SF	
PERIMETER:	39,213 SF	(18,901 SF STREET- 13.0%)
TOTAL	54,313 SF	(37.3%)

19. BUILDING SETBACKS:
    FRONT: 120 FEET
    SIDES: 20 FEET
    REAR: 40 FEET
20. BUFFERYARDS:
    FRONT: 30' BUFFERYARD 'B'
    SIDES: 10' BUFFERYARD 'A'
    REAR: 30' BUFFERYARD 'B'
21. BUILDING HEIGHT: 34 FEET PERMITTED BY VARIANCE OV10-06-07 (07/28/2006) WITH THE FOLLOWING CONDITION:
    - THE PARAPET AND LIGHTING IS TO BE LOWERED AS MUCH AS POSSIBLE (LIGHTING TO BE REVIEWED DURING BUILDING PERMIT PROCESS).
22. SCREENING:
    FRONT: 42" MINIMUM HEIGHT WALL SCREENING FOR PARKING AREA
    SIDES: NONE
    REAR: 6'-HIGH WALL FRONTED WITH DENSE VEGETATION SCREENING IN BASIN AREA
23. BASIS OF BEARINGS: MONUMENTED CENTERLINE OF ORACLE ROAD PER BOOK 13, PAGE 75 OF MAPS AND PLATS, SAID BEARING BEING S19°45'10"W.
24. BASIS OF ELEVATIONS: ARIZONA HIGHWAY DEPARTMENT BRASS CAP LOCATED ON THE HEADWALL OF A CONCRETE BOX CULVERT APPROXIMATELY 500 FEET SOUTH OF THE INTERSECTION OF HARDY ROAD AND ORACLE ROAD PER BOOK 31, PAGE 95 OF MAPS AND PLATS. ELEVATION=2620.35 (NGVD29).
25. DEVELOPMENT PLANS WILL BE SUBMITTED FOR COMMERCIAL LOTS OR PADS PRIOR TO THE ISSUANCE OF ANY PERMITS BY THE TOWN ENGINEER AND/OR BUILDING OFFICIAL.
27. DEVELOPER WILL COVENANT TO HOLD TOWN OF ORO VALLEY, ITS SUCCESSORS AND ASSIGNS, HARMLESS IN THE EVENT OF FLOODING.
28. DRAINAGE WILL NOT BE ALTERED, DISTURBED OR OBSTRUCTED WITHOUT THE APPROVAL OF THE ORO VALLEY TOWN COUNCIL.
29. DRAINAGEWAYS WILL BE CONSTRUCTED ACCORDING TO APPROVED PLANS PADS PRIOR TO THE ISSUANCE OF ANY PERMITS BY THE TOWN ENGINEER AND/OR BUILDING OFFICIAL.
30. IF LOTS ARE TO BE SOLD IN THIS DEVELOPMENT, A PROPERTY'S ASSOCIATION WILL BE FORMED TO ACCEPT RESPONSIBILITY FOR MAINTENANCE, CONTROL, SAFETY AND LIABILITY OF COMMON AREAS.
31. APPROVED IMPROVEMENT PLANS AND APPROVED ASSURANCES WILL BE REQUIRED PRIOR TO ISSUANCE OF GRADING PERMITS.
32. THE PROPERTY OWNER, HIS SUCCESSORS OR ASSIGNS AGREE TO:
    1) KEEP ALL REQUIRED LANDSCAPED AREAS MAINTAINED IN A WEED FREE, TRASH FREE CONDITION;
    2) REPLACE ANY DEAD PLANT MATERIALS WITHIN 90 DAYS AND
    3) MAINTAIN THE IRRIGATION SYSTEM IN PROPER WORKING ORDER.
33. PUBLIC ART WILL BE PROVIDED PER ORO VALLEY ZONING CODE, SECTION 27.3.

GOLDER RANCH FIRE DISTRICT NOTES (34-37):

34. FIRE HYDRANTS CONNECTED TO AN APPROVED WATER SUPPLY OF 1,500 GPM FOR FIRE PROTECTION SHALL BE INSTALLED AND IN SERVICE PRIOR TO COMBUSTIBLE MATERIAL DELIVERY TO THE SITE. TEMPORARY CONSTRUCTION OFFICE TRAILERS ARE CONSIDERED COMBUSTIBLE MATERIALS.
35. APPROVED FIRE APPARATUS ACCESS ROADS SHALL BE INSTALLED AND IN SERVICE PRIOR TO COMBUSTIBLE MATERIAL DELIVERY TO THE SITE.
36. AN APPROVED AUTOMATIC SPRINKLER SYSTEM SHALL BE INSTALLED THROUGHOUT EACH BUILDING.
37. TEMPORARY STREET SIGNS SHALL BE INSTALLED AT EACH STREET INTERSECTION WHEN CONSTRUCTION OF NEW ROADWAYS ALLOWS PASSAGE OF VEHICLES. ALL STRUCTURES UNDER CONSTRUCTION SHALL BE CLEARLY IDENTIFIED WITH AN APPROVED ADDRESS.

PIMA COUNTY WASTEWATER MANAGEMENT NOTES (38-44):

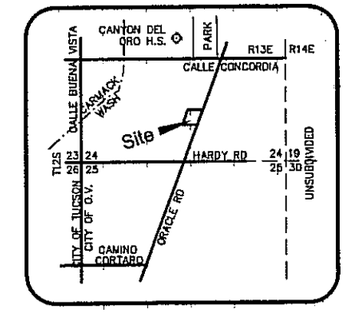
38. THIS PROJECT HAS 156 PROPOSED AND 0 EXISTING WASTEWATER FIXTURE UNIT EQUIVALENTS, PER TABLE 13.20.045(E)(1) IN PIMA COUNTY CODE 13.20.045(E).
39. ON-SITE SANITARY SEWERS WILL BE PRIVATE AND WILL BE CONSTRUCTED, OPERATED AND MAINTAINED ON A PRIVATE BASIS. THE LOCATION AND METHOD OF CONNECTION TO AN EXISTING PUBLIC SANITARY SEWER IS SUBJECT TO REVIEW AND APPROVAL BY THE PIMA COUNTY WASTEWATER MANAGEMENT DEPARTMENT AT THE TIME OF SUBMITTAL OF PLUMBING OR BUILDING PLANS.
40. ANY RELOCATION, MODIFICATION, ETC., OF THE EXISTING UTILITIES AND/OR PUBLIC IMPROVEMENTS REQUIRED BY THIS DEVELOPMENT WILL BE AT NO EXPENSE TO THE PUBLIC.
41. ANY WASTEWATER DISCHARGED INTO THE PUBLIC SANITARY SEWERAGE SYSTEM SHALL MEET THE REQUIREMENTS OF THE INDUSTRIAL WASTE ORDINANCE (PIMA COUNTY ORDINANCE NO. 1991-140, AS AMENDED).
42. MAINTENANCE AND OPERATION OF THE PRIVATE SANITARY SEWER TO ITS POINT OF CONNECTION TO THE PUBLIC SEWER IS THE RESPONSIBILITY OF THE PROPERTY OWNER.
43. THE REQUIRED OFF-SITE PUBLIC SANITARY SEWER LINE WILL BE DESIGNED AND CONSTRUCTED TO PIMA COUNTY WASTEWATER MANAGEMENT DEPARTMENT STANDARDS.
44. A PROJECT CONSTRUCTION PERMIT MUST BE SECURED FROM PIMA COUNTY WASTEWATER MANAGEMENT DEPARTMENT BEFORE BEGINNING ANY WORK ON THIS PROJECT.

Legend

	PROPERTY LINE
	BUILDING SETBACK
	BUFFERYARD BOUNDARY
	EASEMENT
	CURB
	BUILDING
	RETAINING WALL
	ASPHALT
	CONCRETE
-----W-----	EXISTING WATER
-----S-----	EXISTING SEWER
------2640-------	EXISTING ELEVATION CONTOUR
——22——	FINISHED ELEVATION CONTOUR
45.00	FINISHED SPOT ELEVATION
——8"S——●	NEW SANITARY SEWER LINE/MANHOLE
BCS	NEW SANITARY CLEANOUT/BUILDING CONNECTION SEWER
——W——	NEW WATER LINE
	NEW FIRE HYDRANT
LA	LANDSCAPED AREA
FFE	FINISHED FLOOR ELEVATION
TRW/BRW	TOP/BOTTOM OF RETAINING WALL
	DIRECTION OF SURFACE FLOW
	DIRECTION OF ROOF FLOW
----------	GRADING LIMITS
△	SURVEY MONUMENT
	FOUND CORNER
○	SET 1/2" I.P. CORNER RLS 33308
	SIGHT VISIBILITY TRIANGLE

TOWN OF ORO VALLEY
PROJ#: OV1205-36
ZONE: R — S
GENERAL ADDRESS:
9005 N. ORACLE RD

Location M[redacted]



SCALE: 3" = 1 MILE
A PORTION OF SECTION 24, T12S, R13E
G&SRM, PIMA COUNTY, ARIZONA

Engineer

PHYSICAL RESOURCE ENGINEERING INC.
PO BOX 36985
TUCSON, AZ 85740
(520) 690-1669
ATTN: DAN WHITE

Owner/Developer

COPPERSTONE DEVELOPMENT LLC
4651 N. 1ST AVENUE, SUITE 200A
TUCSON, AZ 85718
(520) 808-3700
ATTN: DEVIN WELCH

Index of Sheets

C1	COVER SHEET	1 OF 3
C2	IMPROVEMENTS	2 OF 3
C3	DETAILS	3 OF 3

DETAILS

ACCEPTED

I Kathryn E. Cuvelier, CMC, TOWN CLERK, TOWN OF ORO VALLEY, AZ. HEREBY CERTIFY THAT THE DEVELOPMENT PLAN FOR OV12-05-36 WAS APPROVED BY THE MAYOR AND COUNCIL ON THE 06 DAY OF Dec 2006, DATED THIS 23 DAY OF 23 March 2007.

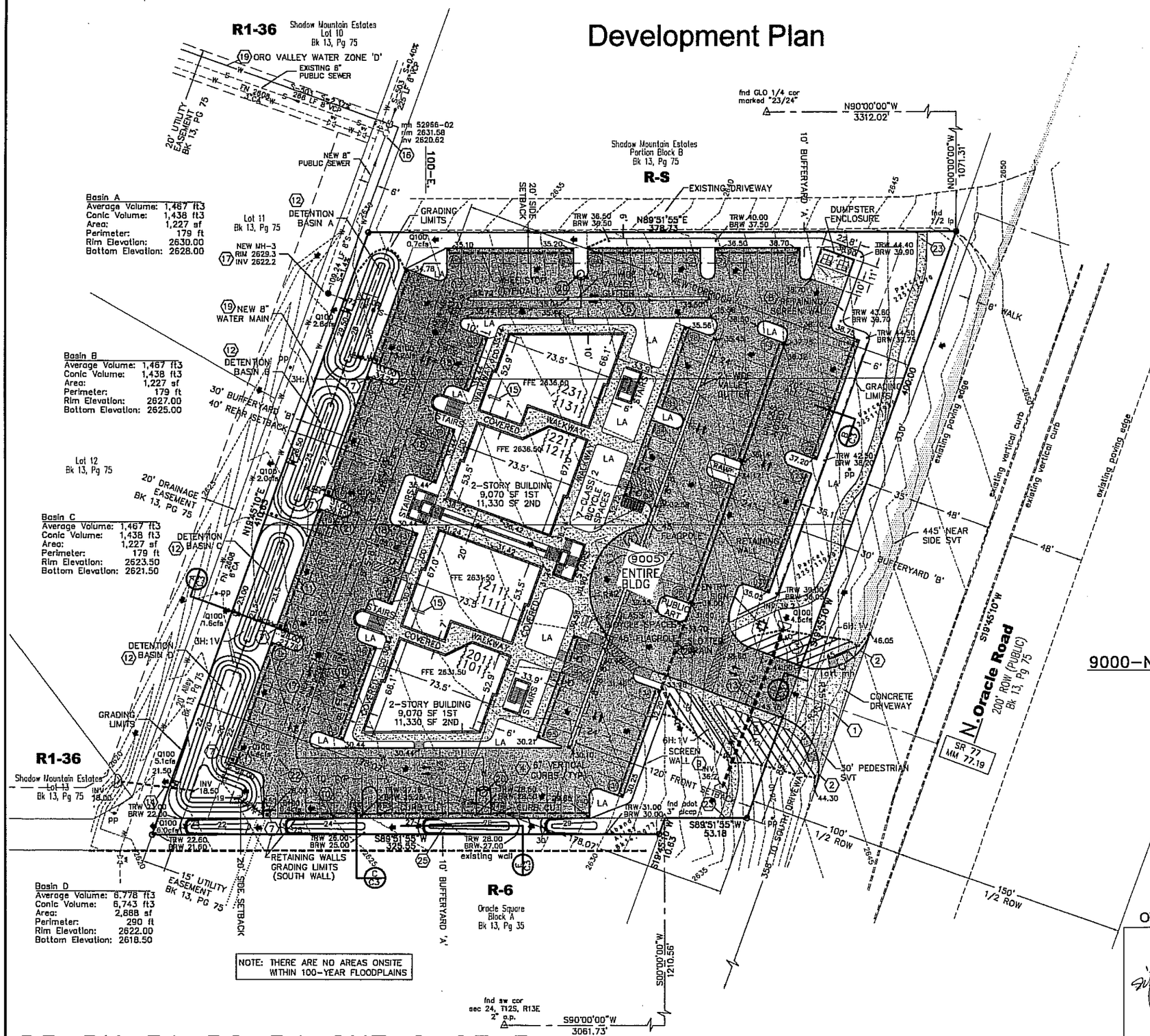
Kathryn E. Cuvelier — 3-23-07
ORO VALLEY TOWN CLERK — DATE

(C.C. Patel, P.E - Civil Engg. Manager) — 02-14-07
PIMA COUNTY WASTEWATER APPROVAL — DATE

OV12-05-36

SHEET 1 OF 3	CopperStone Professional Center	
DWG NO.: C1	DEVELOPMENT PLAN	
	Shadow Mountain Estates South 400' Block B, Book 13, Page 75, M&P G&SRM, Pima County, Arizona	
DESIGNED BY: SDC DRAWN BY: SDC DATE: 01/29/2007 JOB No.: 05234 SCALE:	PRE PHYSICAL RESOURCE ENGINEERING, INC. P.O. BOX 36985 4655 N. FLOWING WELLS TUCSON, AZ. 85705 PHONE (520)690-1669 FAX (520)690-1769	

Development Plan



NOTE: THERE ARE NO AREAS ONSITE WITHIN 100-YEAR FLOODPLAINS

Keyed Notes:

1. CONSTRUCT 35'-WIDE DRIVEWAY ENTRANCE. PROVIDE CONCRETE PAVEMENT WITHIN ORACLE ROAD RIGHT-OF-WAY. SEE SECTION D, SHEET C3.
2. CONSTRUCT CONCRETE HEADERS AT CURB RETURNS PER PC 213.
3. CONSTRUCT 6'-LONG CONCRETE CURB TERMINAL SECTION PER PC 212.
4. CONSTRUCT 6" REVEAL CONCRETE VERTICAL CURB PER PC 209 (TYPICAL).
5. CONSTRUCT 156 LF CONCRETE VALLEY GUTTER PER PC 208 (WIDTH MODIFIED).
6. CONSTRUCT 280 LF CONCRETE VALLEY GUTTER PER PC 208 (WIDTH MODIFIED).
7. CONSTRUCT 36"-DEEP TYPE 4 OFF ROAD CATCH BASIN EQUIPPED WITH APPROVED FIRST FLUSH ENHANCEMENTS AND 12" DISCHARGE PIPE INTO BASIN BOTTOM. PROVIDE 2' WALL CUT (5' AT BASIN B) DISCHARGING ONTO 4'-WIDE x 12"-DEEP RIPRAP PAD WITH FILTER FABRIC UNDERLAYMENT. D-50=6". SEE PC 309.
8. CONSTRUCT 435 LF MASONRY RETAINING/SCREEN WALL. MINIMUM HEIGHT 42".
9. CONSTRUCT 100 LF 42"-HIGH MASONRY SCREEN WALL.
10. CONSTRUCT 190 LF CONCRETE RETAINING WALL. SEE SECTION C, SHEET C3.
11. CONSTRUCT 415 LF 30"-HIGH RETAINING WALL WITH 42"-HIGH MASONRY SCREEN WALL ABOVE PARKING AREA LEVEL.
12. CONSTRUCT DETENTION BASIN WITH 3H:1V SIDE SLOPES. CONSTRUCT 2'-WIDE CONCRETE WEIR AT SPILLWAY ELEVATION. PROVIDE 12"-THICK RIPRAP WITH FILTER FABRIC UNDERLAYMENT ON DISCHARGE SIDE. D-50=6". SEE BASIN DATA TABLES THIS SHEET AND TYPICAL SECTION A, SHEET C3.
13. INSTALL 92 LF 24" CMP WITH END SECTIONS.
14. INSTALL 45 LF 12" CMP WITH END SECTION ON WEST END.
15. ALL ROOF FLOWS TO BE COLLECTED ON WEST SIDE OF BUILDING AND CONVEYED TO PARKING SURFACE THROUGH DOWNSPOUTS AND TYPE 1 SIDEWALK SCUPPERS PER PC 205. LOCATIONS NOT YET DETERMINED.
16. CONNECT NEW 8" PVC SEWER MAIN TO EXISTING MANHOLE 52966-02 PER WWM-301.
17. CONSTRUCT NEW FLAT TOP MANHOLE PER WWM-208.
18. CONSTRUCT BUILDING CONNECTION SEWER PER WWM-401.
19. CONSTRUCT NEW 8" WATER MAIN. EXTEND NORTHEASTERLY WITHIN PLATTED SHADOW MOUNTAIN ESTATES UTILITY EASEMNT WEST OF BLOCK B. CONNECT TO EXISTING 12" ORO VALLEY WATER MAIN LOCATED IN SHADOW MOUNTAIN DRIVE ROW. SEE ORO VALLEY WATER UTILITY PROJECT 206.55-A-8000, SHEET 5 AND SHADOW MOUNTAIN ESTATES PLAT, BOOK 13, PAGE 75, MAPS AND PLATS.
20. INSTALL FIRE HYDRANT PER W-500.
21. DOMESTIC AND IRRIGATION WATER SERVICE METER LOCATIONS.
22. RELOCATE EXISTING TEP UNDERGROUND FACILITIES WITHIN EXISTING EASEMENT.
23. CONSTRUCT 6'-WIDE MEANDERING SIDEWALK TO EXTENTS SHOWN ON SUBJECT PROPERTY.
24. INSTALL SLOTTED DRAIN (6" SLOT/8" PIPE). INVERT PIPE 16" BELOW DRIVE.
25. PROVIDE CASCADING WATER HARVESTING BASINS ALONG SOUTH BOUNDARY. CONSTRUCT 320 LF 1'-HIGH GRADE WALL AT SOUTH PROPERTY LINE. SEE SECTION E, SHEET 3.

AVERAGE CROSS-SLOPE CALCULATION:

$$S = \frac{I \times L \times 0.0023}{A} = \frac{1.0 \times 7{,}198 \times 0.0023}{3.35}$$

S = 4.94%

NOTE: THERE ARE NO AREAS ONSITE GREATER THAN 15% SLOPE

PROJECT EARTHWORK QUANTITIES:

CUT: 4,500 CY
FILL: 4,500 CY

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

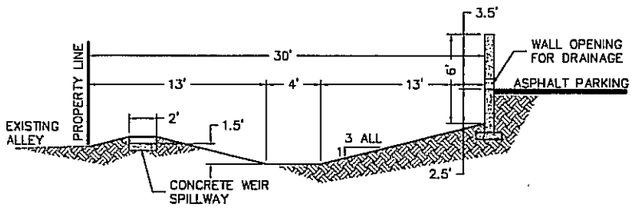
ONE-FOOT ELEVATION CONTOURS

OV12-05-36

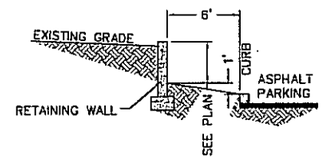
SHEET 2 OF 3	CopperStone Professional Center	
DWG NO.: C2	DEVELOPMENT PLAN Shadow Mountain Estates South 400' Block B, Book 13, Page 75, M&P G&SRM, Pima County, Arizona	
DESIGNED BY: SDC DRAWN BY: SDC DATE: 01/29/2007 JOB No.: 05234 SCALE: 1"=30'	PRE PHYSICAL RESOURCE ENGINEERING, INC. P.O. BOX 36985 4655 N. FLOWING WELLS TUCSON, AZ. 85705	PHONE (520)690-1669 FAX (520)690-1769

DP BK 31 PG 54 SHT 2 OF 3

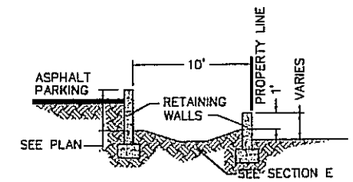
Development Plan



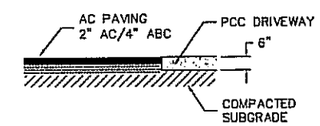
Section A
TYPICAL WEST BASIN
1"=5'



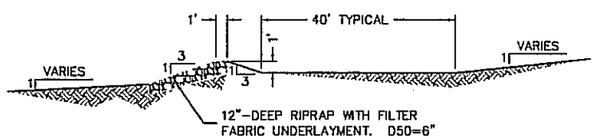
Section B
RETAINING/SCREEN WALL
1"=5'



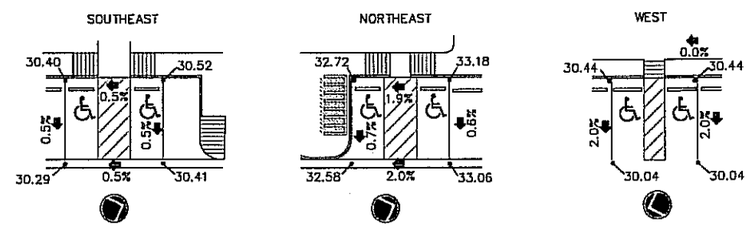
Section C
SOUTH RETAINING WALLS
1"=5'



Section D
DRIVEWAY
NTS



Section E
TYPICAL WATER HARVESTING BASIN
NTS



Detail 1
HANDICAP PARKING SPACES
NTS

OV12-05-36

	SHEET 3 OF 3	CopperStone Professional Center DEVELOPMENT PLAN
	DWG NO.: C3	Shadow Mountain Estates South 400' Block B, Book 13, Page 75, M&P G&SRM, Pima County, Arizona
	DESIGNED BY: SDC DRAWN BY: SDC DATE: 03/22/2007 JOB No.: 05234 SCALE:	PRE PHYSICAL RESOURCE ENGINEERING, INC. P.O. BOX 36985 4655 N. FLOWING WELLS TUCSON, AZ. 85705 PHONE (520)690-1669 FAX (520)690-1769

Item #: G.

Town Council Regular Session

Date: 01/19/2011

Requested by:	Jerene Watson, Town Manager	**Submitted By:**	Kevin Burke, Town Manager's Office
Department:	Town Manager's Office		

Information

SUBJECT:

Resolution No. (R)11-08 Adopting the Town of Oro Valley 2011 Strategic Plan

RECOMMENDATION:

Staff recommends adoption of the Town of Oro Valley 2011 Strategic Plan.

EXECUTIVE SUMMARY:

The Town of Oro Valley updates its Strategic Plan every two years. The most recent version of the Strategic Plan was adopted January 7, 2009. On November 20, 2010, the Town Council and the management team held a Strategic Planning Retreat to discuss revisions to the plan. Based on issues raised by the Council, and on subsequent feedback from the management team, staff developed a draft of the revised 2011 Strategic Plan. The draft document was distributed in the Council Report format. Additional questions and concerns from the Council were addressed and incorporated into the final document, which is presented here for approval.

Significant changes from the 2009 Strategic Plan include:

- A reduction in the number of Focus Areas from four to three;
- Goals listed separately, with specific Strategies and Actions for each;
- The inclusion of Performance Measures, adapted from the adopted FY 2011 budget.

The Town of Oro Valley 2011 Strategic Plan represents the shared vision of the town's residents and the priorities of the Town Council, and will provide strategic direction to the organization through the year 2012.

The final draft of the 2011 Strategic Plan will be provided prior to the January 19, 2011 Regular Session.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to adopt Resolution No. (R)11-08 Adopting the Town of Oro Valley 2011 Strategic Plan.

Attachments

Link: Resolution R11-08 Strategic Plan

RESOLUTION NO. (R) 11-08

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, ADOPTING THE TOWN OF ORO VALLEY 2011 STRATEGIC PLAN

WHEREAS, the Town of Oro Valley is a political subdivision of the State of Arizona vested with all associated rights, privileges and benefits and is entitled to the immunities and exemptions granted municipalities and political subdivisions under the Constitution and laws of the State of Arizona and the United States; and

WHEREAS, the current Town of Oro Valley Strategic Plan was approved and published in 2009; and

WHEREAS, the Town wishes to revise the current Strategic Plan to better reflect the current strategic posture of the Town; and

WHEREAS, the Town of Oro Valley 2011 Strategic Plan (the "Plan"), attached hereto as Exhibit "A" and incorporated herein by this reference, includes input from the Mayor and Council and all Town departments; and

WHEREAS, the Plan's focus areas are Leadership and Communication, Finance and Economic Development and Community Infrastructure; and

WHEREAS, the Mayor and Council believe that the adoption of the Plan is in the best interest of the Town and will help promote the health, safety and welfare of the Town.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, that:

SECTION 1. That certain document entitled "Town of Oro Valley 2011 Strategic Plan", attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby adopted.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this resolution or any part of the Town of Oro Valley 2011 Strategic Plan adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 19th day of January, 2011.

TOWN OF ORO VALLEY

_____
Dr. Satish I. Hiremath, Mayor

ATTEST:

_____
Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

_____
Tobin Rosen, Town Attorney

Date: _____

EXHIBIT “A”

Item #: 1.

Town Council Regular Session

Date: 01/19/2011

Requested by:	Kathryn Cuvelier, Town Clerk	**Submitted By:**	Mike Standish, Town Clerk's Office
Department:	Town Clerk's Office		

Information

SUBJECT:

PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR GRAIN RIVER ASIAN BISTRO RESTAURANT LOCATED AT 12985 N. ORACLE ROAD #125

RECOMMENDATION:

Staff recommends approval of this liquor license to the Arizona State Liquor Board for the following reasons:

1. No protests to this license have been received.

2. The necessary background investigation was conducted by the Police Department.

3. The Police Department has no objections to the approval of the Series 12 Liquor License.

EXECUTIVE SUMMARY:

An application has been submitted by Ms. Chih Ting Lin for a Series 12 (Restaurant) Liquor License for Grain River Asian Bistro Restaurant located at 12985 N. Oracle Road #125. Agent/owner Ms. Chih Ting Lin has submitted all necessary paperwork to the State Liquor Board and to the Town of Oro Valley and has paid all related fees associated with applying for the liquor license.

BACKGROUND OR DETAILED INFORMATION:

In accordance with Section 4-201 of the Arizona Revised Statutes, the application was posted for 20 days on the premises of the applicant's property, ending January 4, 2011. No protests were received during this time period. Police Chief Daniel Sharp completed a standard background check on Grain River Asian Bistro Restaurant and Owner/Agent Chih Ting Lin and has no objection to the approval of the Series 12 (Restaurant) Liquor License.

Series 12 Liquor License Description: Allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to recommend approval of the issuance of the Series 12 Liquor License to the Arizona State Liquor Board for Ms. Chih Ting Lin for Grain River Asian Bistro Restaurant located at 12985 N. Oracle Road #125.

Attachments

Link: Grain River Asian Bistro Liquor License

Print Form

10 NOV 30 Liq. Dept. PM 3:18

Arizona Department of Liquor Licenses and Control

800 West Washington, 5th Floor
Phoenix, Arizona 85007
www.azliquor.gov
602-542-5141

DEC 14'10PM 1:05 TOV

APPLICATION FOR LIQUOR LICENSE

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- ☒ INTERIM PERMIT *Complete Section 5*
- ☒ NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16*
- ☐ PERSON TRANSFER (Bars & Liquor Stores ONLY) *Complete Sections 2, 3, 4, 11, 13, 15, 16*
- ☐ LOCATION TRANSFER (Bars and Liquor Stores ONLY) *Complete Sections 2, 3, 4, 12, 13, 15, 16*
- ☐ PROBATE/WILL ASSIGNMENT/DIVORCE DECREE *Complete Sections 2, 3, 4, 9, 13, 16* (fee not required)
- ☐ GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16*

SECTION 2 Type of ownership:

- ☐ J.T.W.R.O.S. *Complete Section 6*
- ☐ INDIVIDUAL *Complete Section 6*
- ☐ PARTNERSHIP *Complete Section 6*
- ☐ CORPORATION *Complete Section 7*
- ☒ LIMITED LIABILITY CO. *Complete Section 7*
- ☐ CLUB *Complete Section 8*
- ☐ GOVERNMENT *Complete Section 10*
- ☐ TRUST *Complete Section 6*
- ☐ OTHER Explain

SECTION 3 Type of license and fees

LICENSE #: 12104091

Department Use Only

1. Type of License: 12 - Restaurant 2. Total fees attached: $

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 Applicant

1. Owner/Agent's Name: Mr. / Ms. LIN (Last) CHIH TING (First) P1013983 (Middle)
(Insert one name ONLY to appear on license)
2. Corp./Partnership/L.L.C.: HOU YUAN LLC B1045230
(Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: GRAIN RIVER ASIAN BISTRO RESTAURANT B1022008
(Exactly as it appears on the exterior of premises)
4. Principal Street Location 12985 N ORACLE DR #125 (Do not use PO Box Number) ORO VALLEY (City) PIMA (County) 85737 (Zip)
5. Business Phone: PENDING Daytime Contact: (520) 220-6159
6. Is the business located within the incorporated limits of the above city or town? ☒ YES ☐ NO
7. Mailing Address: 12985 N Oracle Dr #125 Oro Valley (City) ARIZONA (State) 85737 (Zip)
8. Enter the amount paid for a bar, beer and wine, or liquor store license$ NA (Price of License only)

DEPARTMENT USE ONLY

Fees: 100. Application; 100. Interim Permit; Agent Change; Club; 48.00 Finger Prints $; 248.00 TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? ☒ YES ☐ NO

Accepted by: M.C Date: 12/9/2010 Lic. # 12104091

LIC 0100 05/2009 *Disabled individuals requiring special accommodation, please call (602) 542-9027.

Oro Valley Police

DANIEL G. SHARP
CHIEF OF POLICE

ORO VALLEY ARIZONA FOUNDED 1974

TO: Mike Standish Deputy Town Clerk

FROM: Daniel G. Sharp

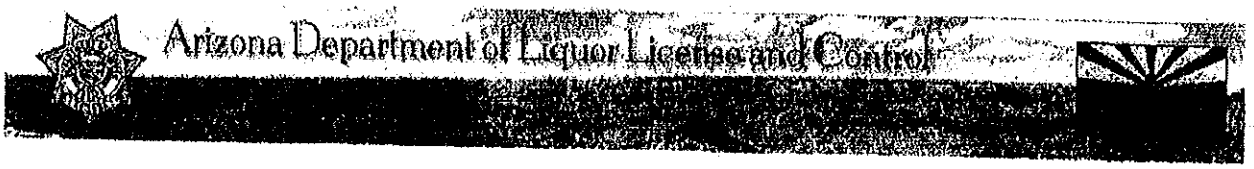
DATE: January 3, 2011

RE: Background Investigation, Application for Liquor License
Grain River Asian Bistro Restaurant
12985 N. Oracle #125

On 3 January 2011, the Oro Valley Police Department completed the standard background check on Grain River Asian Bistro Restaurant and Owner /Agent Chih Ting Lin.

The Oro Valley Police Department has no objections to the issuing of a liquor license to Grain River Asian Bistro Restaurant located at 12985 N. Oracle #125.

11000 N. La Cañada Drive • Oro Valley, AZ 85737
Phone 520-229-4900 • Fax 520-229-4979 • www.ovpd.org



- About
- History
- Leadership Team
- Information
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- Training
- Laws
- Renewals
- Query
- License Drawing
- Liquor Board
- F.A.Q.
- Glossary of Terms
- Forms
- Employment
- Contact

License Types: Series 12 Restaurant License

Non-transferable
On-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the glossary.

PURPOSE:

Allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:

An applicant for a restaurant license must file a copy of its restaurant menu and Restaurant Operation Plan with the application. The Plan must include listings of all restaurant equipment and service items, the restaurant seating capacity, and other information requested by the department to substantiate that the restaurant will operate in compliance with Title 4.

The licensee must notify the Department, in advance, of any proposed changes in the seating capacity of the restaurant or dimensions of a restaurant facility.

A restaurant licensee must maintain complete restaurant services continually during the hours of selling and serving of spirituous liquor, until at least 10:00 p.m. daily, if any spirituous liquor is to be sold and served up to 2:00 a.m.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept **DELIVERY** of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

A log must be kept by the licensee of all persons employed at the premises including each employee's name, date and place of birth, address and responsibilities.

Bar, beer and wine bar, and restaurant licensees must pay an annual surcharge of $20.00. The money collected from these licensees will be used by the Department for an auditor to review compliance by restaurants with the restaurant licensing provisions of ARS 4-205.02.

AVERAGE APPROVAL TIME: Sixty-five (65) to one-hundred five (105) days.

PERIOD OF ISSUANCE: One (1) year with option to renew.

FEES: Non-refundable application fee: $100.00
Fingerprint fee per card: Contact Department
Interim Permit fee: $100.00

Upon approval:
Final fees (full year): $2,000.00
Final fees (half year): $1,750.00
Annual renewal fee (includes **SURCHARGE**): $585.00

ARIZONA STATUTES AND REGULATIONS:

ARS 4-119, 4.201, 4-202, 4-203, 4-205.02, 4-205.06, 4-209(B)(12), 4-209(D)(12), 4-209(J), 4-213, 4-222, 4-261; Rule R19-1-214, R19-1-231.

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800 W. Washington 5th floor; Phoenix, AZ 85007 - 400 W. Congress #521; Tucson, AZ 85701

2007 Liquor License Drawing Entry Form

Item #: 2.

Town Council Regular Session

Date: 01/19/2011

Requested by:	Kathryn Cuvelier, Town Clerk	**Submitted By:**	Mike Standish, Town Clerk's Office
Department:	Town Clerk's Office		

Information

SUBJECT:

PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR J. MARINARA'S RESTAURANT LOCATED AT 8195 N. ORACLE ROAD #105.

RECOMMENDATION:

Staff recommends approval of this liquor license to the Arizona State Liquor Board for the following reasons:

1. No protests to this license have been received.

2. The necessary background investigation was conducted by the Police Department.

3. The Police Department has no objections to the approval of the Series 12 Liquor License.

EXECUTIVE SUMMARY:

An application has been submitted by Ms. Eileen Marie Bonk for a Series 12 (Restaurant) Liquor License for J. Marinara's Restaurant located at 8195 N. Oracle Road #105. Agent/owner Eileen Marie Bonk has submitted all necessary paperwork to the State Liquor Board and to the Town of Oro Valley and has paid all related fees associated with applying for the liquor license.

BACKGROUND OR DETAILED INFORMATION:

In accordance with Section 4-201 of the Arizona Revised Statutes, the application was posted for 20 days on the premises of the applicant's property, ending January 5, 2011. No protests were received during this time period. Police Chief Daniel Sharp completed a standard background check on J. Marinara's Restaurant and Owner/Agent Eileen Marie Bonk and has no objection to the approval of the Series 12 (Restaurant) Liquor License.

A Series 12 Liquor License allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to recommend approval of the issuance of the Series 12 Liquor License to the Arizona State Liquor Board for Ms. Eileen Marie Bonk for J. Marinara's Restaurant located at 8195 N. Oracle Road #105.

Attachments

Link: J Marinara's Liquor License

'10 DEC 13 Liq. Lic. PM 1:00

Arizona Department of Liquor Licenses and Control
800 West Washington, 5th Floor
Phoenix, Arizona 85007
www.azliquor.gov
602-542-5141

DEC 15'10PM12:39 TOV

APPLICATION FOR LIQUOR LICENSE

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 **This application is for a:**

- ☐ MORE THAN ONE LICENSE
- ☒ INTERIM PERMIT ***Complete Section 5***
- ☒ NEW LICENSE ***Complete Sections 2, 3, 4, 13, 14, 15, 16***
- ☐ PERSON TRANSFER (Bars & Liquor Stores ONLY) ***Complete Sections 2, 3, 4, 11, 13, 15, 16***
- ☐ LOCATION TRANSFER (Bars and Liquor Stores ONLY) ***Complete Sections 2, 3, 4, 12, 13, 15, 16***
- ☐ PROBATE/WILL ASSIGNMENT/DIVORCE DECREE ***Complete Sections 2, 3, 4, 9, 13, 16*** (fee not required)
- ☐ GOVERNMENT ***Complete Sections 2, 3, 4, 10, 13, 15, 16***

SECTION 2 **Type of ownership:**

- ☐ J.T.W.R.O.S. ***Complete Section 6***
- ☐ INDIVIDUAL ***Complete Section 6***
- ☐ PARTNERSHIP ***Complete Section 6***
- ☐ CORPORATION ***Complete Section 7***
- ☒ LIMITED LIABILITY CO. ***Complete Section 7***
- ☐ CLUB ***Complete Section 8***
- ☐ GOVERNMENT ***Complete Section 10***
- ☐ TRUST ***Complete Section 6***
- ☐ OTHER (Explain) _____

SECTION 3 **Type of license and fees** **LICENSE #(s):** #12 1210 4093

1. Type of License(s): RESTAURANT

2. Total fees attached: $ (Department Use Only)

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 **Applicant**

1. Owner/Agent's Name: Mr. / Ms. BONK (Last) EILEEN (First) MARIE (Middle)
(Insert one name ONLY to appear on license)

2. Corp./Partnership/L.L.C.: J. MARINARA'S, LLC
(Exactly as it appears on Articles of Inc. or Articles of Org.)

3. Business Name: J. MARINARA'S
(Exactly as it appears on the exterior of premises)

4. Principal Street Location: 8195 N. ORACLE Rd #105 (City) ORO VALLEY (County) PIMA (Zip) 85704
(Do not use PO Box Number)
B102988

5. Business Phone: 520-989-3654 Daytime Contact: 520-907-8099

6. Is the business located within the incorporated limits of the above city or town? ☒ YES ☐ NO

7. Mailing Address: 8195 N ORACLE Rd #105 (City) ORO VALLEY (State) AZ (Zip) 85704

8. Price paid for license only bar, beer and wine, or liquor store: Type _____ $_____ Type _____ $_____

DEPARTMENT USE ONLY

Fees:	Application	Interim Permit	Agent Change	Club	Finger Prints $	TOTAL OF ALL FEES
	100	100	—	—	24	224 —

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? ☒ YES ☐ NO

Accepted by: JW Date: 12-13-10 Lic. # 1210 4093

July 2010

***Disabled individuals requiring special accommodation, please call (602) 542-9027.**

Oro Valley Police

DANIEL G. SHARP
CHIEF OF POLICE

TO: Mike Standish Deputy Town Clerk

FROM: Daniel G. Sharp

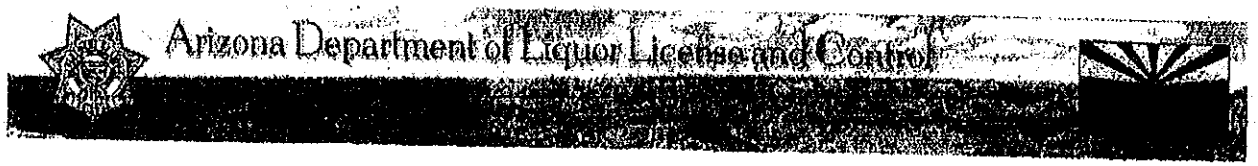
DATE: January 3, 2011

RE: Background Investigation, Application for Liquor License
J. Marinara's
8195 N. Oracle #105

On 3 January 2011, the Oro Valley Police Department completed the standard background check on J. Marinara's and Owners/Agent Eileen Marie Bonk.

The Oro Valley Police Department has no objections to the issuing of a liquor license to J. Marinara's located at 8195 N. Oracle #105.

11000 N. La Cañada Drive • Oro Valley, AZ 85737
Phone 520-229-4900 • Fax 520-229-4979 • www.ovpd.org



License Types: Series 12 Restaurant License

Non-transferable
On-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the glossary.

PURPOSE:

Allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

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On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

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A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

A log must be kept by the licensee of all persons employed at the premises including each employee's name, date and place of birth, address and responsibilities.

Bar, beer and wine bar, and restaurant licensees must pay an annual surcharge of $20.00. The money collected from these licensees will be used by the Department for an auditor to review compliance by restaurants with the restaurant licensing provisions of ARS 4-205.02.

AVERAGE APPROVAL TIME: Sixty-five (65) to one-hundred five (105) days.

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Fingerprint fee per card: Contact Department
Interim Permit fee: $100.00

Upon approval:
Final fees (full year): $2,000.00
Final fees (half year): $1,750.00
Annual renewal fee (includes **SURCHARGE**): $585.00

ARIZONA STATUTES AND REGULATIONS:

ARS 4-119, 4.201, 4-202, 4-203, 4-205.02, 4-205.06, 4-209(B)(12), 4-209(D)(12), 4-209(J), 4-213, 4-222, 4-261; Rule R19-1-214, R19-1-231.

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800 W. Washington 5th floor; Phoenix, AZ 85007 - 400 W. Congress #521; Tucson, AZ 85701

2007 Liquor License Drawing Entry Form

Item #: 3.

Town Council Regular Session

Date: 01/19/2011

Requested by: Amanda Jacobs, Economic Development Manager

Submitted By: Amanda Jacobs, Town Manager's Office

Department: Town Manager's Office

Information

SUBJECT:

DISCUSSION AND POSSIBLE ACTION REGARDING THE TEMPORARY SIGN WAIVER PROGRAM

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

At the July 21, 2010 regular session, Council approved temporary relief from Oro Valley Zoning Code Revised Sections 28.6 and 28.7, Temporary Signs, for the period of August 2, 2010 through February 1, 2011 for businesses that could demonstrate reasons constituting a hardship that would justify such relief. The following conditions applied:

- All applicants, either individual businesses or holders of Master Sign plans shall complete an "Economic Hardship Sign Waiver Form," which will be reviewed by the Development and Infrastructure Services Department.
- To assist the Town of Oro Valley in determining if the temporary sign relief is effective, the businesses that are granted relief must provide the Town with data measuring the company's performance within 90 days of the waiver.
- A $50 fee to offset the cost of processing the applications shall apply.
- Town staff shall have the right to reject, modify or condition any application approval in order to preserve public health or safety, and to revoke any approval at the discretion of the Director of the Development and Infrastructure Services Department.
- No temporary signs shall be illuminated, noise producing or flashing.
- The signs must be limited to the hours of the business operation.

The purpose of tonight's meeting is to provide Council with an update of the Temporary Sign Waiver Program.

BACKGROUND OR DETAILED INFORMATION:

Additional information will be provided prior to the January 19, 2011 Town Council regular session.

FISCAL IMPACT:

If the Temporary Sign Relief is extended, additional staff time will be required to review permits applications, inspections and to collect economic data.

SUGGESTED MOTION:

A suggested motion will be provided prior to the January 19, 2011 Town Council regular session.

Item #: 4.

Town Council Regular Session

Date: 01/19/2011

Requested by:	Bayer Vella, Conservation and Sustainability Manager
Submitted By:	Bayer Vella, Development Infrastructure Services
Department:	Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING - ORDINANCE NO. (O) 11-01 ADOPTING THE ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE, AMENDING THE ORO VALLEY ZONING CODE REVISED, CHAPTER 21, REVIEW AND DECISION-MAKING BODIES, CHAPTER 23, ZONING DISTRICTS, CHAPTER 31, DEFINITIONS, AND ADDING A NEW SECTION 27.10, ENVIRONMENTALLY SENSITIVE LANDS, ATTACHED HERETO AS EXHIBIT "A", AND AN ENVIRONMENTALLY SENSITIVE LANDS PLANNING MAP, ATTACHED HERETO AS EXHIBIT "B"; REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE BEEN ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

RECOMMENDATION:

Staff recommends approval of the proposed Environmentally Sensitive Land (ESL) zoning code amendments with the unanimous concurrence of the following:

- Planning & Zoning Commission (November 8, 2010) (See attached meeting minutes)
- Historic Preservation Commission (ESL cultural resource elements) (June 14, 2010)
- ESL Public Advisory Committee (October 28, 2010)

EXECUTIVE SUMMARY:

The Town is planning for environmental resource conservation. As a result, zoning regulations, guidelines, and incentives have been designed to reflect adopted community values. ESL applies to biologically significant areas, hillside and mountainous terrain, cultural resources, and scenic resources. This proposed ordinance is the result of extensive community outreach efforts. Participants helped forge a balance of economic and environmental objectives.

BACKGROUND OR DETAILED INFORMATION:

The Basis for ESL has been established in two Comprehensive Community Planning efforts

The demand for ESL was formalized in the Town's 1996 General Plan and the policy development phase was completed with the adoption of the Focus 2020 General Plan in 2005. Public support for this effort is documented via 75 policies relevant to ESL (Please see Attachments #3 & #4 for additional detail). In February of 2009, the implementation phase began with the hiring of a consultant team.

Project Scope and Process

The scope includes the following primary phases:

I. Definition, field review, and mapping of all ESL.
II. Development and review of specific ESL requirements for all future rezoning.
III. Refinement, revision, and/or creation of incentives within current zoning ordinances involving but not limited to the following:

- Density
- Open space
- Scenic Resources (Oracle and Tangerine Roads Scenic Overlay Districts)
- Hillside (slope) protection
- Cultural Resource
- Riparian Habitat Overlay District
- Revegetation
- Flexible design standards that better enable conservation

IV. Public Participation and Peer Review. The process and associated review committees, groups, and commissions are detailed in Attachment #2.

Over the past two years, a complete draft zoning ordinance has been created with the assistance of the following: ESL Public Advisory Committee, ESL Technical Advisory Committee, Historic Preservation Commission, Planning and Zoning Commission, and forums to solicit resident, landowner, scientific community, builders association, development consultant, adjacent jurisdiction, and Town Council input. The process has been inclusive and thorough.

The ESL process and products represent an intensive effort to forge compromise among the often times disparate positions of neighborhood activists, land developers, cultural resource specialists, environmentalists, and regular citizens. The aim was to develop common agreement as a means to fairly achieve adopted community objectives. In the end, no one person, group, committee, etc. can claim that 100% of their agenda has been realized. A sustainable conservation approach entails compromise.

<u>ESL represents a comprehensive approach to insure integration of multiple code elements. It combines requirements, flexible guidelines, and incentives.</u>
The following facts are noteworthy:

- "Environment" includes hillside, scenic, cultural, and habitat.
- This code incorporates a new open space conservation system and will replace and improve five chapters of existing zoning code. Please see Attachment #5 for additional detail.
- For General Plan amendments and rezoning, open space conservation is currently orchestrated on a case-by-case basis, with a high reliance on policy interpretation. ESL reduces this ambiguity.
- Elements include zoning requirements and use of flexible design guidelines (Scenic Tier III) that have proven effective in Oro Valley.
- Incentives and flexible design opportunities are key components.
- Arroyo Grande will not be subject to ESL; however, the ESL tenets were applied to the proposed Arroyo Grande General Plan amendment.

<u>ESL is a complex document because it is a systematic approach that satisfies unique legal constraints.</u>
The "Private Property Rights Protection Act," also known as Proposition 207, is a significant consideration. State statute prohibits local jurisdictions from enacting land use regulations that have the effect of reducing property values without providing just compensation to the landowner. ESL standards will apply only when an change to development rights is requested by a property owner, in which case the "Private Property Rights Protection Act" does not apply.

<u>Focus is on achieving environmental and economic goals, even in the 2011 economy.</u>
To achieve Town conservation and growth expectations, ESL employs a tiered system of open space requirements based on science and specific General Plan land use designations. The Resource Management Category, for example, designates higher open space standards in low density areas and lower standards in growth areas that include commercial, high and medium density, and campus park industrial development.

ESL is designed to respect objectives established in the Town's Community Economic Development Strategy (CEDS), which focuses on commercial and support services versus residential growth. Future development objectives include: "Technology related employer, Hospital and health services, High-end

commercial/retail, Retirement related, and Tourism/Resort/Convention offerings related to the area's natural amenities and cultural history".

Open space standards are reduced in areas targeted for such growth. ESL elements are important to the marketing effort of any community seeking such high-end development objectives. The Town's success in achieving this goal has diversified the tax base, which was formerly reliant on construction. The residential market in Oro Valley has diminished significantly over the past 5 years; due to market forces and dwindling land availability (approximately 3,800 residential acres remain). ESL provides allowance to ensure lot yield is not reduced as a result of open space requirements.

Overall, planning requires a long-range view to achieve results, and balances the highs and lows of development growth over the years. The ESL open space approach enables flexibility in a down or up market. Benefits within either market trend include:

- Open space standards are implemented only when a property is rezoned. Existing development rights are respected. Only a portion of the ~ 3,800 residential acres will be subject to future General Plan amendments.
- Landowners who have difficult terrain can choose to opt in to ESL – and potentially increase the number of lots offered.

<u>Elements of ESL establish clear expectations and decrease the development review time line.</u>
This is accomplished in the following manner:

- Rezoning standards to determine open space needs are upfront. Town Council may reduce standards when warranted. Open space standards follow General Plan (GP) designations. When a GP amendment is approved, open space standards automatically change in response to new growth expectations. Please see Attachment #6 for additional detail.
- ESL does not extend the review process. There is an opportunity to reduce the length of process substantially. One may receive approval of a development plan or plat by the Planning & Zoning Administrator without public meeting review.

<u>There are multiple avenues for design flexibility to provide development opportunities.</u>
The design of areas adjacent to open space is critical to the successful application of ESL. Design constraints require flexibility to achieve mutually beneficial results for the Town and property owner. A key tenet of conservation design is to enable developers the ability to maximize the number of lots adjacent to open space and associated lot premiums.

To help achieve this end, the code enables design options that include lot size reductions which enable more lots adjacent to open space edges. This tool enables development of high value lots and more extensive open space conservation. Relative to a larger lot residential development, conservation subdivision designs have proven to produce higher land values at point of sale and over time.

Additional flexible options include the following: building setback, landscape buffer yard, minimum lot size, off-street parking, building height, mixed use, modified and faster review process, subdivision recreation area credit, native plant preservation credit, and grading. Flexible standards are also used to potentially entice property owners not legally subject to ESL to opt in.

<u>FISCAL IMPACT:</u>

<u>Development Community</u>
Analysis of fiscal impact is inherently subjective. The following key provisions of ESL offset potential negative fiscal impacts:

1. ESL open space requirements are applied only to rezoning applications, which are optional requests for an increase of development rights and associated values. In effect, an increase in development rights would require accommodating a Town request for open space.
2. ESL open space requirements are offset by providing flexible design options. This flexibility enables a developer to design a project in a manner to increase property value relative to traditional subdivision

design.
3. The proposed zoning requirements do not extend the development review process in any manner. In fact, an incentive has been created that speeds the process.

Town Operations
The primary fiscal impact of ESL involves zoning enforcement.

SUGGESTED MOTION:

I MOVE to [adopt, adopt with conditions, OR deny] ORDINANCE NO. (O) 11-01 ADOPTING THE ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE.

Attachments

Link: Ordinance O11-01 ESL

Link: Exhibit A, Part I, Environmentally Sensitive Lands

Link: Exhibit A, Part II, Chapter 31, Definitions

Link: Exhibit A, Part III, ESL Related Revisions to Section 27.6 Landscape Conservation Code

Link: Exhibit A, Part IV, Section 23.6 Property Development Standards for Single-Family Residential Districts

Link: Exhibit A, Part V, Section 21.9 Historic Preservation Commission

Link: Exhibit B, Envioronmentally Sensitive Lands Planning Map

Link: Attachment #2, ESL Review Process & Outreach

Link: Attachment #3, General Plan Policies that support Envioronmentally Sensitive Lands (ESL) projects

Link: Attachment #4, ESL History

Link: Attachment #5, ESL Conservation System Overview

Link: Attachment #6, RMA & General Plan Designations

Link: PZC Draft Minutes Excerpt

ORDINANCE NO. (O) 11-01

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, ADOPTING THE ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE, AMENDING THE ORO VALLEY ZONING CODE REVISED, CHAPTER 21, REVIEW AND DECISION-MAKING BODIES, CHAPTER 23, ZONING DISTRICTS, CHAPTER 31, DEFINITIONS, AND ADDING A NEW SECTION 27.10, ENVIRONMENTALLY SENSITIVE LANDS, ATTACHED HERETO AS EXHIBIT "A", AND AN ENVIRONMENTALLY SENSITIVE LANDS PLANNING MAP, ATTACHED HERETO AS EXHIBIT "B"; REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE BEEN ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, the Town of Oro Valley is a municipal corporation within the State of Arizona and is vested with all the rights, privileges and benefits and is entitled to the immunities and exemptions granted to municipalities and political subdivisions under the Constitution and laws of the State of Arizona and the United States; and

WHEREAS, on March 13, 1981, the Mayor and Council approved Ordinance (O)81-58, which adopted that certain document entitled "Oro Valley Zoning Code Revised" (OVZCR); and

WHEREAS, the Town has long desired to adopt environmental resource conservation by developing zoning regulations that reflect General Plan policies and growth expectations; and

WHEREAS, the demand for Environmentally Sensitive Lands (ESL) was first introduced in the Town's General Plan in 1996; and

WHEREAS, a specific directive in the 2005 Oro Valley General Plan was to develop an ESL Ordinance; and

WHEREAS, the most recent version of the General Plan includes seventy five (75) polices relevant to ESL; and

WHEREAS, the ESL regulations implement Oro Valley's long held desire as reflected in the 1996 and 2005 General Plans by conserving natural, scenic, hillside and cultural resources by accounting for environmental, archeological and historic resources, economic development and housing policies; and

WHEREAS, the ESL project was performed in two phases: 1) policy development which was completed with the adoption of the Focus 2020 General Plan in 2005; and 2) implementation through zoning which was started in February 2009; and

WHEREAS, the proposed ESL regulations protect the public welfare by conserving the Sonoran Desert and Heritage, preserving land values, implementing community planning and design expectations, protecting lives and property and utilizing an equitable regulatory approach; and

WHEREAS, the data collected conserves the Sonoran Desert and Heritage by utilizing current science of conservation biology and cultural resources as represented in Pima County's Sonoran Desert Conservation Plan, providing the greatest degree of preservation for the richest and most diverse ESL resources; and

WHEREAS, utilizing the science this way enables the long-term survival of native plants and animals by maintaining ecosystem functions necessary for their survival and manages public access and use of ESL open spaces to maintain conservation value; and

WHEREAS, preservation of land values recognizes the importance of natural, scenic and cultural resources conservation in sustaining Oro Valley's identity as a desired place to live, work and play and ensures conservation of the Sonoran Desert and scenic resources that enhance property values; and

WHEREAS, implementing community planning and design expectations develops a comprehensive ESL conservation system for Oro Valley in a manner that promotes interconnected open space, plans for land conservation and sustainable development by identifying specific environmental resources and applying regulations; and

WHEREAS, implementing community planning and design expectations enables the conservation of wildlife habitats and other resources through context sensitive site design, utilizes flexible design tools to enable a range of housing opportunities and respects efforts to ensure financial stability by establishing a diverse economy; and

WHEREAS, the ESL protects human life and property from recognized hazards including steep and unstable slopes and soils, flood and erosion hazards; and

WHEREAS, utilizing an equitable regulatory approach as provided in the proposed ESL regulations only to future rezoning respects existing development rights, ensures land use intensity and density in harmony with conservation goals through meaningful incentives and flexible development options; and

WHEREAS, utilizing an equitable regulatory approach provides opportunities for property owners not subject to ESL requirements to voluntarily opt in and therefore achieve greater zoning flexibility and conservation of environmental resources; and

WHEREAS, the proposed amendments to the OVZCR involve a comprehensive effort to adopt new and updated requirements regarding open space, design incentives, hillsides, cultural resources, scenic resources and landscape standards; and

WHEREAS, the ESL employs a tiered system of open space requirements based upon science and special General Plan land use designations; and

WHEREAS, the ESL includes flexible options including building setbacks, landscape buffer yards, minimum lot sizes, off-street parking, building heights, mixed uses, modified review process, subdivision recreation area credits, native plan preservation credits and grading; and

WHEREAS, the proposed ESL Ordinance was developed with assistance from the ESL Public Advisory Committee, the ESL Technical Advisory Committee, the Historic Preservation Commission, public forums, landowners, the scientific community, a builders' association, a development consultant and adjacent jurisdiction input; and

WHEREAS, the Public Advisory Committee held thirty five (35) meetings regarding the proposed ESL Ordinance; and

WHEREAS, the Technical Advisory Committee held eight (8) meetings regarding the proposed ESL Ordinance; and

WHEREAS, the Historic Preservation Subcommittee held twelve (12) meetings regarding the proposed ESL Ordinance; and

WHEREAS, there were three (3) open houses held for Town residents regarding the proposed ESL Ordinance; and

WHEREAS, the Southern Arizona Home Builders Association and the Metropolitan Pima Alliance held ten (10) formal reviews regarding the proposed ESL Ordinance; and

WHEREAS, there were two (2) forums held with developers regarding the proposed ESL Ordinance; and

WHEREAS, there were two (2) forums held with property owners regarding the proposed ESL Ordinance; and

WHEREAS, there were twelve (12) individual property owner meetings held regarding the proposed ESL Ordinance; and

WHEREAS, the Planning & Zoning Commission held two (2) study sessions regarding the proposed ESL Ordinance; and

WHEREAS, the Development Review Board held one (1) study session regarding the proposed ESL Ordinance; and

WHEREAS, the Historic Preservation Commission held four (4) study sessions regarding the proposed ESL Ordinance; and

WHEREAS, the Mayor and Council held three (3) study sessions regarding the proposed ESL Ordinance; and

WHEREAS, the Planning and Zoning Commission held a meeting on November 8, 2010 and voted to recommend approval of adopting the Environmentally Sensitive Lands Ordinance by amending Oro Valley Zoning Code Revised, Chapter 21, Review and Decision-Making Bodies, Chapter 23, Zoning Districts, Chapter 24, Supplementary District Regulations, Sections 24.1, 24.2, 24.5 and 24.7, Chapter 27, General Development Standards, Sections 27.2 and 27.6, and Chapter 31, Definitions, and adding a new Section 27.10, Environmentally Sensitive Lands; and

WHEREAS, at a public hearing on January 19, 2011, the Mayor and Council considered the proposed amendments and additions and the Planning and Zoning Commission's recommendation to adopt the Environmentally Sensitive Lands Ordinance, attached hereto as Exhibit "A" and incorporated herein by this reference, by amending the Oro Valley Zoning Code Revised, Chapter 21, Review and Decision-Making Bodies, Chapter 23, Zoning Districts, Chapter 24, Supplementary District Regulations, Sections 24.1, 24.2, 24.5 and 24.7, Chapter 27, General Development Standards, Sections 27.2 and 27.6, and Chapter 31, Definitions, and adding a new Section 27.10, Environmentally Sensitive Lands, and an Environmentally Sensitive Lands Planning Map and find that they are consistent with the Town's General Plan and other Town ordinances and are in the best interest of the Town.

NOW THEREFORE BE IT ORDAINED by the Mayor and Town Council of the Town of Oro Valley that:

SECTION 1. That certain document entitled Environmentally Sensitive Lands Ordinance, amending the Oro Valley Zoning Code Revised, Chapter 21, Review and Decision-Making Bodies, Chapter 23, Zoning Districts, Chapter 24, Supplementary District Regulations, Sections 24.1, 24.2, 24.5 and 24.7, Chapter 27, General Development Standards, Sections 27.2 and 27.6, and Chapter 31, Definitions, and adding a new Section 27.10, Environmentally Sensitive Lands, attached hereto as Exhibit "A", and an Environmentally Sensitive Lands Planning Map, attached hereto as Exhibit "B" and incorporated herein by this reference and declared a public record on January 19, 2011 is hereby adopted.

SECTION 2. Section 1 of this Ordinance shall become effective on the 19th day of July, 2011.

SECTION 3. All Oro Valley ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 19th day of January, 2011.

TOWN OF ORO VALLEY

_____
Dr. Satish I. Hiremath, Mayor

ATTEST:

_____
Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

_____
Tobin Rosen, Town Attorney

Date: _____

ENVIRONMENTALLY SENSITIVE LANDS

January 3, 2010

1.3.10 ***Draft***

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Section 27.10 Environmentally Sensitive Lands

A. Purpose

The Environmentally Sensitive Lands (ESL) regulations implement the Oro Valley General Plan by conserving natural, scenic, hillside, and cultural resources. This has been accomplished in a comprehensive manner by accounting for environmental, archeological and historic resources, economic development, and housing policies. These regulations protect the public health, safety and general welfare by:

1. Conserving the Sonoran Desert and Heritage

a. Conserving the Town's natural and cultural resources in a comprehensive manner.

b. Utilizing current science of conservation biology and cultural resources treatment as represented in Pima County's Sonoran Desert Conservation Plan.

c. Providing the greatest degree of preservation for the richest and most diverse ESL resources, including those described as "significant resource areas", and "key" and "essential" habitat in the General Plan.

d. Enabling the long-term survival of native plants and animals by maintaining ecosystem functions necessary for their survival. Emphasis is placed on conserving landscape connections to ensure the continued viability of animal and plant communities.

e. Managing public access and use of environmentally sensitive open spaces to maintain conservation value.

2. Preserving Land Values

a. Recognizing the importance of natural, scenic, and cultural resource conservation in sustaining Oro Valley's identity as a desired place to live, work, and visit.

b. Insuring conservation of the Sonoran Desert and scenic resources that enhance property values.

3. Implementing Community Planning and Design Expectations

a. Developing a comprehensive ESL conservation system for the entire land area within Oro Valley in a manner that promotes interconnected open space.

b. Planning for land conservation and sustainable development by identifying specific environmental resources and applying regulations that account for General Plan growth expectations.

c. Enabling the conservation of wildlife habitat and other identified resources through context sensitive site design.

d. Utilizing flexible design tools to enable a range of housing opportunities to accommodate the varied needs of residents.

e. Respecting efforts to ensure financial stability by establishing a diverse economy as specified in the Town's Community Economic Development Strategy.

4. Protecting Lives and Property

Protecting human life and property from recognized hazards including steep and unstable slopes and soils, flood and erosion hazards.

5. Utilizing an Equitable Regulatory Approach

a. Applying new ESL regulations only to future rezonings and respecting existing development rights.

b. Ensuring land use intensity and density can be achieved in harmony with conservation goals through the application of meaningful incentives and flexible development options.

c. Provide opportunities for property owners not subject to ESL requirements to voluntarily opt in and thereby achieve greater zoning flexibility and conservation of environmental resources.

Purpose statements specific to an individual ESL resource are provided in relevant sections herein.

B. Applicability

1. General

a. The provisions of ESL only apply to properties where specified environmental conditions are identified on the ESL Planning Map or described herein.

b. ESL regulates specific types of development applications at various stages of the development approval process as delineated below:

   i. All subdivision plat, development plan, conditional use permit, and permit applications subject to the Oracle Road Scenic Corridor, Tangerine Road Corridor Overlay Districts, Cultural Resource Category, and Tier III Scenic Resources Category shall comply with those respective requirements in Section 27.10.D.3.

   ii. Rezoning applications, including new PAD applications, shall be subject to all the provisions of the ESL Conservation system. Applications to amend PADs or rezoning conditions in effect prior to ordinance adoption of ESL are subject to all requirements herein when the proposed amendment includes changes to density, intensity or use unless at least 25% of the site has been developed with infrastructure and finished building pads.

c. All development activity on applicable properties shall comply with provisions specified in Tables 27.10-1A or -1B, ESL Applicability, respectively.

TABLE 27.10-1A Applicability for Non-Rezoning/Non-PAD Amendment Projects

Table 27.10-1A						
Environmentally Sensitive Lands, Section 27.10 Applicability For Non-Rezoning/Non-PAD Amendment Projects						
Section Title and Notes	**Code Section 27.10**	**Single Family R1-300, 144, 43, 36, 20 Custom Homes**	**Subdivision Plat**	**Development Plan / Site Plan**	**Conditional Use Permit**	**Off Site Improvement Permit**
	ESLS					
Application Incentive	B.3	Y	Y	Y	Y	N
Major Wildlife Linkage	D.2.a	N	N	N	N	N
Critical Resource Areas	D.2.b	N	N	N	N	N
Core Resource Areas	D.2.c	N	N	N	N	N
Resource Management Areas	D.2.d	N	N	N	N	N
Cultural Resources	D.2.e	N	Y	Y	Y	Y
Tier 1 Scenic Resources	D.2.f	Y	Y	Y	Y	N
Scenic Resource Viewshed, Vegetation and Landscape Standards for properties in the Oracle Road Scenic Corridor Overlay District. [1] See Section D.2.f.iv.a).(1) for Specific Information	D.2.f ORSCOD	Y[1]	Y[1]	Y[1]	Y	N
Scenic Resource Viewshed, Vegetation and Landscape Standards for properties in the Tangerine Corridor Overlay District. [2] See Section D.2.f.iv.a).(2) for Specific Information	D.2.f TCOD	Y[2]	Y[2]	Y[2]	Y	N
Tier 2 Scenic Resources La Cholla Boulevard and First Avenue Scenic Corridors	D.2.f Tier 2	N	N	N	N	N
Tier 3 Scenic Resources Specified Arterial Roadways and Town Parks	D.2.f Tier 3	Y	Y	Y	Y	Y
ORSCOD Standards	D.2.f.v.a).(1)	Y[1]	Y	Y	Y	Y
TRCOD Standards	D.2.f.v.a).(2)	Y[2]	Y	Y	Y	Y
Tier 2 Scenic Corridors	D.2.f.v.b)	N	N	N	N	N
Tier 3 Roadways and Public Parks	D.2.f.v.c)	Y	Y	Y	Y	Y
Scenic Resources Design Guidelines	Addendum H	Y	Y	Y	Y	Y
Hillside Area Category	D.2.g	N	N	N	N	N
Hillside Development Zone	Addendum J	Y	Y	Y	Y	N
Open Space Requirements	E1-4	N	N	N	N	N
Riparian Habitat Overlay Ordinance	Addendum J	Y	Y	Y	Y	Y
ESOS Use and Development Standards	F.1	N	N	N	N	N
Development Balance and Incentives [4] Only Available When ESLS Is Applied to Property	F.2[4]	N	N	N	N	N
ESOS Design Standards	F.3	N	N	N	N	N
Mitigation	G.1-6	Y	Y	Y	Y	Y

ENVIRONMENTALLY SENSITIVE LANDS

TABLE 27.10-1B Applicability for Rezonings and PAD Amendments

Table 27.10-1B			
Environmentally Sensitive Lands, Section 27.10 Applicability For Rezonings and PAD Amendments			
Section Title and Notes	**Code Section 27.10**	**Rezoning or Certain PAD Amendments[1]**	**General Plan Amendment**
ESLS			
Application Incentive	B.3	N	N
Major Wildlife Linkage	D.2.a	Y	Y
Critical Resource Areas	D.2.b	Y	Y
Core Resource Areas	D.2.c	Y	Y
Resource Management Areas	D.2.d	Y	Y
Cultural Resources	D.2.e	Y	Y
Scenic Resources	D.2.f	Y	Y
Hillside Area Category	D.2.g	Y	Y
Hillside Development Zone	Addendum J	N	N
Open Space Requirements	E.1-4	Y	Y
Riparian Habitat Overlay Zone	Addendum J	N	N
ESOS Use and Development Standards	F.1	Y	Y
Development Balance and Incentives	F.2	Y	Y
ESOS Design Standards	F.3	Y	Y
Mitigation	G.1-6	Y	Y

d. Applicability is further established in each ESL section.

2. Exceptions

a. This Section does not apply retroactively to any development, residential or commercial, with an approved development plan or final plat prior to the date of adoption of the ESL.

Applications for a conditional use permit, development plan or preliminary plat for properties with zoning established prior to (effective date of this ordinance) are exempt from the ESL Conservation Category open space requirements, Hillside Area Category, Tier II Scenic Resources Category, ESOS Use and Conservation Development, and Mitigation requirements. In this case, the Hillside and Riparian Habitat Overlay District regulations in effect at the time of ESL adoption (included in Addendum H, Original Code sections) must be utilized unless the property owner chooses to use ESL provisions, as provided herein.

b. This Section 27.10 does not apply to PADs and PAD amendments approved by the Town Council prior to (the effective date of this ordinance). However specific provisions and regulations in place prior to ESL adoption including Oracle and Tangerine Scenic Corridors, Riparian Habitat Overlay District, and cultural resource requirements continue to apply to PAD's and PAD amendments approved prior to the adoption of the ESL conservation system.

3. ESL Application Incentive for Properties not Subject to All ESL Requirements

a. The development regulations in any zoning district may be modified, as provided in Section 27.10.F, if the property owner develops in accordance with Table 27.10-1B and all applicable provisions of 27.10E and F. This includes non-rezoning and non-pad projects where compliance would not otherwise be required.

b. Such modifications to development regulations may only be granted in conjunction with the applicability provisions in 27.10F.2.b and the process specified in 27.10F.2c.

C. Environmentally Sensitive Lands (ESL) Regulations and Maps

1. ESL Resource Identification

ESL regulations address properties where specific environmental conditions exist. The ESL Maps, which are available at the Oro Valley Planning Division, have two components: Resource Science Map and the ESL Planning Map.

2. Adopted ESL Maps

a. Resource Science Map

i. Elements

Resource Science Maps identify the location of conservation categories that include specific resources as defined herein. Resource types include wildlife corridors, riparian areas, distinct vegetation, and critical habitats.

Known, biologically-based, sensitive resources and associated conservation categories are consistent with Pima County's Sonoran Desert Conservation Plan. Each has been identified in Oro Valley through field review by resource professionals.

ii. Usage

The Resource Science Map is not a regulatory land use map. It is the basis for creating and maintaining the regulatory ESL Planning Map.

If an amendment to the ESL Planning Map is approved containing changes to the location of sensitive resources, the Resource Science Map shall be administratively updated by the Town as necessary.

b. ESL Planning Map

i. Elements

The Planning Map is constructed by merging the Resource Science Map with adopted General Plan land use and growth area designations. Six categories, each corresponding to specific conservation requirements in these regulations, are identified on the Planning Map including: Major Wildlife Linkage; Critical Resource Area; Core Resource Area; Resource Management Area-1; Resource Management Area-2; and Resource Management Area-3.

The Resource Management Area category, in response to adopted land use policy, specifies three levels of conservation based on planned growth patterns. The categories and associated tiers are further described in Section D.2.

ii. Usage

The ESL Planning Map is a regulatory land use map that shall be applied to relevant development applications and properties as outlined in Section B, Applicability.

c. Existing Overlay District Maps Adopted prior to the ESL Regulations

i. Elements

The Existing Overlay Maps include the Riparian Habitat Overlay District, Tangerine Road Corridor Overlay District, and the Oracle Road Scenic Corridor Overlay District.

ii. Usage

The Overlay Districts elements remain as regulatory land use map that shall be applied to relevant development applications and properties as outlined in Section B, Applicability.

3. Unmapped Resources

a. The adopted ESL maps do not include the following environmentally sensitive resource categories: Scenic Resource Areas, Cultural Resources and Hillside Areas. Identification and conservation of these three resource types is addressed in Section D.

b. Minor wildlife linkages, rock outcrop locations, and areas of distinct vegetation are anticipated to be identified as part of the development application review process. Discovery of these resource types requires their conservation in accordance with Section D, Table 27.10-2.

4. ESL Map Amendments

a. If the location and quality of environmentally sensitive resources naturally change over time to the extent that resource threshold criteria are not achieved, or resources have been mapped incorrectly, a request for ESL Planning Map amendment may be filed in accordance with Section 22.3, Amendments and Rezonings.

b. Mapping of resources shall be performed by a qualified specialist in habitat biology, as defined in Chapter 31. All evaluative work shall be completed in accordance with these regulations. The specialist shall certify in writing that the identification of resources was completed in accordance with these regulations.

c. Any approved General Plan amendment that results in changes to the land use or growth area designations shall require a map amendment to the corresponding Resource Management Area Category(s) in Table 27.10-3. ESL map changes reflecting an adopted General Plan amendment shall be approved administratively.

D. Environmentally Sensitive Lands Conservation System

1. Conservation System

ESL represents an interconnected system of resource conservation. The components of the system include seven distinct categories for the purpose of conserving resources as open space. Key and essential biological resources are included in four ESL categories:

a. Major Wildlife Linkage,

b. Critical Resource,

c. Core Resource, and

d. Resource Management.

Environmentally sensitive resource categories that are non-biologically based include:

e. Cultural Resources,

f. Scenic Resources, and

g. Hillside Areas.

2. Categories

Each category includes distinct definitions and requirements that shall be applied independently when multiple categories occur on a site.

3. Conservation Categories

ESL conservation system categories and related conservation requirements are listed below.

a. Major Wildlife Linkage (MWL) Category

i. General

Major Wildlife Linkages include identified large-mammal corridors or landscape linkages between public preserves and open spaces.

ii. Conservation

a) Major Wildlife Linkage areas shall be conserved as Environmentally Sensitive Open Space (ESOS) in accordance with Table 27.10-2. ESOS is defined in Chapter 31 and further described in Section E.1

b) The required percentage of ESOS shall be applied to areas identified on the ESL Planning Map.

iii. Resource Science and Identification

a) Major Wildlife Linkages provide essential connectivity that maintains the viability of the areas' habitat by providing for dispersal, migration, and genetic transfer for wildlife and plants.

b) In order to maximize wildlife movement within identified corridors, these corridors must be maintained as natural open space linkages with ground disturbance strictly limited to provisions in Section F.1.b.

c) MWL's include the Santa Catalina-Tortolita Mountains linkage, riparian areas, upland linkages and identified regional roadway crossings.

b. Critical Resource Area (CRA) Category

i. General

The Critical Resource Area Open Space Category includes the following environmentally sensitive resources as defined herein.

a) Riparian Areas and Minor Wildlife Linkages

b) Major Rock Outcrops and Boulders

c) Distinctive Habitat Resource

ii. Conservation

a) Critical Resource Areas shall be conserved as Environmentally Sensitive Open Space (ESOS) in accordance with Table 27.10-2. ESOS is defined in Chapter 31 and further described in Section E.1.

b) The required percentage of ESOS shall be applied to areas identified on the ESL Planning Map and field verified boundaries of Major Rock Outcrops and Boulders. Major Rock Outcrops and Boulders are subject to discovery on a site by site basis.

c) Degraded or disturbed Riparian segments within areas identified on the ESL Planning Map must be restored and enhanced to support their biological, hydrologic and geomorphologic functions. These areas will be credited as follows

(1) Restoration areas will be applied toward total ESOS requirements.

(2) A proportional area will be exempt from Native Plant Salvage and Mitigation requirements in Section 27.6B. This does not apply to any plant listed as Threatened or Endangered under the Endangered Species Act or Highly Safeguarded by the Arizona Department of Agriculture.

d) ESOS shall be configured and maintained in accordance with Sections E and F.

iii. Resource Science and Identification

a) Riparian Areas and Minor Wildlife Linkages

(1) Riparian areas are an essential element of the Town's environmentally sensitive lands and constitute the framework for the linkages and landscape connections necessary to support a viable ecosystem and wildlife habitat.

(2) Riparian areas occur in association with a spring, cienega, lake, watercourse, river, stream, creek, wash, arroyo, or other body of water, either surface or sub-surface, or any channel having banks and beds through which water flows, at least periodically.

(3) Identification of riparian areas is based on species composition, general density/size, vegetation volume, wildlife habitat, nutrient cycling, erosion control, water quality, and flood moderation. Specifications are provided in Addendum G, Section 1.

(4) Minor Wildlife Linkages are composed of upland areas and degraded riparian areas. Degraded areas include hardened drainage ways and constricting drainage structures. These minor links are important in maintaining connectivity within the open space system identified in the ESL.

b) Major Rock Outcrops and Boulders

(1) Rock outcrops and boulders are comprised of exposed bedrock formations and boulder piles and scatters with a minimum size of 100 square feet as measured horizontally, and a minimum of 10 vertical feet.

(2) Rock outcrops and boulders provide wildlife habitat and afford thermal regulation for wildlife, particularly reptiles.

(3) Outcrops and boulders are also a significant scenic resource.

(4) Rock outcrop and boulder features shall be identified in the Site Resource Inventory (Section 27.6.B.3) and clearly delineated on site plans, development plans and subdivision plats.

c) Distinct Habitat Resources

Distinct Habitat Resources include the following habitat elements:

(1) Natural caves, crevices, or mine shafts with a minimum cavity area of 220 cubic feet (approximately 6' x 6' x 6'). Excavations or test pits are not included.

(2) Groundwater seeps, whether intermittent or perennial.

c. Core Resource Area (COR) Category

i. General

Core Resource Areas include the following environmentally sensitive resources as defined herein.

a) Pima County Conservation Lands System, Biological Core Management areas adopted by the Board of Supervisors, June, 2005.

b) Special Status Species Habitat supporting five or more priority vulnerable species.

c) Distinctive Native Plant Stands.

ii. Conservation

a) Core Resource Areas shall be conserved as Environmentally Sensitive Open Space (ESOS) in accordance with Table 27.10-2. ESOS is defined in Chapter 31 and further described in Section E.1.

b) The required percentage of ESOS shall be applied to areas identified on the ESL Planning Map and field verified locations of Distinctive Native Plant Stands.

c) ESOS shall be configured and maintained in accordance with Sections E.1 and F.

iii. Resource Science and Identification

a) Core Resource Area Open Spaces support biological diversity by conserving recognized wildlife habitat. Core Resource areas include all areas designated Biological Core Management area by the Pima County Conservation Lands System and areas identified by field review and evaluation by resource professionals.

b) Core Resource Areas may contain significant stands of vegetation that support biological diversity and are integral to the Town's distinctive character.

c) Special Status Species Habitats, as defined in Addendum G, Section 2, that include five or more vulnerable species targeted for conservation.

d) Distinctive Native Plant Stands

Distinctive Native Plant Stands are areas of native vegetation that exist in contrast to the majority of the surrounding vegetative community due to either microclimates or availability of water sources. Section 27.6.B.3.b.i.includes defining criteria.

d. Resource Management Area (RMA) Category

i. General

a) Special Status Species Habitat supporting three or more priority vulnerable species.

b) The RMA category is divided into three areas merging resource science with adopted future land use designations and intensities as specified in the General Plan. Table 27.10-3 indicates the three RMA areas and associated General Plan land use designations.

c) Distinctive Individual Native Plants.

d) Minor Rock Outcrops or Boulders

ii. Conservation

a) The Resource Management Area category supports utilization of identified lands based on planned land use intensities consistent with the General Plan while requiring minimum levels of sensitive land conservation.

b) The RMA category specifies minimum ESOS amounts for each area. Table 27.10–3 indicates ESOS requirements by land use designation. ESOS is defined in Chapter 31 and further described in Section E.1.

c) The required percentage of ESOS shall be applied to areas identified on the ESL Planning Map and field verified boundaries of Minor Rock Outcrops and Boulders and Distinctive Individual Native Plants. Major Rock Outcrops and Boulders and Distinctive Individual Native Plants are subject to discovery on a site by site basis.

d) ESOS shall be configured and maintained in accordance with the requirements of Sections E and F.

iii. Resource Science and Identification

The Resource Management Area Category merges environmentally sensitive resources and public policy:

e) Special Status Species Habitats, as defined in Addendum G, Section 2, that include three or more vulnerable species targeted for conservation.

a) The Resource Management Area (RMA) category couples refined mapping of Pima County Multiple Use Management Areas with the adopted land use policies of the General Plan.

a) Criteria in Addendum G, Section 3 were used to refine mapping of Pima County Multiple Use Management areas.

b) A Distinctive Native Plant refers to any native tree, shrub, or cacti with extraordinary characteristics such as, but not limited to age, size, shape, form, canopy cover, or aesthetic value. Further definition is provided in Section 27.6.b.ii.

c) Minor Rock Outcrops and Boulders

(i.) Minor rock outcrops and boulders are comprised of exposed bedrock formations and boulder piles and scatters with a minimum size of 100 square feet as measured horizontally, and a minimum of 3 vertical feet.

(ii.) Rock outcrops and boulders provide wildlife habitat and afford thermal regulation for wildlife, particularly reptiles.

(iii.) Rock outcrop and boulder features shall be identified in the Site Resource Inventory and shall be clearly delineated on site plans, development plans and subdivision plats.

TABLE 27.10 - 2: ESL Categories: Minimum ESOS

Category	Minimum ESOS Percentage
Major Wildlife Linkage	100
Critical Resource Area	95
Core Resource Area	80
Resource Management Area-1	66
Resource Management Area-2	25
Resource Management Area-3	0

TABLE 27.10 - 3:
Resource Management Area
Minimum ESOS by General Plan Designation

RMA Areas	Area 1	Area 2	Area 3
Minimum ESOS	66%	25%	0%
General Plan Land Use Designation	Rural Low Density Residential 0-0.3	Neighborhood Commercial / Office	Growth Areas
	Low Density Residential 0.4-1.2	Community / Regional Commercial	
	Low Density Residential 1.3-2.0	Commercial / Office Park	
	Resort/Golf Course	High Density Residential	
	Open Space	Medium Density Residential	
	School, Park	Public/Semi Public	
		MPC Rooney	
		MPC Kai Capri	

e. Cultural Resources Category

Cultural Resources, as defined in Chapter 31, include a variety of historic sites and buildings, prehistoric sites, archaeological sites and supporting materials and records.

i. Purpose

The Cultural Resources category is intended to:

a) Implement the Town's General Plan goals and policies for conservation of cultural resources; and

b) Protect cultural resources that are recognized to have enduring value in advancing education, general welfare, civic pride and appreciation of the Town's heritage in order to perpetuate the unique character of Oro Valley; and

c) Establish regulatory criteria for the identification, assessment and protection of significant cultural resources; and

d) Prevent or reduce adverse impacts to significant cultural resource sites by employing treatments that range from in-place preservation to various degrees of mitigation; and

e) Integrate cultural resources in the Environmentally Sensitive Lands system to provide for the conservation of significant cultural resources in concert with other sensitive resources.

ii. Mapping

To protect sensitive sites, archaeological resources shall not be included on maps for general public distribution. Environmentally Sensitive Lands System maps do not include the location of cultural resource sites.

iii. Applicability

This Section shall apply to all development which requires a rezoning, preliminary plat, development plan or amendment to these items. Associated off-site development and ancillary construction (utility trenches, water and sewage treatment facilities, roads, etc.) will be treated in the same manner.

iv. Conservation Strategies

a) Cultural Resources may occur individually or in combination with other environmentally sensitive resources. Conservation of significant cultural resources shall be applied through one of the following three strategies:

(1) Preserved In Place: significant resources shall be preserved in-place in order to protect the cultural or historic value of the resource as specified in the approved Treatment Plan; or

(2) Combination: significant resources shall be partially preserved in-place and partially mitigated as provided in the approved Treatment Plan; or

(3) Treatment: significant resources shall be reused or mitigated as prescribed by the approved Treatment Plan, allowing reuse of the site.

b) A conservation strategy shall be assigned by:

(1) Determination of significance.

(2) Agency review comments.

(3) Evaluation in relation to other environmentally sensitive resources.

(4) Development and acceptance of a Treatment Plan.

v. Review Procedures

a) A cultural resource professional shall perform a records search of all cultural resource records of the State Historic Preservation Office, the Arizona State Museum, AZSITE archaeological resource database and the Town of Oro Valley Cultural Resources inventory to determine whether any surveys have been completed for the property.

b) A cultural resources survey and inventory report that meets the Town of Oro Valley submittal requirements shall be prepared by the Planning and Zoning Administrator appointed cultural resource professional if:

(1) Records indicate no cultural resource surveys of the subject property have been completed; or

(2) Surveys of the property are more than ten years old and sites were recorded in the survey; or

(3) The existing survey and report lack sufficient information to determine significance in accordance with Section 27.10.D.2.e.v.e.; or

(4) The Arizona State Museum recommends an updated survey.

c) If the survey indicates there are no cultural resources present at the site or the resources are determined not significant in accordance with Section 27.10.D.2.e.v.e, the review process is complete.

d) If a new or updated survey is required, the Planning and Zoning Administrator shall assign an appropriate cultural resource professional to complete the survey and Treatment Plan, as necessary.

(1) If resources are present, the survey shall include a recommendation, based on the criteria contained in this Section, regarding National Register and local cultural resource significance and integrity.

(2) If significant resources are present, the Planning and Zoning Administrator shall assign a cultural resource professional with appropriate specialization to develop a Treatment Plan for the specific resource.

e) Determination of Significance and Integrity

(1) The list of known significant cultural resources maintained by the Town of Oro Valley shall be consulted. Identified resources are subject to requirements in Section 27.10.D.2.f.

(2) For unevaluated resources or when significance is undetermined, the determination of significance shall be based upon the evaluation of National Register and local community criteria.

(i.) National Register criteria shall be applied to determine eligibility for listing in the National and State registers of historic places in accordance with the National Historic Preservation Act of 1966, as amended, and the Arizona State Historic Preservation Act of 1982, as amended.

(ii.) Local community criteria are used to identify sites which are important to a local group or the Oro Valley community, or a place of ancestral occupation or activity of recognized value.

Cultural resources are locally significant if the resource is preserved in a condition of scientific integrity and the property or resources contribute to:

(a.) The unique identity of the community; or

(b.) The enhancement of community economic, educational or recreational needs; or

(c.) The understanding of the unique religious, mythological, or social character of a discrete population within or outside the community.

(3) Determination of significance

(i.) A determination of significance may only be made by a cultural resource professional.

(ii.) The Planning and Zoning Administrator shall review the determination to ensure all appropriate resources surveyed and criteria have been addressed.

(iii.) If the determination is deemed inadequate, the Planning and Zoning Administrator shall consult the State Historic Preservation Office and may also consult another cultural resource professional for a new determination of significance.

(iv.) The process to determine resource significance must be completed within forty five (45) days of a complete development review application submittal.

(v.) Once a determination is accepted by the Planning and Zoning Administrator, the cultural resource professional shall submit a Treatment Plan prepared in accordance with Section 27.10.D.2.f.

f) Treatment Plan

(1) The Treatment Plan shall meet all submittal requirements and the following requirements:

(i.) Address specific findings and provide details of and justification for the conservation strategy that is proposed, as defined in Section E.4.

(ii.) Define a plan to protect preserved-in-place resources during construction and/or promote data recovery through a documentation plan for those resources which will be mitigated or removed.

(iii.) Employ tools which will result in the permanent protection of significant resources including, but not limited to, conservation tract, dedication to stewardship organization or public displays.

(iv.) Develop a specific Treatment Plan implementation schedule in concert with the Planning and Zoning Administrator and the applicant to insure resource conservation and necessary flexibility.

(v.) Identify an organization that will assume long-term stewardship responsibility for significant cultural resources by managing preserved-in-place resources or documenting and conducting further study of resources that are mitigated or removed.

(vi.) Recommend the appropriate methods to ensure public education and access, if appropriate, to the cultural resources.

(vii.) Provide a benefit to the immediate community, broader stakeholders, or academic community that is commensurate with the significance of the cultural resource.

(2) Phased Developments:

(i.) The Treatment Plan shall incorporate the entire development. The implementation of the approved Treatment Plan may occur incrementally for each phase that contains cultural resources.

(ii.) In the event that the impact to a cultural resource site spans more than one development phase, implementation shall address all phases of work at the site.

g) Treatment Plan Review and Decisions

(1) The Planning and Zoning Administrator may approve the Treatment Plan upon consideration of the following:

(i.) Recommendations of the Cultural Resource Professional and State Historic Preservation Office.

(ii.) Provisions for specific cultural resources within local and regional plans accepted by the Town which include, but are not limited to, the Oro Valley Cultural Resources Preservation Plan and Sonoran Desert Conservation Plan.

(iii.) Nature, condition and extent of other Environmentally Sensitive Lands to optimize conservation of all resources.

(2) Prior to Town Council review of a development application specified in Section 27.10.D.2.e.iii, or permitting of development, earthwork, construction, remodeling, change or alteration of any proposed or existing project, the property owner or his/her designated agent shall secure approval of the Treatment Plan.

(3) The Town of Oro Valley process to approve a Treatment Plan must be complete within 30 days of formal State Historic Preservation comment.

vi. General Requirements

a) Cultural Resource Professional

(1) All cultural resources research, surveys and treatment plans shall be conducted by a cultural resource professional.

(2) Secretary of Interior standards for professional qualification must be satisfied.

(3) The cultural resource professional utilized must be selected from a pre-qualification list maintained by the Planning and Zoning Administrator.

b) Disturbance

(1) No physical disturbance of an unevaluated site shall be permitted, including artifact collection or excavation.

(2) No disturbance of significant cultural resource sites shall be permitted unless specifically indicated in the approved Treatment Plan.

(3) Cultural resources that are to be preserved in place shall be protected during development activities by the manner specified in the Treatment Plan.

c) Discoveries

(1) If any unrecorded cultural resources are encountered during the grading/ excavation process, all work shall cease in the immediate vicinity of the resources and a qualified archaeologist shall be consulted to assess the significance of the resources and prepare recommendations in accordance with the review process specified in Section E.5.

(2) If a Treatment Plan is required, it shall be submitted and reviewed in accordance with Section 27.10.D.2.f.

(3) Treatment Plan Review and Decisions.

(4) Construction may proceed in other areas of the site during the review process in a manner that ensures protection of a cultural resource discovery.

(5) Disclosure of information regarding the location and nature of the cultural resources shall be restricted, except as required for avoidance and protection of the resource.

(6) A determination of significance and/or completion of a Treatment Plan shall be accomplished within 20 days of discovery notice to the Planning and Zoning Administrator.

d) Treatment of Human Remains

(1) If human remains are known to exist on the site or are discovered in the course of construction, an agreement for the treatment of the human remains shall be developed with the Arizona State Museum (ASM) and appropriate cultural groups pursuant to ARS Section 41-844 and ARS Section 41-865.

(2) The agreement shall be established prior to any archaeological investigation.

(3) The property owner shall comply with state and federal laws regarding the treatment of human remains, even if a Treatment Plan has been approved.

e) Prior to issuance of any Town permits, consultation with the State Historic Preservation Office (SHPO) shall be completed if the development:

(1) Occurs on federal or state land; or

(2) Receives funding from a federal, state, or county agency; or

(3) Arises from circumstances dictated by federal or state regulation; and

(4) Is subject to review as specified herein.

f) Excavations on Public Property

(1) No individual shall be allowed to use a probe, metal detector or any other device to search or excavate for artifacts on public property, nor can any individual remove artifacts from public property without the written permission of the Town.

(2) No disturbance or construction activities shall be authorized within the properties belonging to the Town, including public streets and rights-of-way, without a Town permit and compliance with the requirements of this Section.

g) Conservation credit for significant cultural resources under the Environmentally Sensitive Lands System.

(1) Land designated as a protected cultural resources site in accordance with an approved treatment plan shall qualify as required ESOS on a 1:1 basis (each square foot of cultural resource site shall equal one (1) square foot of required ESOS) as determined by the Planning and Zoning Administrator.

(2) The area to be preserved in perpetuity shall be accurately indicated in the Treatment Plan prior to its approval.

(3) Only areas within the cultural resource site, as identified in the Treatment Plan, are eligible for the ESOS credit.

vii. Appeals and Reviews

a) Within 20 days of a decision, the applicant may appeal a determination of significance to the Historic Preservation Commission when local community review criteria are the sole source of analysis. An appeal of a determination based on national register criteria is strictly subject to state and/or federal review.

b) The applicant may appeal the Planning and Zoning Administrator's approval or denial of a Treatment Plan to the Historic Preservation Commission within 20 days of a decision.

c) A hearing on an appeal shall be scheduled within 30 calendar days of the request. The Historic Preservation Commission shall hold a hearing and may approve, disapprove, approve with stipulations or remand the case for additional analysis.

d) Notice of the hearing shall be posted on the property at least 10 calendar days prior to the hearing.

e) The Historic Preservation Commission may review any Treatment Plan approval by the Planning and Zoning Administrator. In order to overturn the Planning and Zoning Administrator's approval, the Historic Preservation Commission is required to find an abuse of discretion on the part of the Planning and Zoning Administrator. The Historic Preservation Commission may subsequently uphold, modify or overrule the Planning and Zoning Administrator's determination.

Notice of Historic Preservation Commission review shall be initiated within 15 days after the Planning and Zoning Administrator's approval in writing to the Planning and Zoning Administrator. Failure of the Historic Preservation Commission to make a timely review results in the decision of the Planning and Zoning Administrator deemed to be final, with an appeal to the Town Council available to the applicant.

In the event the HPC timely initiates their appeal, the applicant will be notified within an additional 15 days of the time and place for the hearing. Review by the HPC shall be completed within 30 days of initiation by the Historic Preservation Commission or the decision of the Planning and Zoning Administrator is deemed to be final, with an appeal to the Town Council available to the applicant

f) The applicant may appeal the Historic Preservation Commission decision on a determination of significance or a Treatment Plan to the Town Council within 20 days of the Historic Preservation Commission decision.

g) The Town Council shall have the right and prerogative to initiate its own review of any decision of the Historic Preservation Commission and shall uphold, modify or overrule said decision. Notice of Town Council-initiated review shall be given to the applicant within 15 days after action upon the application in question or the decision of the Historic Preservation Commission shall be deemed to be final and binding upon the Town.

f. Scenic Resources Category

i. Purpose

The Scenic Resources Category implements the Town's General Plan by providing protection for scenic corridors, public park viewsheds, and the distinctive visual character of Oro Valley. These regulations and guidelines serve to conserve views to scenic features including the ridgelines, hillsides, peaks and foothills of the Santa Catalina, Tortolita, and more distant mountain ranges that contribute to the Town's valued scenic character.

ii. Scenic Resource Conservation Areas Established

Three tiers of scenic resources within the Town are identified and designated for conservation. Each tier includes requirements intended to conserve the scenic qualities of the Town as observed from arterial roadways and Town-owned parks. Scenic Resource Conservation Areas function to direct development design to conserve scenic views across private property.

a) Tier 1 Scenic Corridors: Oracle and Tangerine Roads

The Oracle Road Scenic Corridor Overlay District and the Tangerine Corridor Overlay District regulations, included in Section 27.10-D.2.f.v.a.1, are substantively the same as the versions originally adopted in 1995 and 1997. The procedural requirements for implementing these ordinances are included in this Section and Section 27.10.B.

b) Tier 2 Scenic Corridors: La Cholla Boulevard and First Avenue Scenic Corridors

These General Plan designated roadways are established as Tier 2 Scenic Corridors with further distinction by land use type.

(1) For single family residential use types, the conservation area shall include lands within 330 feet of the designated roadway right-of-way.

(2) For multi-family and non-residential use types, the conservation area shall include lands within 800 feet of the designated roadway right of way.

FIGURE 27.10 - 1: Residential Scenic Resource Conservation Area and Landscape Conservation Tract

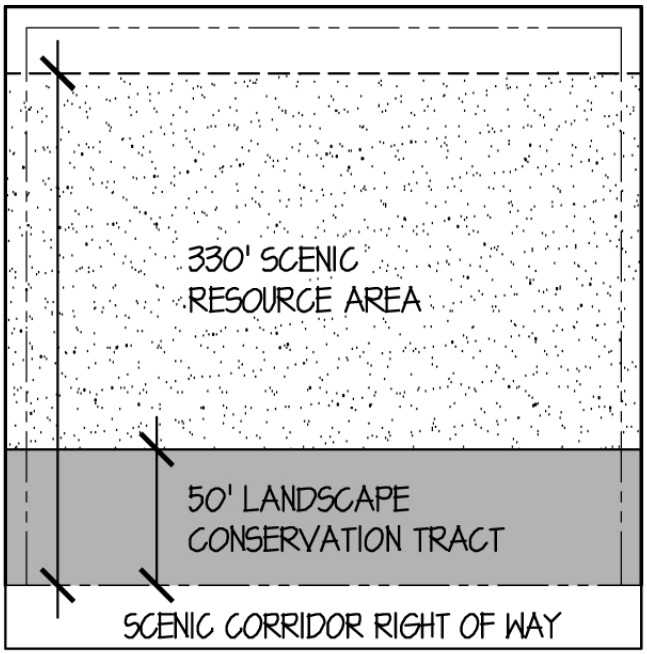
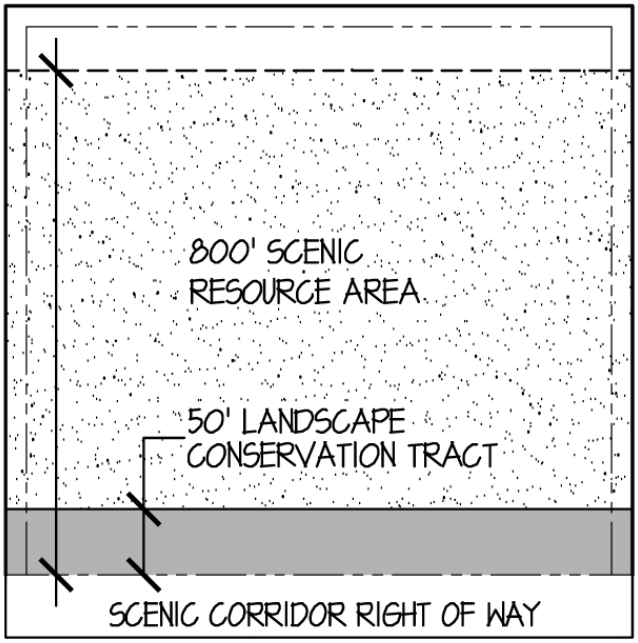


FIGURE 27.10 - 2: Non-Residential Scenic Resource Conservation Area and Landscape Conservation Tract



c) Tier 3 Community Scenic Resources

(1) The following General Plan designated features are established as Tier 3 Scenic Resources:

(i.) The rights-of-way of La Canada Drive, Moore Road, Rancho Vistoso Boulevard, Naranja Drive, Palisades Road, Lambert Lane, Linda Vista Road, Calle Concordia and Hardy Road.

(ii.) Public parks owned by the Town of Oro Valley.

(2) Tier 3 Community Scenic Resources include Scenic Resource Conservation Areas distinguished by land use type.

(i.) For single family residential use types, the conservation area shall include lands within 330 feet of the designated roadway right-of-way or public park.

(ii.) For multi-family and non-residential use types, the conservation area shall include lands within 800 feet of the designated roadway right of way or public park.

iii. Applicability

Applicability of Scenic Resource requirements is included for each specific Tier of scenic resources.

iv. Viewshed and Vegetation Analysis

a) Viewshed Evaluation

Evaluation of scenic qualities is required for all development proposals within Tier 1, Tier 2, and Tier 3 Scenic Corridors, unless expressly waived by the Planning and Zoning Administrator. Regulations may be waived if the character of the site and terrain renders such analysis as not beneficial to the Town.

Identification of views, particularly the immediate foreground of the subject property and significant background mountain views of the Catalinas, Tortolitas and Tucson Mountains shall be undertaken for any applicable proposal, including rezonings or subdivision plats, on each development site with suggested methods for alleviating adverse visual impacts of any structure visible from applicable areas.

(1) Viewshed Analysis

(i.) A viewshed analysis of vistas across the site, including any view corridors to the mountains, shall be prepared. A set of not fewer than 12 different photographs, taken from the roadway frontage corners of the property and at intervals of not more than 50 feet between and properly labeled, shall be submitted, as defined herein, to document existing visual resources on and across the proposed development site.

(ii.) For public parks, photographs are to be taken from the approximate center of the park and from a point representing the average topographic elevation.

The angle required is one looking from this point and across the proposed development site. The photo(s) shall be prepared to document existing viewshed conditions. The Planning and Zoning Administrator can require additional photographs in order to adequately document existing conditions.

(2) View Preservation Plan (VPP)

(i.) A VPP is required for non-residential developments with a proposed FAR (Floor Area Ratio) of .2 or greater and for any developments with building heights proposed to exceed 18 feet from natural grade, existing or proposed road profile grade at the right-of-way or 18 feet above the elevation of the closest park boundary.

(ii.) A narrative and viewshed analysis photographs with proposed structures superimposed on the existing landscape or accurate computer graphic renderings that depict impacts to scenic views across the site as viewed from scenic roadway corridors or public parks are required. These exhibits shall demonstrate methods for assuring that driveways, parking areas and structures are constructed in a manner compatible with the natural terrain and scenic qualities of the site.

Written and illustrative materials shall be provided by the Applicant in response to the regulations and guidelines pertaining to the intended type and intensity of development. Mapping may be based on aerial photographs or base maps, with overlays if desired, prepared at an appropriate scale to illustrate the vegetation and other resources on the site, as well as proposed plans and solutions.

(a.) At a minimum, written materials shall include:

i. Proposed use(s) and accessory use(s).

ii. Building height and bulk.

iii. Principal building materials and colors.

iv. Intended architectural theme.

(b.) At a minimum, one (1) or more graphic exhibits, not less than 11” x 17” in size, shall depict locations of:

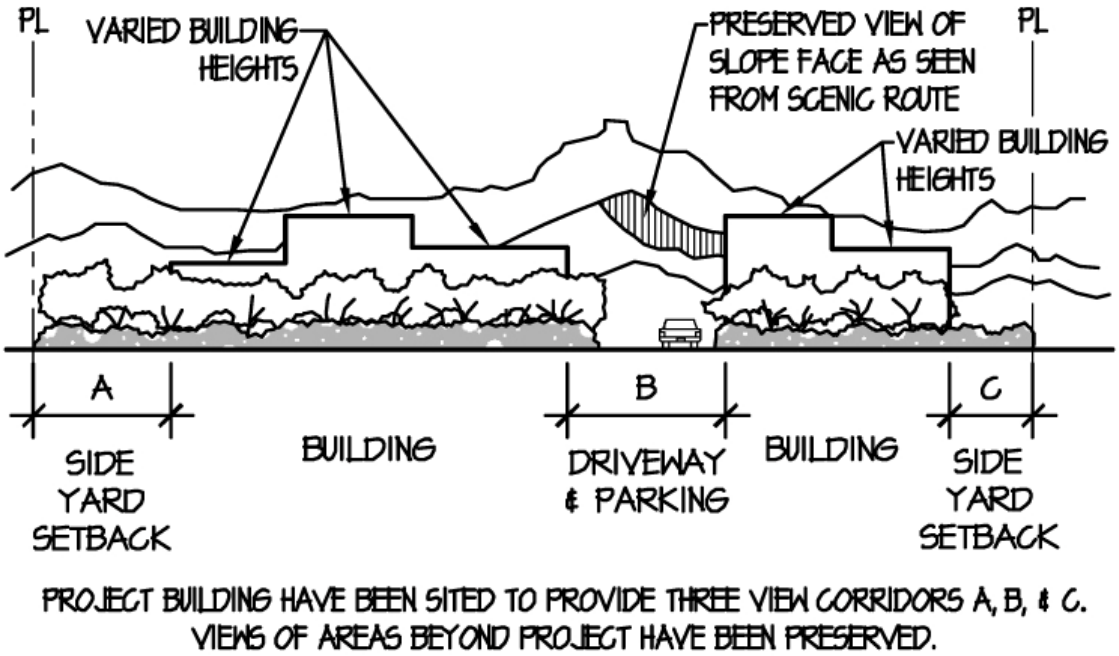
i. Proposed structures, drives and parking areas.

ii. Topography at 2 foot intervals.

iii. Frontage tract and other areas where vegetation or other resources are to be preserved.

iv. Only lands that are visible from identified scenic resource areas, scenic corridors and public parks, can be included in the protected viewshed.

FIGURE 27.10 – 3: VPP Graphic Exhibit Example



b) Vegetation Identification

(1) Identification of Corridor Character Vegetation (CCV) is required for all development applications within Tier 1 and Tier 2 Scenic Corridors unless expressly waived by the Planning and Zoning Administrator.

(2) Corridor Character Vegetation (CCV) includes all saguaros or groupings of existing plants that provide visual screening, and tree species as specified below with a trunk diameter greater than 6 inches, measured at a point 2 feet above the ground, or a cluster of 3 or more trees located within 10 feet of each other with trunk diameters of more than 2 inches.

(3) Tree species included as CCV are: Blue Palo Verde (Cercidium floridum), Littleleaf Palo Verde (Cercidium microphyllum), Velvet Mesquite (Prosopsis juliflora), Ironwood (Olneya tesota), Desert Willow (Chilopsis linearis), Catclaw Acacia (Acacia greggii), Sweet Acacia (Acacia minuta), Netleaf Hackberry (Celtis reticulata), and Velvet Ash (Franxinus velutina).

(4) Areas of distinct vegetation as defined in Native Plant Preservation, Salvage and Mitigation, Section 27.6.B, that exist within the established Scenic Resource Conservation Area are included as CCV.

(5) Areas of distinct vegetation and CCV shall be inventoried in accordance with the requirements established in Section 27.6.B, Native Plant Preservation, Salvage and Mitigation

v. Vegetation and Landscape Treatment

a) Tier 1 and Tier 2 Scenic Corridor Landscape Standards

All properties and land use categories within Tier 1 and Tier 2 Scenic Corridors are subject to the following regulations for purposes of vegetation preservation and landscape development. Exceptions or additional requirements are noted within individual Scenic Corridor tiers. These regulations and guidelines apply in addition to general Oro Valley landscape conservation requirements.

(1) Vegetation Preservation Site Planning

(i.) Areas of the site where all corridor character vegetation (CCV) including understory, are preserved are not subject to additional landscape requirements of the Oro Valley Landscape Conservation Code, Section 27.6, however, a landscape plan prepared in accordance Section 27.6 is required. Where understory is to be cleared or existing trees are to be trimmed, the appropriate requirements of Section 27.6, as determined by the Planning and Zoning Administrator, shall be complied with.

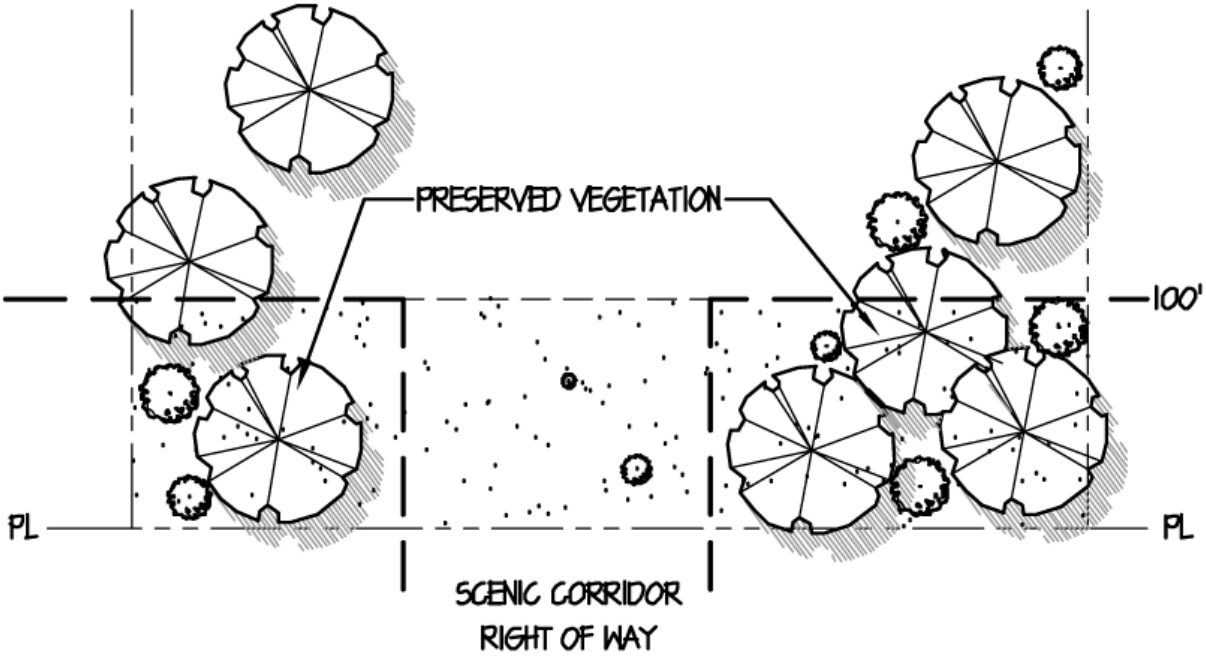
(ii.) In cases where an area within the Tier 1 or 2 Scenic Corridor has previously been substantially disturbed or has little CCV to preserve, the landscape treatment requirements of Sections 27.6.C shall apply.

(iii.) Except for clearing necessary to provide utilities and access to the site, no CCV shall be removed within a distance of 100 feet from the dedicated right-of-way line of Oracle Road (Figure 27.10-4), or 50 feet from the dedicated right-of-way line of Tangerine Road or any Tier 2 Scenic Corridors, without prior Development Review Board approval. No development, other than additional landscaping, is permitted within this CCV preservation zone (See Section 27-10.D.2.f.vi.a for additional landscaping requirements specific to land use type).

(iv.) Where no CCV exists, no 100 foot or 50 foot CCV preservation zone, as described above, is required. The preservation zone is required only along those frontage areas where CCV exists, as defined in Section 27.10.D.2.f.iv.b).

(v.) Washes with runoff volumes greater than 500 cubic feet per second during the 100 year storm, and their associated riparian habitat, shall be preserved in their natural state with exceptions for access and utility crossings. Any wash deemed unique, based on quality of vegetation or habitat, regardless of flow rate, may be required to be maintained as natural by the Town Council.

FIGURE 27.10 – 4: Preserved Vegetation



(a.) Landscape/Screening Treatment

The following landscape requirements apply to all common areas, private and public open space, landscape buffers, medians and rights-of-way within Tier 1 and Tier 2 Scenic Corridors except, when further than 100 feet from the Oracle Road right-of-way or 50 feet from Tangerine Road or any Tier 2 Scenic Corridor right-of-way and, in fully screened enclosed areas such as courtyards, residential backyards and active open spaces, swimming pools and patios associated with resort and residential uses. All other Oro Valley landscape requirements and guidelines apply.

i. Tree species planted in landscaped areas within Tier 1 and 2 Scenic Corridors are restricted to the following; Blue and Foothills Palo Verde (Cercidium floridum and C. microphyllum), Mesquite (Prosopsis. spp.), and Ironwood (Olneya tesota). All introduced shrubs, accents, and ground covers shall comply with the Oro Valley Approved Plant List (See Addendum C).

ii. Parking lots shall be landscaped with the specified trees.

iii. Decomposed granite (or other inorganic ground covers) may not exceed 25 percent of the total landscaped area (except roadway medians). Use of rock or stone as ground cover shall be limited to areas requiring slope stabilization or drainage channels. Only rock materials indigenous to the Scenic Corridor area are acceptable.

iv. All remaining disturbed areas shall be stabilized or seeded with shrubs, wildflowers, forbes or grasses from the Oro Valley Approved Plant List as approved by the Planning and Zoning Administrator (See Addendum D).

v. Native plant materials shall be allowed to maintain their natural form and character after establishment and during normal maintenance operations. Limited trimming is allowed for visibility and plant health purposes.

vi. All right-of-way areas where significant vegetation does not exist, shall be landscaped as established herein and in Section 27.6, with approval from the Planning and Zoning Administrator, Town Engineer, and ADOT, if within jurisdictional limits. The following additional requirements apply:

a. A continuous landscape treatment from the edge of the Scenic Corridor pavement to the right-of-way/private property line. Plant types (tree, shrubs, cactus etc.) and quantity will be dictated by road safety standards.

b. Hydroseed in compliance with the quantity and type specified in Addendum D shall be utilized.

(b.) Walls and Berms

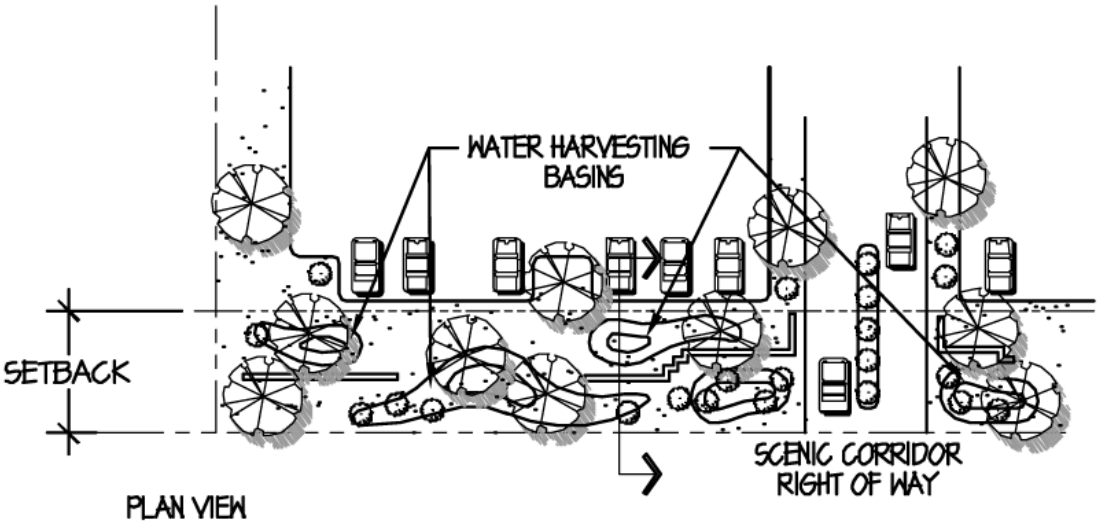
The following wall and berm requirements apply to all properties adjacent to Tier 1 or Tier 2 Scenic Corridors.

i. Where existing vegetation is minimal or has been disturbed, earthen berms, or portions of earthen berms, may be placed in landscape conservation tracts for purposes of traffic noise attenuation or residential screening. Berms shall be designed in a manner to promote water harvesting and have a natural shape and appearance, complementary to the existing topography Figure 27.10-5) and shall comply with the requirements of Section 27.6.D.4, Rainwater Harvesting requirements.

ii. Walls shall not exceed in length 33 percent of the Scenic Corridor frontage of each parcel.

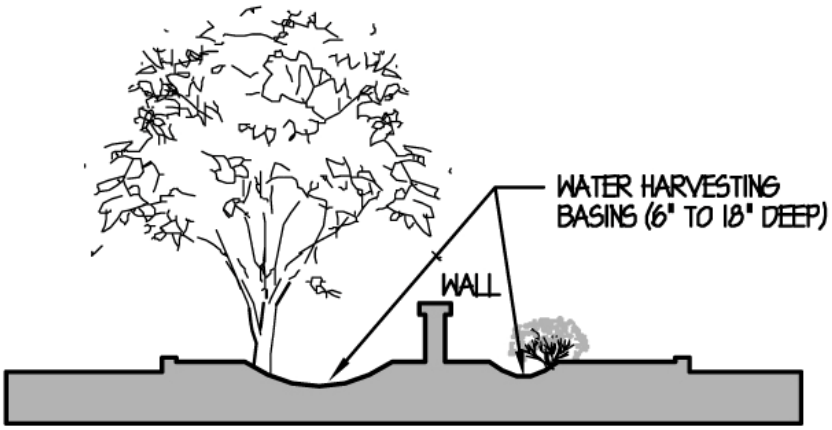
iii. Fences shall be prohibited, with the exception of wrought iron fence treatments used in association with masonry walls.

FIGURE 27.10 – 5: Plan View and Elevations



- COMMERCIAL AND RETAIL USES
- RESIDENTIAL USES CAN USE A 5' MAX WALL HEIGHT
- WALL NOT TO EXCEED 33% OF TOTAL FRONTAGE

ELEVATION - SCREENING WALL WITH WATER HARVESTING BASINS



SECTION - WATER HARVESTING BASINS AND SCREENING WALL AT GRADE

vi. Site Development

a) Tier 1 Scenic Corridors: Oracle Road Scenic Corridor Overlay District (ORSCOD) and Tangerine Road Corridor Overlay District (TRCOD)

The sensitive natural character and scenic vistas from Tier 1 Scenic Corridors require additional development design requirements to assure scenic resource conservation and implementation of the adopted General Plan. This section includes requirements for property development along Oracle and Tangerine Roads.

(1) Oracle Road Scenic Corridor District

Regulations and development guidelines adopted herein are intended to supplement the otherwise applicable zoning requirements and procedures pursuant to specific plan and overlay district enabling legislation. .

(i.) Oracle Road Scenic Corridor District Established

(a.) Overlay District

The Oracle Road Scenic Corridor District, including the area designated and adopted by the Town Council as the Oracle Road Scenic Corridor Specific Plan, is hereby designated as an overlay zoning district consistent with the Oracle Road Scenic Corridor Specific Plan adopted by the Town Council. Development within the Oracle Road Scenic Corridor District shall be regulated by the provisions of this Section and the requirements of the Oro Valley Zoning Code Revised, including underlying district(s) and PADS, except that in the event of a conflict, the more restrictive shall prevail.

i. Applicability

The provisions of the Oracle Road Scenic Corridor Overlay District apply to development in the area shown on the Existing Overlay District Maps for the Oracle Road Scenic Corridor.

ii. Exceptions

1. Rooney Ranch Planned Area Development - The Rooney Ranch Planned Area Development contains an approved layout plan for commercial development within the Oracle Road Corridor. Area G, located on the west side of Oracle Road and south of Pusch View Lane is exempt from the provisions of this overlay zone.

   Development Area B of the Rooney Ranch PAD is exempt from the following provisions: Section f.v.a).(1)(front setbacks) and Section 24.5.G.3.c.i, Building Bulk. Development area D is exempt from all provisions of this overlay zone except, Section 24.5.F.2 Right-of-Way Landscaping.

2. La Reserve Planned Area Development - All portions of the La Reserve PAD that fall within the Oracle Road Corridor Overlay District are subject to the provisions of the district, with the

exception of the Foothills Business Park. Based on the recorded plat for the Foothills Business Park, Lots 2-8, 16, and 17 shall be exempt from the requirements of Section 24.5.G.4.d.i (open space) and Section 24.5.G.4.e.i and ii (view corridors). Lots 9-12 of the Foothills Business Park shall be exempt from the provisions of Section 24.5.G.4.b (setbacks) and Section 24.5.G.4.d.i (open space). All other provisions of this district shall apply. Lots 1, 13, 14, and 15 of the Foothills Business Park have been fully developed, and are exempt from the provisions of the overlay district.

3. Steam Pump Village Planned Area Development - The Steam Pump Village PAD is exempt.

4. If any PAD is substantially changed from the Town approved plan, as determined by the Planning and Zoning Administrator, all provisions of this overlay district shall apply. A substantial change from the approved land use plan includes a change in 1) the number and general massing of buildings or groups of buildings, 2) density, 3) setbacks, 4) open space or 5) circulation configuration. Such a deviation will cause the loss of exemption. All cases evaluated for significant change shall be made known to the Planning and Zoning Commission through the Planning and Zoning Administrator's Report.

(b.) Special Recommendations

The Planning and Zoning Administrator may recommend such development requirements as the Administrator deems necessary to assure compliance with Oracle Road Scenic Corridor Specific Plan Goals and Objectives and for the protection of neighboring residences for all plats and development plans that may be submitted in the development period.

(ii.) Approvals Required

No structure or building shall be built or remodeled on land in the Oracle Road Scenic Corridor District until approval has been granted as set forth in this Section and as required in other applicable Sections of this Zoning Code.

(iii.) Oracle Road Scenic Corridor District Use

Distinctions in development regulations are applied to 4 general types of land use (Residential, Resort, Commercial, Employment/Institutional) for their effective integration into the unique Scenic Corridor setting.

(a.) Residential Development Regulations

The Oracle Road Scenic Corridor Specific Plan and the Oro Valley General Plan characterize the plan area's predominant land use character as being resort-residential in nature. Accordingly, additional assurances and criteria are set forth to protect scenic quality and to protect and enhance residential character within the Corridor. Zoning district requirements shall pertain except as herein provided for

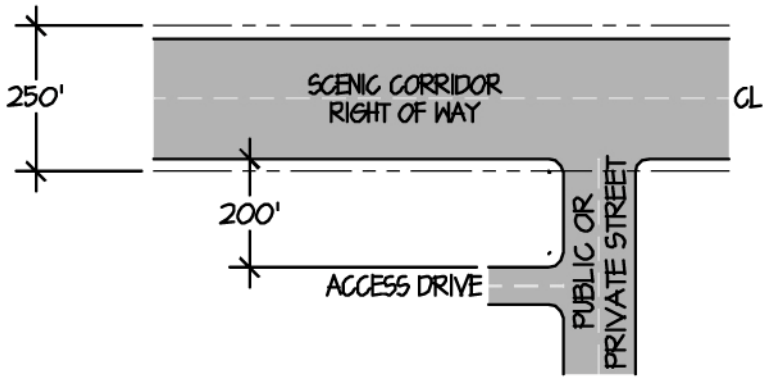
properties, or portions thereof, classified according to the Oro Valley Zoning Code Revised, Sections 23.6 and 23.7, Single-Family and Multi-Family Residential District Regulations, and located within the Oracle Road District.

i. Access to Oracle Road. Direct access to Oracle Road is permitted only for pre-existing, residentially zoned lots of record as of the effective date of the Oracle Road Scenic Corridor Overlay District. Thereafter, subdivisions or residential clusters containing a minimum of forty residential lots or dwelling units shall have access points spaced a minimum of 660 feet on center, except as hereinafter required or modified by Specific Plan variance.

   Indirect access to Oracle Road, by way of a dedicated public street or by private street observing the aforementioned spacing requirement, is required as feasible, to any residence or residential development from a point not less than 200 feet from the Oracle Road right-of-way.

ii. Required Setbacks. Setback requirements of the applicable zoning district are to be provided and, except for residentially-zoned lots existing prior to the adoption of this ordinance, a peripheral landscaped setback, exclusive of access driveways, is to be designated as common area to a depth of not less than 30 feet from the front and rear property lines.

FIGURE 27.10 – 6: Residential Indirect Access Design



iii. Density. Within perimeter setbacks and view corridor restrictions, the setbacks, heights, coverage, density, and open space requirements of the underlying residential district apply to individual lots or dwelling clusters.

iv. Height. Structures within 100 feet of the Oracle Road right-of-way may not exceed 18 feet in height.

v. Landscaping Treatments. Landscaping is to be installed and maintained for perimeter setbacks and all common open space

areas according to an approved phasing schedule. Further requirements are applied:

(b.) Resort Development Regulations

The Oracle Road Scenic Corridor Specific Plan and the Town of Oro Valley General Plan designate the Corridor as being resort-residential in character. Accordingly, resort development is encouraged for its potential contribution to the recommended use characteristics and scenic qualities of the Corridor.

i. Access to Oracle Road. Resort development requires a minimum frontage of 660 feet on Oracle Road, with a single roadway access (unless frontage exceeds 2000 feet or as may be required for emergency access). The entry drive or street is to be a minimum of 200 feet in length from the Oracle Road right-of-way to any intersecting interior drive.

ii. Required Setbacks. A setback of not less than 150 feet from the Oracle Road right-of-way is to be provided, the front 100 feet of which shall be landscaped or natural open space. Where adjacent to existing residential development, buffers of 300 feet are required as side or rear setbacks, which may be used for parking if properly screened.

iii. Density/Bulk. Subject to Planning and Zoning Commission approval, resort/residential developments proposed in the Oracle Road Scenic Corridor Overlay District shall consist of contiguous land areas totaling 7.5 acres or more.

1. A qualifying resort is to contain a minimum total of 30 guest rooms, casitas, and/or dwelling units of which the majority are to be located within the principal structure.

2. Subject to Town Council approval, additional guest rooms or dwelling units may be constructed in excess of those determined from gross land area as specified in Section 23.7.B.4.c.

iv. Landscaping Treatments. Not less than 25 percent of the gross site area is to be devoted to common landscaped or natural open space recreation areas accessible to resort guests and homeowners.

v. View Corridors. Buildings over 18 feet in height or other structures, including walls, signs or mechanical equipment over 4 feet in height, may not be placed within 100 feet of the Oracle Road right-of-way, with the following exceptions:

1. Resort signage; principal resort structure 200 feet or more from the right-of-way.

2. Retaining walls for screened parking areas.

vi. Performance Requirements. All other development requirements of the R4-R district, as well as the requirements of this Section, shall apply.

(c.) Commercial Development Regulations

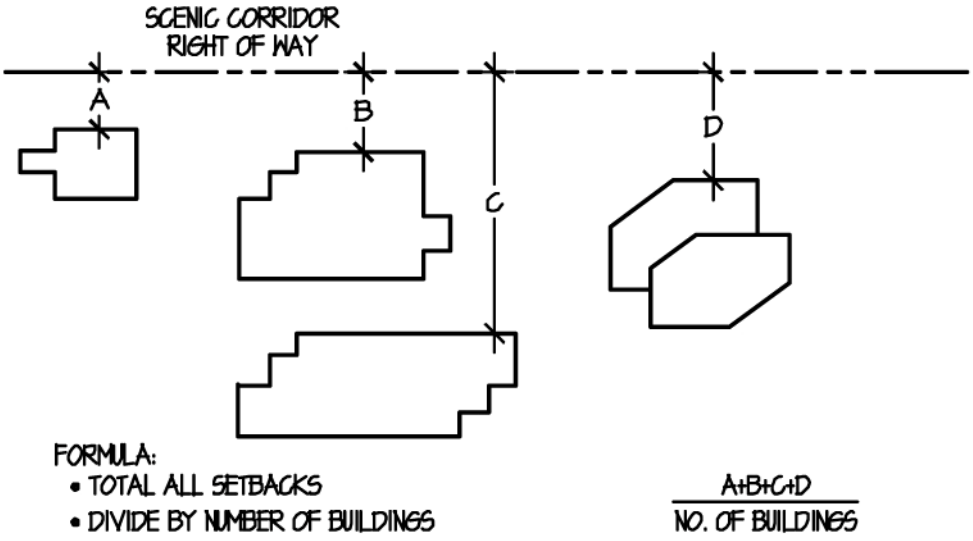
The Oracle Road Scenic Corridor Specific Plan requires additional assurances with regard to the design and placement of commercial structures or uses so as to protect the scenic qualities that accrue to the value of all properties within the Corridor. Zoning district requirements apply except as herein provided for properties, or portions thereof, classified according to the Town Zoning Code, Section 23.8, Commercial District Regulations as C-1, C-N, C-2 or P-1 Districts, located within the Oracle Road District.

i. Access to Oracle Road. Direct access to Oracle Road is to be spaced a minimum of 330 feet on center, except as hereinafter required or modified by Specific Plan variance.

ii. Required Setbacks. Setback requirements of the applicable zoning district classification are applied, except as provided below:

1. Front setback for multiple structure development: Average 120 feet.

FIGURE 27.10 – 7: Setbacks



2. Front setbacks for single structure development: Minimum 60 feet and must comply with a 4:1 setback to building height ratio.

3. Side setback distances of the applicable zoning district, are to be provided.

4. Office developments on parcels of 2 acres or less and not exceeding 5,000 square feet of gross leasable area shall be permitted to observe the adjacent residential setback plus 10 feet for buildings up to 2,000 square feet; and for buildings of 2,000 - 5,000 square feet in area, 1.5 times the residential setback. Half of the additional requirement (in excess of the residential district setback) shall be waived where all parking is provided with security concerns addressed or internalized parking; half shall be waived for single-story structures of 15 feet in height or less.

   Examples:

   Building up to 2,000 square feet, adjacent to R1-36; 40 foot rear setback + 10 feet = 50 feet, may be reduced in increments of 5 feet to 40 feet.

   Building 2,000 - 5,000 square feet adjacent to R1-43; 20 foot side setback x 1.5 = 30 feet, may be reduced in increments of 5 feet to 20 feet.

iii. Freestanding Building Pads. Within development envelopes established by setbacks and view corridor restrictions, the following free-standing pads may be built:

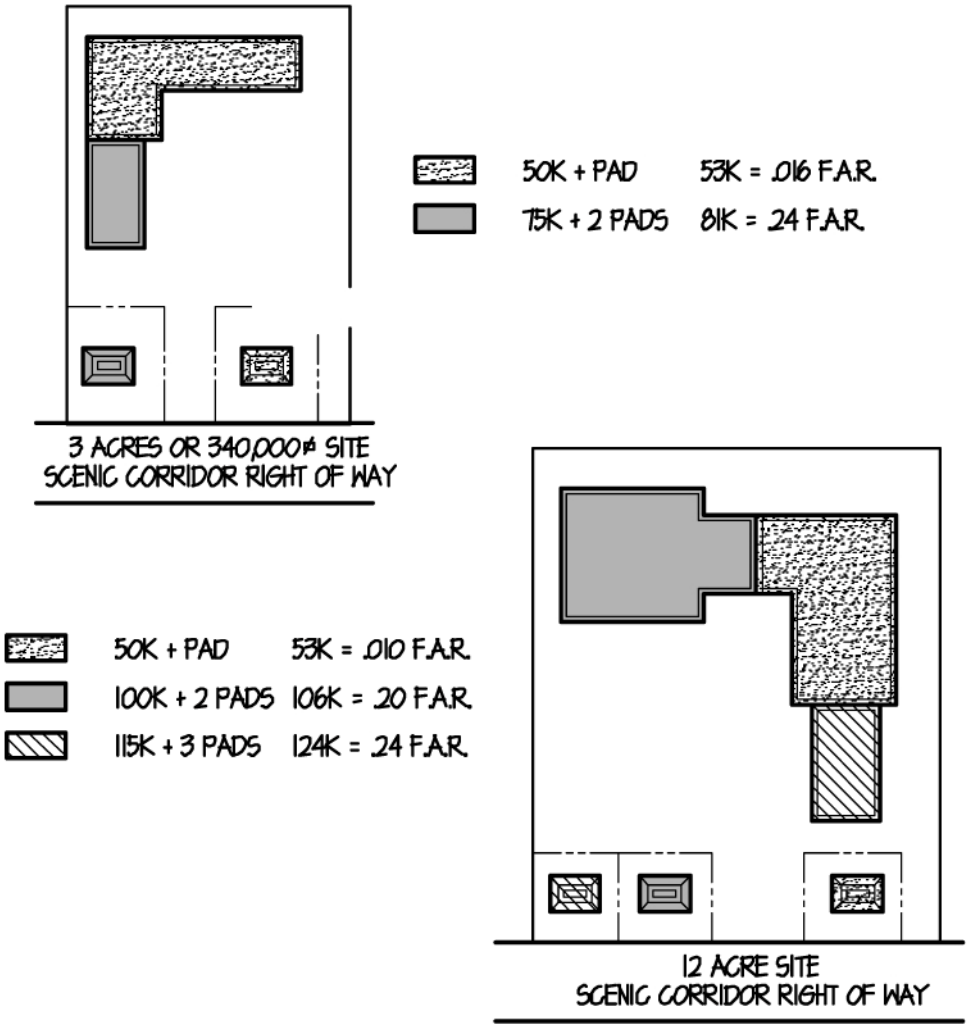
1. Establishment of freestanding building pads fronting on or directly accessible from Oracle Road is permitted only on sites of 5 acres or greater, with a minimum of 50,000 square feet of GFA (gross floor area) in the principal structure required for the first such pad. Additional pads, requiring further increments of principal building GFA, may be permitted only by express Planning and Zoning Commission approval, subject to the following requirements:

   a. Properties not exceeding 10 acres in area shall provide an additional 25,000 square feet of GFA or portion thereof for each additional pad requested; or

   b. Properties of greater than 10 acres in area shall provide an additional 50,000 square feet of GFA or portion thereof for each additional pad requested.

   c. All Convenience uses shall comply with Section 25.1.M.

FIGURE 27.10 – 8: Freestanding PAD illustrations



2. Allowable building area is .25 FAR for sites with an area of 2 acres or larger; reduced by 50 percent (.125 FAR) for sites or existing freestanding pads of lesser area. FAR may be increased to a total not exceeding .3 FAR, by the following site plan features:

   a. An additional .01 FAR shall be permitted for each 10 percent (or fraction thereof) over 80 percent of total building volume in the rear half of the site; a .03 FAR increment shall be permitted for placing the total building bulk in the rear half of the site.

b. Principal buildings which are oriented perpendicular to Oracle Road, observing a ratio of 1:3 or greater of proportionate facade parallel to Oracle Road, shall be permitted an additional .01 FAR.

c. Double-fronted principal structures, with landscaped, architecturally designed entrances on two opposing sides, shall be permitted an additional .01 FAR.

iv. Landscaping Treatments. Approved landscaping is to be installed and maintained prior to the issuance of a certificate of occupancy, subject to the following:

1. Freestanding building pads require approved landscape plans consistent with areas maintained as natural open space.

2. All areas other than those covered by buildings or paving for required parking and maneuvering are to be landscaped or maintained in their undisturbed natural desert condition

v. View Corridors. The applicant shall be responsible for indentifying view corridors that meet the requirements of Section f.v.a).(1).(c) v.2, below. Flexibility from the view corridor requirements defined below shall be determined by express approval of the Planning and Zoning Commission.

1. The following requirements are applied to the east and west sides of Oracle Road as follows:

a. West Side

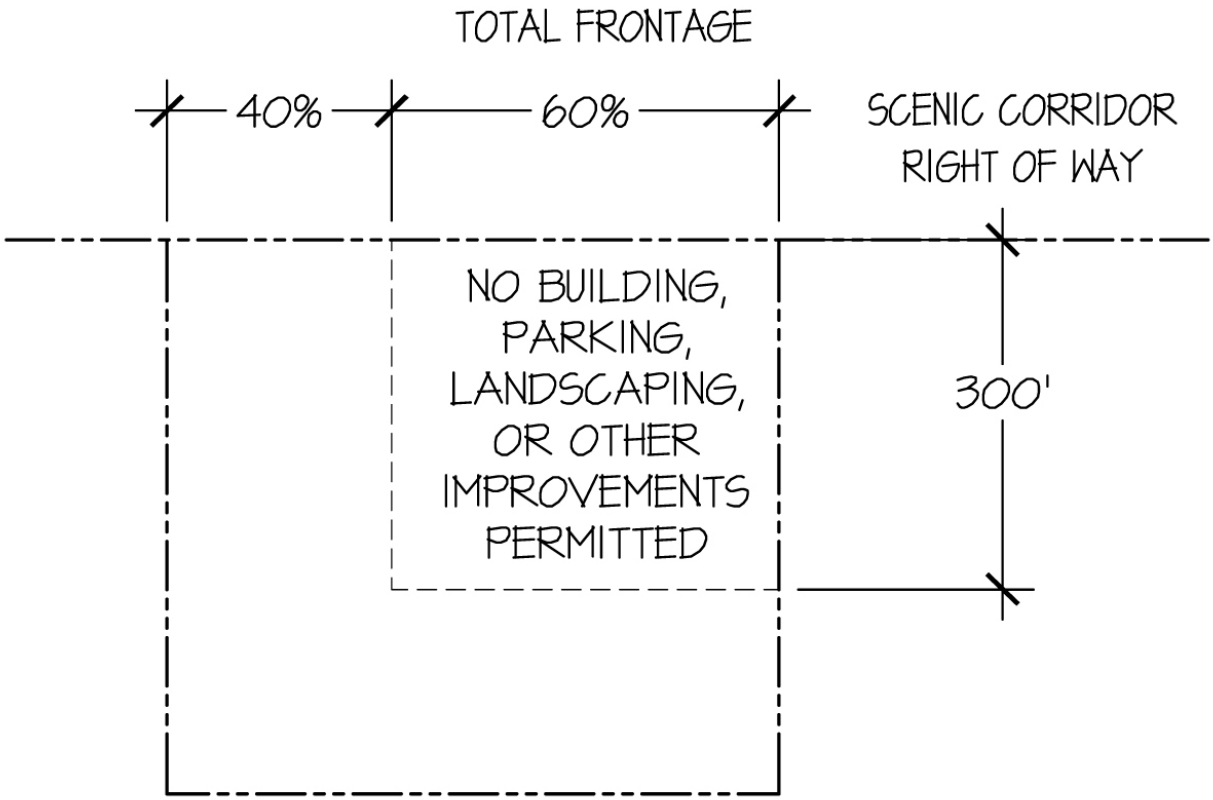
No building heights over 18 feet or structures, including walls, signs, or mechanical equipment over 4 feet in height, within a minimum of 60 percent of the frontage to a depth of 300 feet is maintained as a view corridor.

b. East Side

i. A minimum of 60 percent of the frontage to a depth of 300 feet is maintained as a view corridor (Figure 27.10-9) and is not used for building purposes. Total building exposures or frontages will be measured to calculate the view corridor open area percentage.

ii. Properties with an average depth of 400 feet or less, or containing less than 2 acres in size, building heights in excess of 25 feet (as permitted by underlying zoning) shall be limited to 40 percent of the frontage. The remaining buildable area heights shall be limited to 25 feet.

FIGURE 27.10 – 9: View Corridor Illustration



3. Landscaping, walls, or other improvements installed by the developer within or adjacent to view corridors require express Development Review Board approval.

4. No signage, wall, or other structure may be placed so as to obstruct defined view corridors, except as provided for above.

5. No structure or appurtenance may project above ridgelines; all development must blend with the background slope as established in the applicable Scenic Resource Area Design Guidelines.

(d.) Employment/Institutional Regulations

Campus developments on larger sites are especially desirable for preserving view corridors, adding variety to the Specific Plan area and creating activity balance with in-community destination sites. Special attention is required to maintain the Corridor's structural scale and efficient traffic management. Zoning district requirements apply, except as hereinafter provided, for properties classified under the Town Zoning Code, Section 23.8.D., Private Schools (PS), and 23.8.E., Technological Park (T-P) Districts and located within the Oracle Road Scenic Corridor District.

i. Access to Oracle Road. Campus uses require a minimum frontage of 660 feet on Oracle Road or other arterial streets, with roadway access located so as to be at least 300 feet from an established entry point to an adjacent property or street:

1. Multiple entries may be required if traffic projections for the proposed use so warrant.

2. Signalization, at appropriate spacing, is permitted only if warranted according to Arizona Department of Transportation criteria.

ii. Required Setbacks. A setback of not less than 150 feet from the Oracle Road right-of-way is to be provided, the front 100 feet of which shall be landscaped or natural open space.

Natural open space or landscaped buffers (which may include natural washes) of not less than 100 feet in width are required as side or rear setbacks to any adjacent residential district.

iii. Density/Bulk. Development intensity for institutional or employment campus uses is limited to a maximum of .3 FAR and may be further limited by the Town Council.

iv. Landscaping Treatments. Not less than 25 percent of the gross site area is to be devoted to common landscaped or natural open space recreation area.

v. View Corridors. The applicant shall be responsible for indentifying view corridors that meet the requirements of Section f.v.a).(1).(d).v.2,below.

1. Along the west side of Oracle Road, buildings over 18 feet or other structures, including walls, signs or mechanical equipment over 4 feet in height may not be placed within 150 feet of any identified view corridor without express Development Review Board approval.

2. Along the east side of Oracle Road, a minimum of 60 percent of the frontage to a depth of 300 feet along the east side of Oracle Road is maintained as a view corridor and is not used for building purposes. Building exposures will be measured to calculate the view corridor percentage. For properties along the east side of Oracle Road, with an average depth of 400 feet or less, or containing less than 2 acres in size, building heights in excess of 25 feet (as permitted by underlying zoning) shall be limited to 40 percent of the frontage. The remaining buildable area heights shall be limited to 25 feet.

(e.) Commercial Retail Intensity

An increase to the intensity of commercial retail use of a specific parcel shall require a conditional use permit in accordance with Section 22.4.

(2) Tangerine Corridor Overlay District

(i.) Tangerine Corridor District Regulations

The provisions herein are adopted as supplements to the applicable zoning requirements of the underlying zoning district classifications. Regulatory provisions, including standards and measurements, are mandatory.

(ii.) Tangerine Corridor District

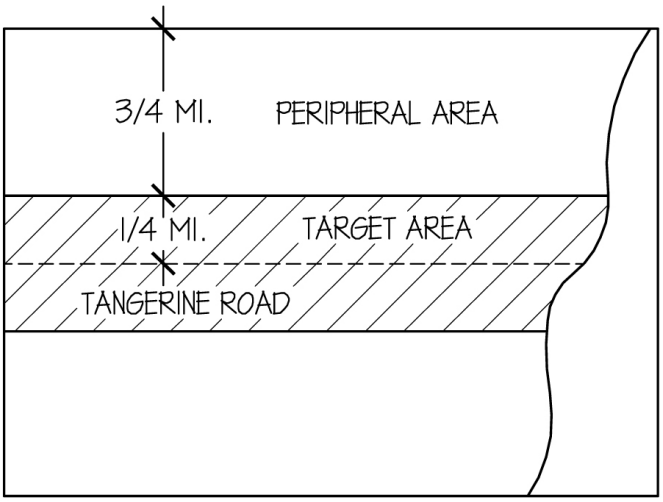
The Tangerine Corridor District is an Overlay District to provide implementation directions for the Tangerine Road Corridor Specific Plan, which has been duly adopted as a refinement of the Town of Oro Valley General Plan. The purpose of these regulations and guidelines is to preserve the value of lands possessing the unique Upper Sonoran Desert character found within the Tangerine Road Corridor, as well as to protect the health, safety, and welfare of the public by encouraging reasonable use and enjoyment of private property. It is the further premise of this Ordinance that attention to the Corridor's environmental quality is necessary to maintain a natural coexistence with the desert that enhances the value of all lands with it.

(a.) Overlay District

The District shall include lands located between Naranja Road and Moore Road, or their alignments, within the corporate limits of the Town of Oro Valley (the "Corridor"); and shall be applied to all properties lying within the Corridor at the time of this Ordinance adoption; and to such lands within the Corridor which may, from time to time, be annexed into the Town.

i. Applicability. Overlay District regulations, as stated herein, apply to all property within one quarter (¼) mile of the Tangerine Road centerline (the "Target Area", as defined in the Tangerine Road Corridor Specific Plan.) Overlay District guidelines pertain to all uses in the Corridor. Construction, addition to or remodeling of individual residences within the Target Area shall require only observance of frontage tract and setback requirements and of non-access provisions.

FIGURE 27.10 – 10: Target Area Illustration



ii. Exceptions. Development plans, preliminary plats, or final plats approved prior to the adoption of this Ordinance and still in effect, and individual residences on single lots are exempt from the requirements of this Section.

1. The adopted Rancho Vistoso PAD, having addressed, met or exceeded certain requirements of this Overlay District, is exempt from the following requirements of this Ordinance: Section 24.1.D.1.a; and Sections 24.1.E.1.b, 24.1.E.1.e, 24.1.E.2.c, and 24.1.E.3.c, except that the allowances of 2.c shall be applicable.

2. The adopted Rancho Vistoso PAD design guidelines shall prevail, where they conflict with the guidelines in Section 24.1.F. However, large expanses of glass or other materials of high reflectivity should not be used. In addition, residential developments, which may be impacted by noise from Tangerine Road, should include the noise mitigation provisions of Section 24.1.F.

(b.) Conformance to General Plan

The Overlay District is intended as a refinement to the Oro Valley General Plan, in the form of a regulatory specific plan with additional design guidelines. All development hereunder is required to be consistent with the General Plan. It is, however, expressly intended that residential densities or intensities of development may be averaged or clustered, with Town approval on any property where such siting has the effect of further separating development from Tangerine Road or from sensitive natural or cultural resources.

Any conflicts arising as a result of amendments to the General Plan, Tangerine Road Corridor specific plan, or the text provisions of

applicable, underlying zoning districts shall be resolved in favor of the General Plan, unless interpreted otherwise in this Section.

(c.) Conformance to Specific Plan

Evaluations of development plans by the Development Review Board should result in findings and/or recommendations that are consistent with the Tangerine Road Corridor Specific Plan.

(iii.) Application Requirements

Any application for land improvement within the Tangerine Road Corridor Overlay District target area, or where specifically required elsewhere in the Corridor, shall be submitted for development review; and, in the case of non-residential site plans, Planned Area Development, subdivision plats or other development plans, shall be submitted in a form and in such numbers as required by the official responsible for accepting the application.

Special Consideration

The application shall be accompanied by a statement with justification, describing any requested waiver, such as exemption from visual analysis or increased building height; or adjustment to otherwise applicable criteria, such as masterplanned developments flexibility.

(iv.) Tangerine/Arterial Frontage Tracts

As a means to assure safety through unimpeded traffic visibility with minimal distraction, separation of travel modes, adequate stormwater drainage and other recommended traffic engineering improvements, tract reservations in the nature of non-buildable, non-access easements are required adjacent to all property lines abutting Tangerine Road or other arterial roadway rights-of-way in the Corridor Target Area. The intent is to severely restrict direct access onto Tangerine Road or intersecting arterial (within a specified distance from Tangerine); encouraging, instead, well-separated side arterial access and internal loop circulation. These tracts serve the further purposes of providing additional buffering from transportation facilities, preserving vegetation essential to the Corridor's character and enhancing the value of private property.

All developments shall be responsible for reserving and maintaining tracts, as specified herein, adjacent to the property lines abutting Tangerine Road and arterial roadway frontage within a distance of 660 feet from the Tangerine Road right-of-way, unless otherwise specified.

(a.) Non-Development or Conservation Easements

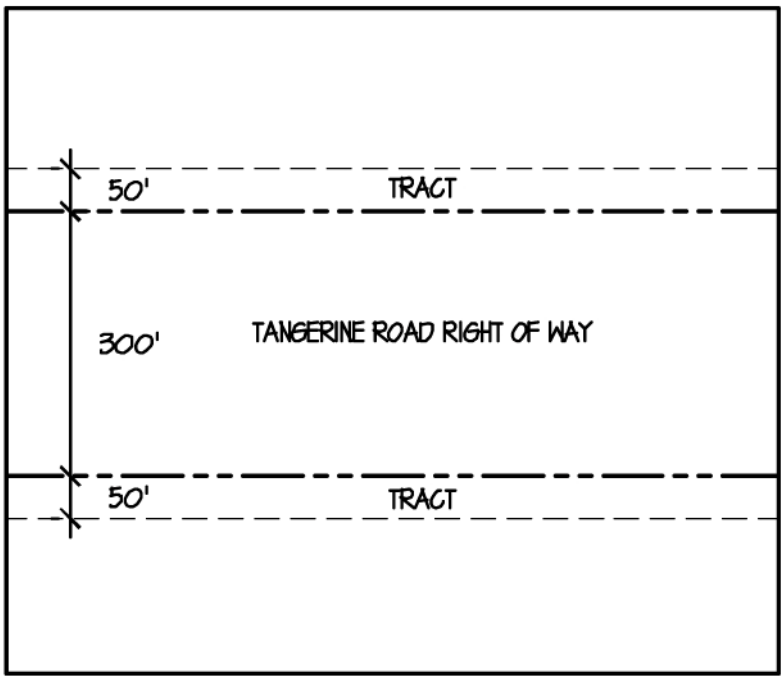
The widths of tracts to be provided are as follows:

i. Tangerine Road

A tract of not less than 25 feet in width for Commercial Developments located at arterial intersections and 50 feet in width for all other developments shall be designated on all properties abutting Tangerine

Road, measured from the right-of-way. Crossing of the tract with roads, public or private, and driveways (except for emergency vehicle access where required) is prohibited without the approval of ADOT and the Town, and in no case shall such direct access crossing be less than 330 feet from an arterial intersection or less than 1000 feet from another vehicular tract crossing.

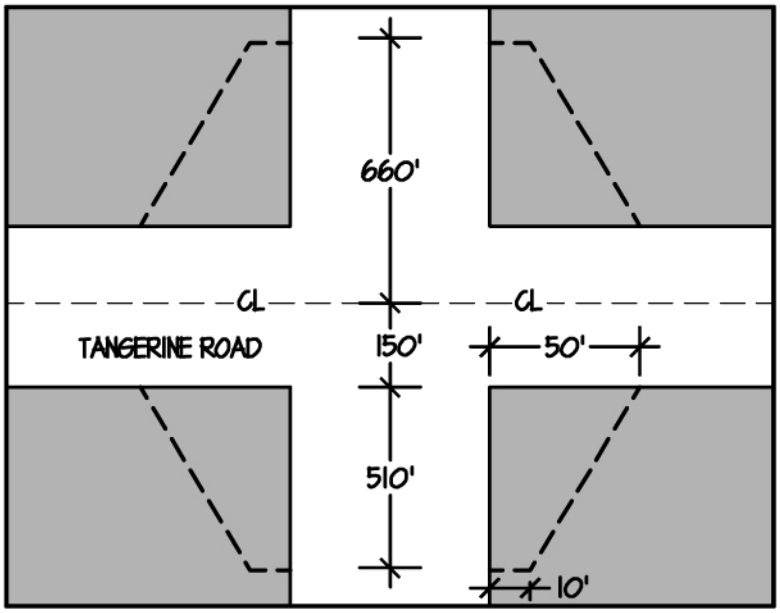
FIGURE 27.10 – 11: 50' Tract along Tangerine Road R-O-W



ii. Arterial Roads

A tract not less than fifty feet in width beginning at the point of intersection with the corresponding Tangerine Road tract and tapering to a width of not less than 10 feet at a point 660 feet from the Tangerine Road centerline shall be designated on all properties abutting arterials in the Target Area, measured from the arterial right-of-way. Under special circumstances, such as restricted parcel dimensions, improved structural massing or uneven topography, ADOT and the Town may approve reduction of the tract to not less than 330 feet in length and 25 feet in width at the Tangerine tract. Crossings of arterial tracts are prohibited.

FIGURE 27.10 – 12: Tangerine Road Crossings



iii. Signage Permitted

Signs are permitted within the tract in accordance with Chapter 28, Signs.

iv. Pathway Linkages

Locations for trails or paths may be approved for placement within the reserved area.

(b.) Berms

Where existing vegetation is minimal or has been disturbed, earthen berms, or portions of earthen berms, may be placed in frontage tracts for purposes of traffic noise attenuation or screening requirements.

Berms must be designed in a manner to insure compliance with water harvesting requirements in Section 27.6.

(c.) Drainage Facilities

Natural materials, such as river rock and vegetative groundcover, shall be required for lining drainage structures placed on reserved tract areas unless other materials are approved by the Planning and Zoning Administrator and the Town Engineer. All such drainage structures shall be designed and installed to accommodate ultimate roadway design plans.

(d.) Utility Easements

Provisions for utilities may be included in separate easements within the frontage tract upon approval of the Town. Utility providers shall be required to keep disturbance of natural vegetation to a minimum during the installation or maintenance of their facilities and to restore vegetation in a manner consistent with requirements for adjacent property owners. Future above-ground power lines carrying 46kV or less are subject to conditional use permit (CUP) approval and the criteria specified in Section 23.3. A CUP may be conditioned to require undergrounding of power lines with a specified time frame or concurrent with specific projects. Development plans for properties abutting arterial intersections shall provide conduit for future intersection lighting requirements.

(v.) Tangerine Road Corridor Overlay District Use Provisions

General types of land use as anticipated for the Corridor in the Oro Valley General Plan (Residential, Commercial, Employment/Institutional) are provided additional distinctions for their applicability in conjunction with underlying zoning district use regulations. Resort or other nonresidential uses not covered by these provisions may be considered in accord with Commercial regulations. The Overlay District, in requiring the reservation of frontage tracts, Section 24.1.D, carries further expectation that existing vegetation shall be preserved or otherwise be revegetated with specimens from the disturbed areas on the subject site to maintain native plant material along all Tangerine Road property lines. Pathway linkages are to be provided within each development and connecting with pathways, trails or bike lanes paralleling or otherwise linking to Tangerine Road.

(a.) Residential Development Regulations

Construction in any residential zoning classification shall comply with the following provisions in addition to the applicable regulations of the underlying zoning district:

i. Roadway Access

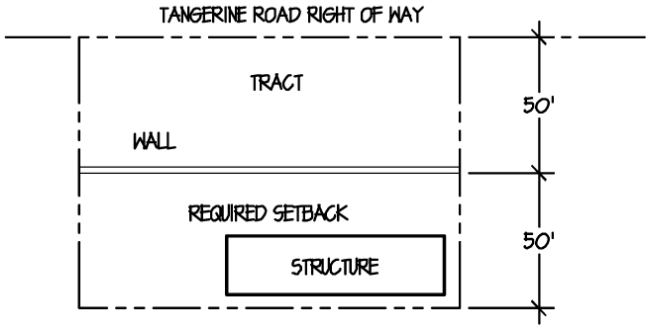
Direct access to Tangerine Road or to an intersecting arterial roadway within 600 feet of the Tangerine right-of-way is prohibited for any future development without the express approvals of the Town and ADOT (see Sections 24.1.D.1.a, and 24.1.D.1.b). The intent is to eliminate curb cuts from Tangerine Road's parkway improvements, affording access only from streets intersecting with Tangerine or approved circulation roadways and/or frontage roads provided with acceleration/deceleration lanes accessing the major roadway.

ii. Required Setbacks

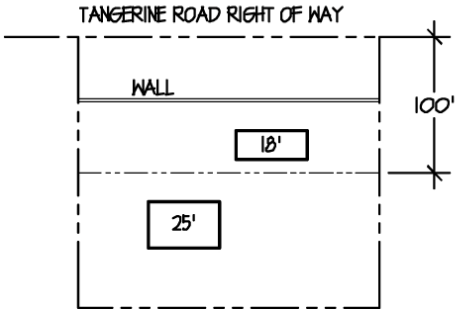
Setback requirements of the applicable, underlying zoning district shall be provided in addition to the reserved easement tract.

Undulating setback distances may be approved in planned developments to provide variety and visual interest.

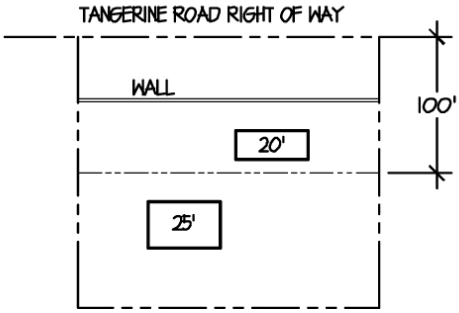
FIGURE 27.10 – 13: Tangerine Road Easements and Structure Heights



- RESIDENTIAL STRUCTURE HEIGHT NOT TO EXCEED THE LESSER OF 18' OR THE APPLICABLE ZONING DISTRICT HEIGHT.
- COMMERCIAL, EMPLOYMENT / INSTITUTIONAL STRUCTURE HEIGHT NOT TO EXCEED THE LESSER OF 20' OR THE APPLICABLE ZONING DISTRICT HEIGHT.



RESIDENTIAL



COMMERCIAL, EMPLOYMENT / INSTITUTIONAL

iii. Density

Coverage, density, and open space requirements of the underlying zoning district shall apply to individual lots or dwelling clusters.

1. Lots including frontage tracts are entitled to include the tract area in meeting these requirements.

2. Planned residential developments may compute perimeter tracts for open space and dwelling unit density yield.

3. Minimum lot areas of the applicable residential zoning district may be reduced by as much as 20 percent for lots clustered in the interior of the development to take advantage of frontage tract area reservations. Further reductions may be permitted with provision of Environmentally Sensitive Open Space (ESOS) as provided in Section 27.10F.2.

4. No lot of reduced area, however, may be sited adjacent to a residence existing at the time of platting.

iv. Perimeter Screening Walls and Berms

Screening is required for traffic noise attenuation and residential privacy. Residential developments abutting Tangerine Road shall provide a solid, masonry wall 5 feet or greater in height, which structure may be constructed to a height of 8 feet with engineering approval. Walls shall not be constructed within non-development or conservation easements. Earthen berms may be substituted for, or alternated with, walls to a height not less than 5 feet from natural grade. Berms must be designed in a manner to insure compliance with water harvesting requirements in Section 27.6.D.

v. Building Height

Structures within 100 feet, and visible from the Tangerine Road right-of-way, shall not exceed 18 feet in height; except, where the natural grade of the structure's site is below that of Tangerine Road's proposed profile grade, the structure may be built to the lesser of 18 feet above the proposed roadway grade or the maximum height of the applicable zoning district.

(b.) Commercial Development Regulations

The sensitive natural character of the Tangerine Road Corridor, coupled with the community's desire for economic development on specified, masterplanned and strategically located sites, requires additional assurances with regard to the design and placement of commercial uses. Construction in any commercial zoning classification shall comply with the following provisions in addition to the applicable regulations of the underlying zoning district:

i. Roadway Access

Access provisions of Section 24.1.E.1.a and 24.1.E.1.b shall apply. Internal loop circulation roadways, with access/egress points observing the desired spacing and providing additional turning lanes, shall be provided.

ii. Required Setbacks

Setback requirements of the applicable underlying zoning classification are applied, except that the front setback from Tangerine Road, including the reserved tract, shall be not less than a 4:1 setback to building height ratio.

iii. Building Height

Structures within 100 feet, and visible from the Tangerine Road right-of-way, shall not exceed 20 feet in height.

1. Except, however, where the natural grade of the structure's site is below that of Tangerine Road's proposed profile grade, the structure may be built to the lesser of 20 feet above the proposed roadway grade or the maximum allowable height of the applicable zoning district.

2. Architectural features, such as decorative bell or clock towers, campaniles, carillons and spires of a size proportional to the building they embellish shall be exempted from the 4:1 setback ratio and this height restriction to the maximum allowable height of the applicable zoning district upon compliance with View Preservation Plan requirements of Section 27.10.D.f.iv.

iv. Building Bulk

The following structural volumes may be built within the development envelopes established by required setbacks: .3 FAR for sites with an area of 2 acres or larger; reduced by 50 percent (.15 FAR) for parcels or freestanding pads of lesser area.

v. Land Use Distinctions

Uses permitted in the underlying zoning districts, as determined by the Planning and Zoning Administrator, shall be permitted except that the following may be sited only within masterplanned commercial developments (such as the Rancho Vistoso PAD or Forest City sites, as indicated on the Future Development Plan, or future commercial PADs) on parcels 200 feet or more from the development's nearest entry point:

1. Building or Home Improvement Supplies

2. Plant Nurseries

3. Indoor Theaters

vi. View Preservation

All properties required to submit a visual analysis will develop in accord with the View Preservation Plan as provided in that analysis.

vii. Site Planning

Additional development plan review criteria applicable to Tangerine Corridor commercial properties include:

1. Interior calculation shall include maneuvering aisles, access for deliveries and trash pick-up and pedestrian connections. Sites of 20 acres or greater shall have entry road designs that prohibit cross traffic within 200 feet of the entry point.

2. The proposed location of all trash receptacles, heating, ventilating, and air conditioning equipment, loading and parking areas shall be screened from public view.

(c.) Employment and Institutional Regulations

Sites for campus-type developments are established within the Tangerine Corridor's natural context to create unique, unobtrusive opportunities for employment and institutional activity centers. Construction shall comply with the following provisions in addition to the applicable regulations of the underlying zoning district.

i. Roadway Access

Access provisions of Section D.2.f.v.a).(2).v.a and D.2.f.v.a).(2).v.b apply; however, multiple access points from Tangerine Road may be appropriate for institutional developments exceeding 20 acres in area, which experience high peak hour traffic demand. Construction of a public roadway perpendicular to Tangerine, separated by not less than one quarter (¼) mile from any arterial intersecting Tangerine, may be approved for the purpose of providing multiple entries to the campus. Secondary, alternative access to an intersecting arterial is also desirable.

ii. Required Setbacks

The Commercial Development regulations, Section D.2.f.v.a).(2).v.b, shall also apply.

iii. Building Height

The Commercial Development regulations, Section D.2.f.v.a).(2).v.c shall apply.

iv. Building Bulk

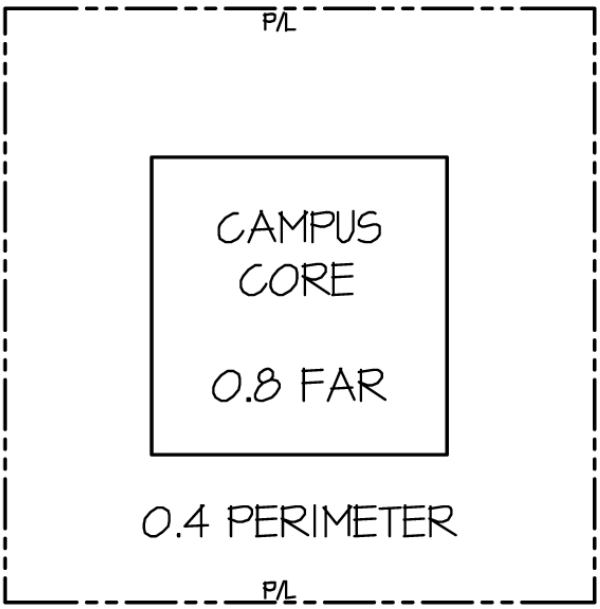
The following structural volumes may be built within the development envelopes established by required setbacks:

1. The overall campus building area shall not exceed the FAR for the appropriate zoning district.

2. Buildings within the campus core (an area representing one-fourth (¼) or less of the total site area surrounded by an equidistant peripheral band with lesser or no structural development. (See Figure 27.10-14) shall not exceed .8 FAR.

3. Building area within peripheral area shall not exceed .4 FAR or the FAR for the appropriate zoning district whichever is less.

FIGURE 27.10 – 14: Allowable FAR using Campus Core



v. Land Use Distinctions

Uses permitted in the underlying zoning districts as determined by the Planning and Zoning Administrator shall be permitted except that the following may be sited only within masterplanned institutional or employment developments at a distance of 200 feet or more from the development's nearest entry point:

1. Office Buildings exceeding 2 stories or 30 feet in height.

2. Research, Fabricating or Manufacturing Structures exceeding one (1) story or 24 feet in height.

3. Hospitals/Extended Care Facilities exceeding 2 stories or 30 feet in height.

4. Warehouse Structures.

vi. View Preservation

The Commercial Development regulations, Section 24.1.E.2.f shall apply.

vii. Site Planning

The Commercial Development regulations, Section 24.1.E.2.g shall apply.

(d.) Master planned Developments Flexibility

Master planned developments are encouraged. The Town may accept alternative means for compliance with Ordinance and Design Guidelines criteria on master planned sites of 15 acres or more, which include among other things, clustering of residential uses (if included in the plan) away from Tangerine Road, comprehensive interior circulation plans, a mixture of land use types (see subsection iv, below) and pedestrian access amenities among uses.

i. Applicability

Requests for waivers of otherwise-applicable provisions and/or requirements of this Overlay District may be submitted in conjunction with applications filed under Town development procedures.

ii. Subject Matter

Any provision of this Overlay District, other than express prohibitions, may be altered in its application to an individual site upon persuasive presentation, documentation, and stipulation of alternative means for meeting or exceeding Ordinance intent.

iii. Frontage Tracts

Use of reserved easements contained on the subject property which is consistent with Tangerine Road Corridor purposes (such as pathways, trails, view points, nature walks or other recreation) may be provided. The overriding interest of preserving native vegetation shall, in all instances, be observed.

iv. Mixtures of Use Types

Complementary land uses within planned developments that are principally intended to benefit its residents, customers or employees (such as commercial recreation, banking, retail and service establishments) may be proposed. Such uses shall be located internal to the development, buffered appropriately to be compatible with the predominant type of use.

1. Density/Intensity. Acceptable, additional uses, not to exceed 10 percent of the total site area, shall not alter the overall yield of dwelling units or FAR of the proposed development; however, if such uses are found to contribute positive amenities for site quality, areas devoted to such uses shall not be subtracted from the gross site area for the purpose of dwelling density or FAR calculations.

2. Compatibility Assurance. Landscaping bufferyards or walls shall be employed to separate mixed uses from areas devoted to the predominant use. Vehicular traffic shall be minimized with a preference for pedestrian access to mixed uses.

3. Shared Facilities. Parking for mixed uses with differing peak activity times, open space, and project amenities may be proposed in locations suitable for meeting the requirements of

the Ordinance and the needs of site residents, guests, customers, and/or employees.

b) Tier 2 Scenic Corridors: First Avenue and La Cholla Boulevard

The sensitive natural character and scenic vistas from Tier 2 Scenic Corridors require additional development design assurances. This Section includes requirements for the establishment of landscape conservation tracts and the development of land uses as anticipated for these corridors in the Oro Valley General Plan. These requirements are applied in conjunction with applicable zoning district use regulations.

(1) Applicability

(i.) When ESL is applied to property, the requirements of Tier 2 Scenic Corridors are used for all development within the Scenic Resource Conservation Area established in Section D.2.f.ii.a), above.

(ii.) Tier 2 Scenic Corridor design requirements, as stated herein; apply to all property or portions of property within the Scenic Resource Conservation Area as established in Section D.2.f.ii,b), above.

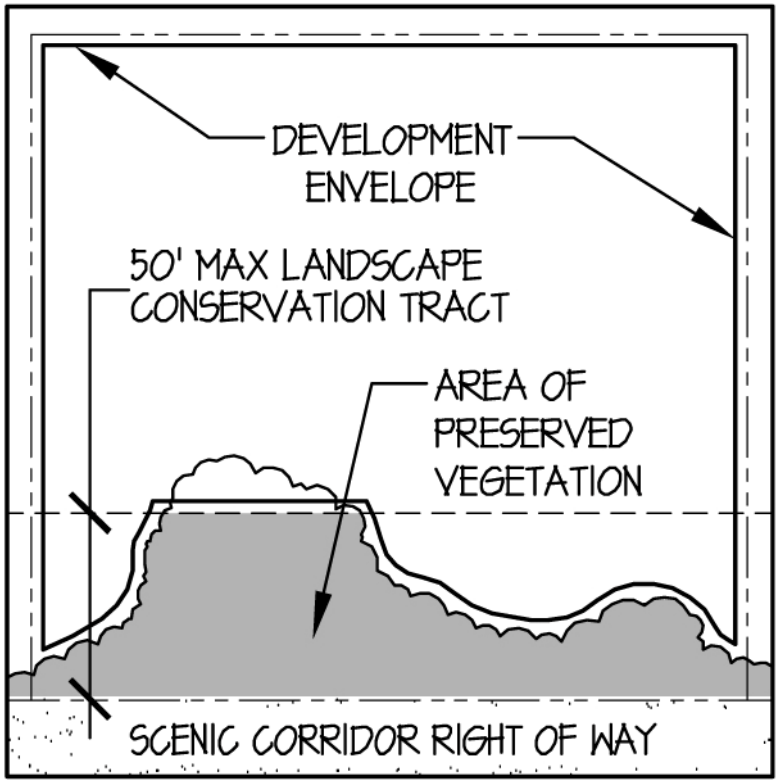
(2) Tier 2 Landscape Conservation Tracts

(i.) Landscape conservation tracts are required adjacent to all property lines abutting Tier 2 Scenic Corridors. These open space tracts provide additional buffering from transportation facilities, preserve native vegetation essential to scenic corridor character, and enhance the value of private property.

(ii.) A separate tract of not less than 50 feet in width for all residential and nonresidential developments shall be designated on all properties abutting Tier 2 corridors, measured from the right-of-way. In areas where no Corridor Character Vegetation (described in Section 27.10.D.2.f.b.)(1) exists, the tract may be narrowed to the width of the minimum required landscape bufferyard.

(iii.) Crossing of the tract with roads, public or private, and driveways is permitted with approval of the Town

FIGURE 27.10 – 15: 50' Landscape Conservation Tract



(iv.) Signage Permitted

Signs are permitted within the tract in accordance with Chapter 28, Signs.

(v.) Pathway Linkages

Locations for trails or paths may be approved for placement within the tract. Routing must be arranged to avoid displacement of CCV. Any displaced CCV is subject to Native Plant Salvage, and Mitigation requirements in Section 27.6.B.

(3) General Regulations

(i.) Development shall comply with ESL Design Requirements, Section F.3.c.v, Structures.

(ii.) Resort or other nonresidential uses not covered by these provisions will be considered in accord with Commercial regulations.

(iii.) Corridor Character Vegetation (CCV) shall be preserved in its natural condition in accordance with Section D.2.f.v.

(iv.) Drainage Facilities. Natural materials, such as river rock and vegetative groundcover, shall be required for lining drainage structures placed in Landscape Conservation Tracts unless other materials are approved by the Planning and Zoning Administrator and the Town Engineer. All such drainage structures shall be designed and installed to accommodate ultimate roadway design plans.

(v.) Utility Easements. Provisions for utilities may be included in easements within the Landscape Conservation Tract upon approval of the Town. Utility providers shall be required to keep disturbance of natural vegetation to a minimum during the installation or maintenance of their facilities and to restore vegetation in accordance with Section 27.10.G, Mitigation.

(4) Residential Development Regulations

Construction in any residential zoning classification shall comply with the following:

(i.) Required Setbacks

(a.) Front setbacks from a Tier 2 scenic corridor right-of-way shall not be less than 50 feet or a ratio of 2 feet of setback for each foot of building height, whichever distance is greater applies.

(b.) The required 50 foot landscape conservation tract shall lie within the required setback area.

(ii.) Building Height

Additional building height may be approved when additional building setback is provided. A maximum of 10 additional feet of building height is permitted if 4 feet of setback from the scenic corridor right-of-way is provided for each foot of building height.

(5) Commercial Development Regulations

Construction in any commercial zoning classification shall comply with the following provisions:

(i.) Required Setbacks

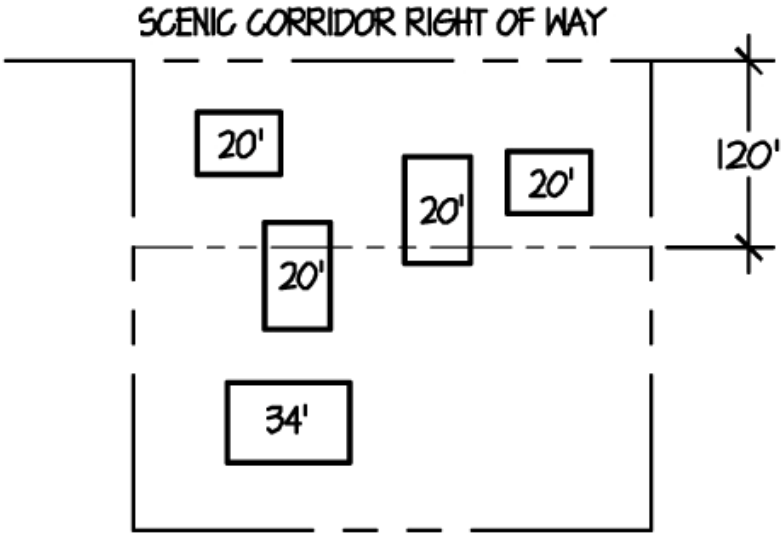
(a.) The front setback from the Tier 2 Scenic Corridor shall be not less than 2:1 setback to building height ratio.

(b.) No setback from a Tier 2 Scenic Corridor right-of-way shall be less than 50 feet.

(c.) The required 50 foot landscape conservation tract shall lie within the required setback area.

(d.) In a multi-building project, a 10 foot front setback differential for all buildings adjacent to and within 120 feet of a scenic corridor right-of-way is required.

FIGURE 27.10 – 16: Commercial, Employment/Institutional Setback



(ii.) Building Height

(a.) A maximum of 10 additional feet of building height may be approved by the Town Council if 4 feet of setback from the scenic corridor right-of-way is provided for each additional foot of building height.

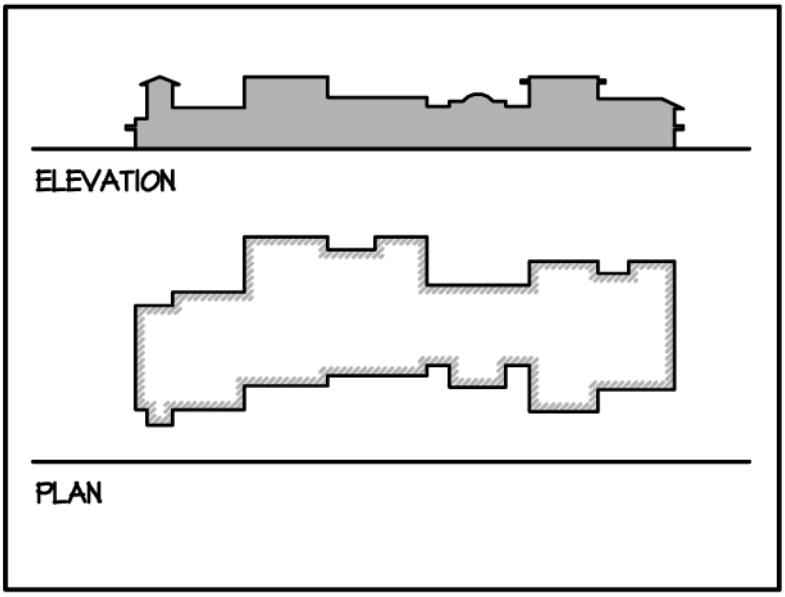
(b.) Architectural features, such as decorative bell or clock towers, campaniles, carillons and spires of a size proportional to the building they embellish shall be exempted from the 2:1 setback ratio up to the maximum allowable height of the applicable zoning district upon compliance with View Preservation Plan requirements of Section D.2.f.iv.

(iii.) Buildings

(a.) The following structural volumes may be built within the development envelopes established by required setbacks: .3 FAR for sites with an area of 2 acres or larger; .15 FAR for parcels or freestanding pads of lesser area.

(b.) Building mass shall be segmented into multiple planes each with distinctive architectural character or features that result in a cohesive design.

FIGURE 27.10 – 17: Segmented Building Mass



(c.) Roof-mounted equipment, other than energy generating devices, shall be screened from public view. Small appurtenances such as satellite dishes are exempt if the color matches the roof.

(6) Employment/Institutional Regulations

Sites for campus-type developments are intended to blend with scenic corridors' natural context to create unique, unobtrusive opportunities for employment and institutional activity centers. Construction shall comply with the following provisions in addition to the regulations of the applicable zoning district.

(i.) Required Setbacks

The Commercial Development regulations, Section D.2.f.vi.b).(5) apply.

(ii.) Building Height

The Commercial Development regulations, Section D.2.f.vi.b).(5) apply.

(iii.) Buildings

The following structural volumes may be built within the development envelopes established by required setbacks:

(a.) The overall campus building area shall not exceed the FAR for the appropriate zoning district.

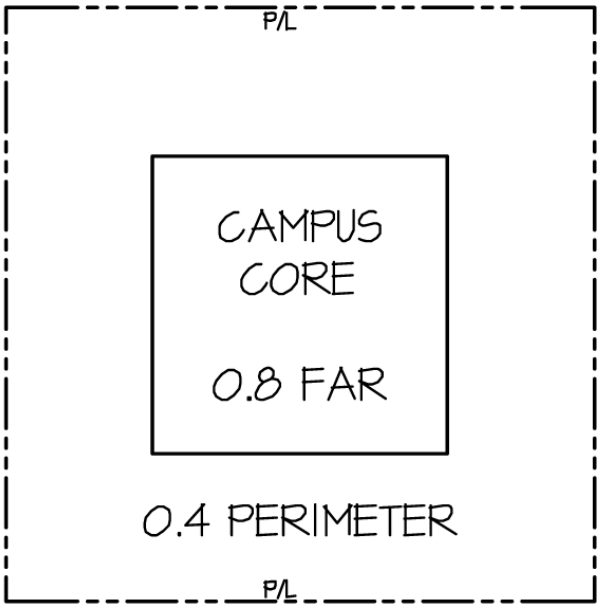
(b.) Buildings within the campus core (an area representing one-fourth (¼) or less of the total site area surrounded by an equidistant peripheral band with lesser or no structural development [See Figure 27.10-18]) shall not exceed .8 FAR.

(c.) Building area within peripheral area shall not exceed .4 FAR or the FAR for the appropriate zoning district whichever is less.

(d.) Building mass shall be segmented into multiple planes each with distinctive architectural character or features that result in a cohesive theme.

(e.) Roof-mounted equipment, other than energy generating devices, shall be screened from public view. Small appurtenances such as satellite dishes are exempt if the color matches the roof.

FIGURE 27.10 – 18: Allowable FAR Using Campus Core



vii. Vegetation and Landscape

(a.) Berms

Where existing vegetation is minimal or has been disturbed, earthen berms, or portions of earthen berms, may be placed in Landscape Conservation Tracts for purposes of traffic noise attenuation or residential screening. Earthen berms shall comply with Section 27.6.D.4, Rainwater Harvesting requirements.

(b.) Drainage Facilities

Natural materials, such as river rock and vegetative groundcover, shall be required for lining drainage structures placed on reserved tract areas unless other materials are approved by the Planning and Zoning Administrator and the Town Engineer. All such drainage structures shall be designed and installed to accommodate ultimate roadway design plans.

(c.) Utility Easements

i. Provisions for utilities may be included in easements within the Landscape Conservation Tract upon approval of the Town.

ii. Utility providers shall be required to keep disturbance of natural vegetation to a minimum during the installation or maintenance of their facilities and to restore vegetation in a manner consistent with requirements for adjacent property owners.

c) Tier 3 Community Scenic Resource

The scenic vistas from Tier 3 Community Scenic Resources require additional development design guidance. All development applications are expected to respond to the Design Guidelines included in Addendum H.

viii. Design Guidelines

a) Scenic Resource Area Design Guidelines are included in Addendum H. Guidelines are directions for achieving Town of Oro Valley expectations; they may be applied flexibly to achieve desired effects as a regulatory supplement to the development requirements set forth in Section D.2.f.vi. They are also in addition to the Design Guidelines included in Addendum A of the OVZCR. The full intent of the Design Guidelines criteria should be met, as determined by the Development Review Board.

b) The review of development proposal's responsiveness to design guidelines is mandatory for all properties or portions of properties located in all three Tiers of the Scenic Resources Category. Alternative means for complying with guidelines' intent may be accepted by the Town.

c) Applicants or designers of these uses are expected to document proposals for construction with plans, graphics, elevations, and narrative descriptions that demonstrate responsiveness to these design guidelines.

g. Hillside Area Category

i. Purpose

The Hillside Area category is intended to protect public safety, conserve visually significant sloped areas, evaluate slopes and potential impacts, and ensure development compatibility with the distinct hillside topography that is vital to the visual and scenic character of the Town.

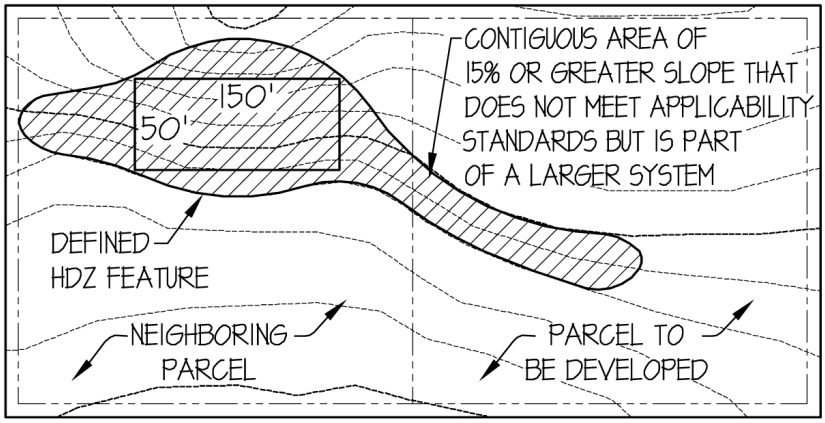
ii. Applicability

The Hillside Area requirements apply to:

a) Sloped areas of 15 percent and greater where the sloped area is greater than 150 feet in length and no less than 50 feet wide and greater than 7½ feet vertically.

b) Sloped areas of 15 percent and greater contiguous to any area defined in Section a, above.

FIGURE 27.10 – 19: Hillside Area Applicability



c) Ridges, as defined in Chapter 31, with an elevation change of 25 feet or more.

d) Areas of less than 15 percent slope are not restricted by these Hillside Area requirements.

e) Rock outcrops and boulders, as defined in Section D.2.b and d, are excluded from this Section. See Section D.2.b and F.3, Design.

f) If a lot or parcel existing as of the date of adoption of this Ordinance does not meet the minimum size requirements of Table 27.10-4, disturbance limitations based on percent of slope from Table 27.10-4 still apply.

iii. Sloped Area Analysis

a) When land division, subdividing, development plan or other development approval is requested, a sloped area analysis shall be prepared and all areas of 15 percent slope or greater shall be identified and delineated on the plans.

b) The sloped area analysis must be prepared by a State of Arizona, licensed and registered engineer and shall identify and map all “Percent Slope” categories specified in Table 27.10-4.

c) Digital topographic information with a one foot contour interval, shall be used to prepare the sloped area analysis. Alternative information or methodologies may be approved by the Town Engineer.

iv. Conservation

Hillside Areas shall be conserved in the following manner:

a) Sloped areas from 15 percent to less than 25 percent may be developed in a limited manner in accordance with the requirements of this Section, Section 27.10.B and the OVZCR.

b) In accordance with the Critical Resource Category, 95 percent of sloped areas of 25 percent and greater are to be conserved as ESOS. For residential parcels of 36 acres or larger comprised completely of 25 percent and greater slopes, 96 percent of sloped areas 33 percent and greater are to be conserved as ESOS. Exceptions may be approved in accordance with Section F.2, Development Balance and Incentives.

v. General Requirements

a) A development envelope shall be delineated in accordance with Section F.3, on the subdivision plat, development and site plan when sloped areas of 15 percent or greater are present on the plat, development or site plan.

b) For all subdivision plats, development envelopes for roadways, each lot and other disturbed areas shall be delineated. The development envelope shall be treated in accordance with F.3.

c) When lots or development plans include sloped areas over 15 percent, the extent of grading or other ground disturbance of 15 percent and greater sloped areas is limited in accordance with Table 27.10-4. The limits of Table 27.10-4 do not apply to sloped areas of less than 15 percent.

d) Section F.2, Development Balance and Incentives should be applied to provide flexibility in designing lots that do not include areas of 15 percent and greater slope.

TABLE 27.10 - 4: Slope Density and Disturbance Limits

Percent Slope	Minimum Lot Size (acres)	Maximum % of Sloped Area Disturbance	Maximum Building Height (ft) within Sloped Area
15 < 18	1.00	40.0	Per Base Zoning
18<20	1.5	30.0	18
20 < 25	2.00	20.0	18
25 < 33	8.00	5.0	18
33.0 and Greater	36.00	4.0	18
* Or as permitted by base zoning, whichever lot size is larger.			

e) If proposed lots include multiple slope categories:

(1) The extent of each slope category on the lot shall be delineated,

(2) Lot size is determined by the slope category comprising the largest percent of the proposed lot, and

(3) Sloped area disturbance limits in Table 27.10-4 apply to each slope category on the lot.

f) Calculations shall be provided indicating the percent of disturbance, if any, to each slope category described in Table 27.10-4.

g) Flexible Disturbance

(1) Applicability

Flexible design options may be applied to property or portions of property with slopes of 15 percent and greater, but less than 20 percent and ridge features when:

(i.) Visually Significant Slopes and ridges are 95 percent conserved.

(ii.) The cumulative size of designated Hillside View Conservation Areas is 5 acres or greater.

(iii.) There are no demonstrable adverse impacts to other ESOS areas onsite or to a riparian area downstream.

(2) Modified Requirements

Modified requirements can only be applied to areas that are not visible from existing public roadways, parks, and all trails identified in the Oro Valley Trails Master Plan.

When the conditions specified in Section D.2.h).(1), above, are met, the slope density requirements and disturbance limitations of Table 27.10-4 are modified in conjunction with the rezoning, subdivision plat or development plan review process. Allowable modifications include:

(i.) Sloped areas 15 percent and less than 20 percent. Areas within these slope categories are exempt from the density and disturbance limitations of Table 27.10-4.

(ii.) Cut and fill limits. The maximum cut or fill restrictions in Section 27.9 may be increased and shall not exceed 12 feet measured vertically from existing grade to finished grade elevation.

h) In determining the areas to be developed, maximum disturbance limits and specific design criteria must be considered. Table 27.10-4 indicates the maximum amount of grading and disturbance to sloped areas. Prioritized criteria for site planning and the delineation of hillside ESOS and/or Hillside Conservation Areas are included below.

(1) Subdivision design shall meet the following:

(i.) Contiguous location of hillside open space to established open space areas or other ESL features,

(ii.) Minimized disturbance of ESL features as prioritized in Section E.3,

(iii.) Conservation of the largest sloped areas of 15 percent and greater on the site, and

(iv.) Consolidation of hillside and other open space areas.

(2) Development envelope design on individual lots shall meet the criteria as listed above, however, replacing Criteria iii, above, with:

Exclude the areas of highest percent slope from the development envelope.

(3) Designation, Ownership and Maintenance of Hillside Areas

(i.) After delineation of permissible development areas, all remaining areas of 25 percent and greater slope shall be designated as ESOS tract(s) in accordance with the provisions of Section E, Open Space Requirements. Areas of 25 percent slope that do not meet the minimum requirements for ESOS shall be designated as Hillside Conservation Area.

(ii.) Areas of 15 percent and greater slope to be conserved may be designated as ESOS in accordance with Section E. Areas of 15 percent and greater slope not designated as ESOS or that do not meet the minimum requirements for ESOS shall be designated as Hillside Conservation Area. Hillside Conservation Areas may be allocated to common areas or designated on individual lots.

(iii.) Ownership and maintenance of hillside open space areas shall be assigned as follows:

(a.) Hillside ESOS tracts shall be dedicated to the HOA and Hillside Conservation Areas shall be dedicated to the HOA or designated as a conservation easement on individual lots.

(b.) Alternative ownership arrangements that provide an equivalent degree of conservation may be approved by the Town Council.

(iv.) Open space identified during individual residential lot development or open space not meeting the minimum requirements for ESOS must be designated as Hillside Conservation Area.

vi. Hillside Area Design

a) Development must be in compliance with Section F.3, Design. Flexible Development or Conservation Design options may be applied in accordance with the provisions and limitations in Section F.2.

b) Building Height

(1) Building heights are limited in accordance with the applicable zoning district, except in ridge areas as described in Section c), below.

(2) For buildings located in slope areas of 15 percent and greater, building height shall be measured in the following manner:

(i.) Where building pad elevation is the same or higher than predevelopment grade due to engineered fill, the building height contour line method shall be used (as defined and illustrated in Chapter 31). Small areas of rugged

terrain shall not increase or reduce building height. Small areas are those features with a maximum width of 25 feet.

(ii.) Where building pad elevation is lower than predevelopment grade due to cut conditions, building height is measured from finished grade.

(3) Additional building height of 13 feet may be approved in accordance with Section F.2.e, Flexible Development Options, but cannot be approved in Scenic Resource Areas, or protrude above adjacent ridges as viewed from public streets and abutting residential property. Adjacent ridges include ridge features on site or within 150 feet of the proposed building.

c) Building rooflines shall not protrude above the existing height of a ridge, unless approved by the Town Council in accordance with the criteria below.

(1) Structures are single story, and no more than 18 feet, including parapets, above the Building Height Contour Line.

(2) Minimum 90 foot separation is maintained between residences.

(3) Roof design is limited to a slope of no greater than ½ inch rise per 12 inch horizontal run.

(4) Approved plant materials are installed along exterior walls of 15 feet or more in length.

d) Cut and fill slopes shall be shielded by structures to be invisible from adjacent properties or public roadways, or shall be colored or otherwise treated as approved by the Town Engineer in a manner to blend with surrounding native soils and rocks.

e) All structures and appurtenances thereto such as antennas and satellite dishes shall be earth tone and shall comply with Section F.3.e, Structures.

f) Outdoor storage shall be located within an entirely opaque barrier designed to match the materials, color, and finish of the primary structure. Storage or stored materials may not be visible from private or public streets or adjacent residential areas.

g) Roof mounted equipment is prohibited unless shielded from all neighboring properties. Screening devices may not exceed permitted building heights as measured in hillside areas.

E. Open Space Requirements

1. Open Space ESOS Designation

Open space associated with the ESL conservation system is designated as Environmentally Sensitive Open Space (ESOS), except for the following resource categories:

a. Hillside Resource Area

b. Scenic Resource Areas

2. ESOS Tracts

ESOS shall be permanently protected by one of the following methods:

a. Open Space tract, or

b. Dedication to the public including the Town, Pima County or Land Conservation Trust as approved by the Planning and Zoning Administrator, or

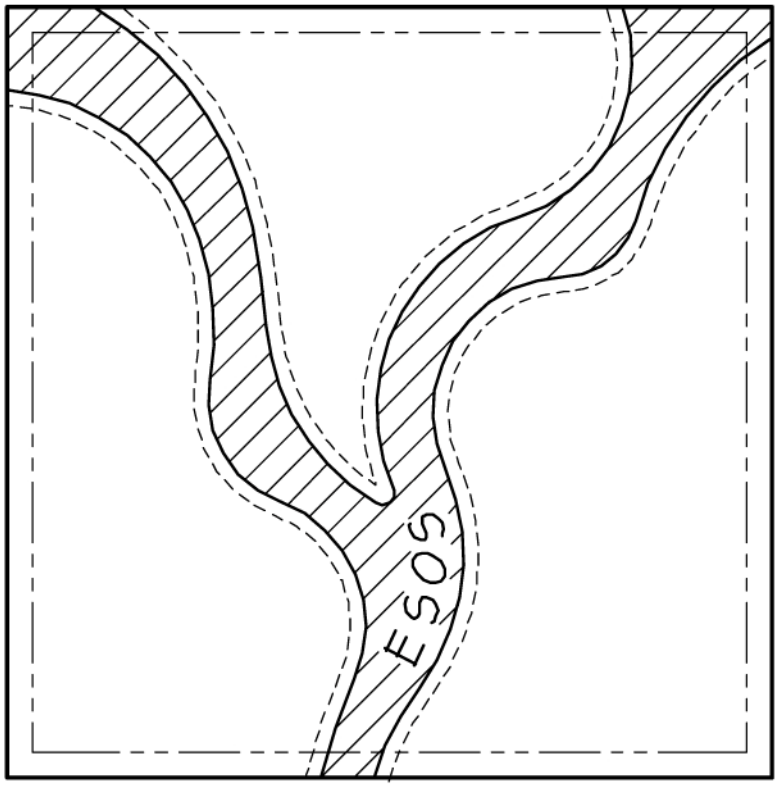
c. A separate tract owned by a Homeowners' Association.

3. General Requirements

a. Required ESOS must be configured in accordance with this Section to conserve minimum percentages of identified resource categories as specified in Table 27.10-2.

b. Development can only occur in the non-open space areas of the site. Required open space areas must be designated as ESOS in one of the approved forms described in Section E.2.

FIGURE 27.10 – 20: Areas Designated as ESOS



c. The quantity of open space created by recreation area, bufferyard, and other zoning-based open space requirements may be credited to Resource Management Area ESOS only when:

i. Minimum ESOS dimensions are maintained as specified in Section E.4.c

ii. Open space abuts ESOS and/or creates functional habitat connectivity, .

iii. Compliance with Section F.1. ESOS Use is achieved.

d. ESOS areas shall be assigned for dedication, conservation, and maintenance as follows:

i. ESOS areas of national, state, regional, or community-wide importance will be the responsibility of a public entity, land trust, or land conservation organization that is capable of satisfying the objectives specified herein. This level of dedication shall include ESOS areas with the following characteristics:

a) Adjacent to federal, state or county parks, preserves or other permanent open space.

b) Regionally significant drainage.

c) Significant cultural resource when preservation in place is specified in an approved Treatment Plan (Section D.2.e).

d) Inclusion of identified Major Wildlife Linkage areas.

ii. All other ESOS areas that contribute resource value primarily to adjacent neighborhoods and do not meet the criteria above shall be the responsibility of an HOA.

iii. Alternative ownership arrangements that provide an equivalent degree of conservation may be approved by the Town Council.

e. Permanent open space easements and/or deed restrictions must be provided for all ESOS tracts, unless dedicated to the public, prior to certifying that all conditions of rezoning, development plan or plat have been satisfied. Said easements or deed restrictions will be included on documents upon official recordation.

f. The open space easement or deed restriction must include the following:

i. Compliance with use and access provisions provided in Section F.1.

ii. Provisions to fund maintenance in perpetuity that may include:

(1) Use of future Homeowner Association dues, or

(2) Agreement for the Town to provide open space maintenance, or

(3) Assurance from a third party caretaker such as a land trust, or

(4) Other methods to assure maintenance as approved by the Planning and Zoning Administrator.

g. Maintenance

i. Maintenance, when necessary, is required for established ESOS areas. Provisions for ESOS maintenance shall be established prior to development application approval.

ii. Maintenance shall include ongoing trash removal, sign repair/replacement and elimination of invasive plant species.

iii. The Town retains the authority to perform maintenance in ESOS tracts or common areas managed by an HOA or other property management association. A note will be included on the subdivision plat and/or development plan indicating the Town's ability to enter the property and perform ESOS maintenance.

h. Common area or tract ESOS locations and boundaries, including precise acreage, shall be shown on the subdivision plat and/or development plan.

i. Required ESOS must be platted separate from any developable lot.

j. In no event shall the provisions of this section require greater area of ESOS than required by Section D.3.

4. Criteria for ESOS Selection and Location

The following criteria must be used to select and locate ESOS providing the greatest degree of conservation for the most sensitive resource categories.

a. All Resource Areas identified on the ESL Planning Map, except the Major Wildlife Linkage Category, enable limited encroachments as specified in Table 27.10-5.

TABLE 27.10 - 5: ESOS Conservation and Disturbance

Category	Maximum Percentage Disturbance Permitted	Minimum Percentage ESOS Conservation
Major Wildlife Linkage	0*	100
Critical Resource Area	5	95
Core Resource Area	20	80
Resource Management Area-1	34	66
Resource Management Area-2	75	25
Resource Management Area-3	100	0

* Permitted uses, such as trails, specified in Section F.1.b. require a minimal degree of disturbance.

b. Within the resource categories, specific locations of final conservation and permitted disturbance areas shall be identified for each individual site as part of the development review process.

c. All mapped ESL Resource Areas meet required values specified in the category descriptions in Section D.2. The following factors must be utilized to select priority areas for conservation within a resource category designation:

i. Areas that maintain or create connectivity of open space within and beyond the site are the highest priority.

ii. Areas that exceed resource area density, size, and frequency specifications are a high priority.

iii. The value of different resources within a specific category will be balanced in a manner to achieve diversity of habitat.

iv. ESOS credit for cultural resources will be addressed in concert with an approved Treatment Plan.

v. Disturbance areas should be located in areas of least resource density, size, and frequency.

vi. Areas that include healthy and viable resources are a priority.

vii. When a site includes multiple outcrops and boulders, conservation priority will be given to outcrops and boulders displaying one or more of the following characteristics:

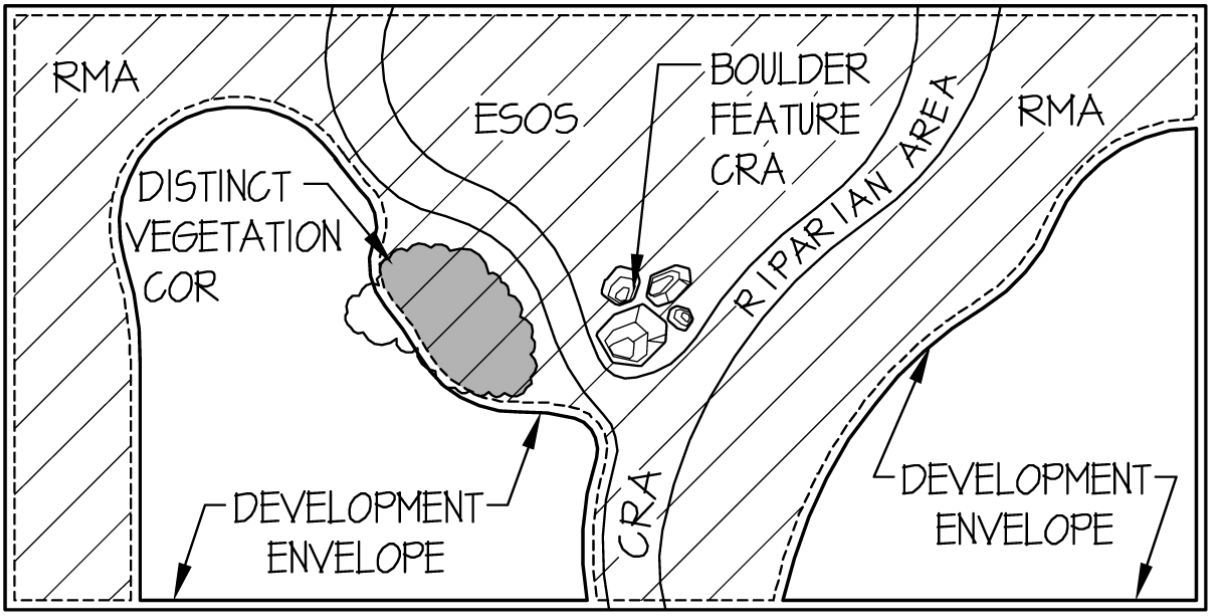
(1) The largest rock outcrop or boulder features, including height and areas as measured vertically from the lowest adjacent natural grade or horizontally in any direction.

(2) The rock outcrop or boulder is an isolated feature, located 1,000 feet or more from public preserves, Major Wildlife Linkages or other rock outcrop or boulder features.

(3) The rock outcrop or boulder feature provides connectivity between two identified ESL areas, or is part of an identified linkage area including minor or major wildlife linkages and riparian areas.

(4) The rock outcrop or boulder exhibits fractures, cracks and/or crevices.

FIGURE 27.10 – 21: Multiple ESL Features and ESOS Areas



c. Minimum ESOS Dimensions

i. Applicability. Dimensions apply to all resources except rock outcrops, boulders, and cultural resources.

ii. Area. The minimum contiguous area for ESOS is 4,000 square feet.

iii. Horizontal. The minimum horizontal dimension for ESOS areas is 30 feet.

iv. Exceptions. ESOS dimensions do not apply to distinct native vegetation.

v. Modification. The Planning and Zoning Administrator may approve modifications to the minimum ESOS dimensions set forth above, subject to the following criteria:

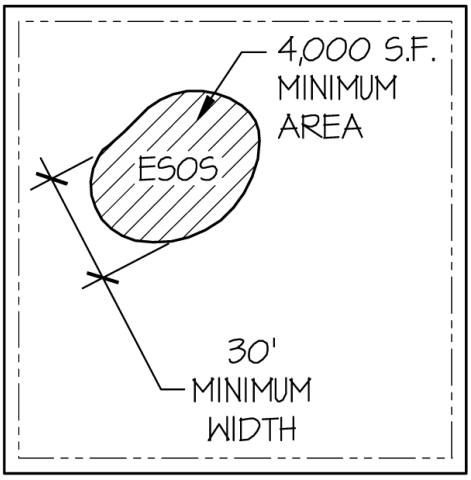
a) The ESOS location criteria set forth in Section E.4 are met.

b) Landscape connectivity and open space linkages are maintained.

c) Reductions in dimensions will maintain ESOS areas that provide habitat value, are easily recognizable, and will not result in maintenance problems due to their proposed locations.

d) Adjacent land uses, such as streets, will not negatively impact the viability of vegetation or other features of the land to be preserved.

FIGURE 27.10 – 22: Minimum ESOS Dimensions



d. ESOS distribution within Planned Area Developments (PADs).

If a master developer elects to provide ESOS in excess of the minimum requirements for a specific development site, the balance may be credited against ESOS requirements for other development sites within the Town, if approved by the Town Council. ESOS may be credited as follows:

i. Any excess ESOS areas and the resultant credits shall be acknowledged by the property owner and shown as part of an Open Space Master Plan.

ii. The Open Space Master Plan shall be included with the PAD application and must identify any excess ESOS by development project and allocate any excess ESOS to specific development locations elsewhere within the Open Space Master Plan.

iii. The excess ESOS must result in additional protection for the most sensitive resources in accordance with the hierarchy established in Table 27.10-5. Reductions in ESOS due to the application of credits cannot be applied to Major Wildlife Linkage or Critical Resource areas.

e. Connectivity of ESOS areas is essential in maintaining ecosystem function. Conservation of identified areas that provide connectivity but are environmentally degraded is required.

i. Degraded areas that provide connectivity to the natural open space system, including identified Minor Wildlife Linkages, must be protected from further disturbance. Restoration in accordance with ESL Mitigation requirements, Section 27.10.G, may be approved by the Planning and Zoning Administrator.

ii. Additional open space linkages that have not been identified on the ESL Planning Map may be recommended by the Planning and Zoning Administrator when the area:

a) Provides a unique and necessary connection to other ESOS areas.

b) Is not isolated from other open space areas.

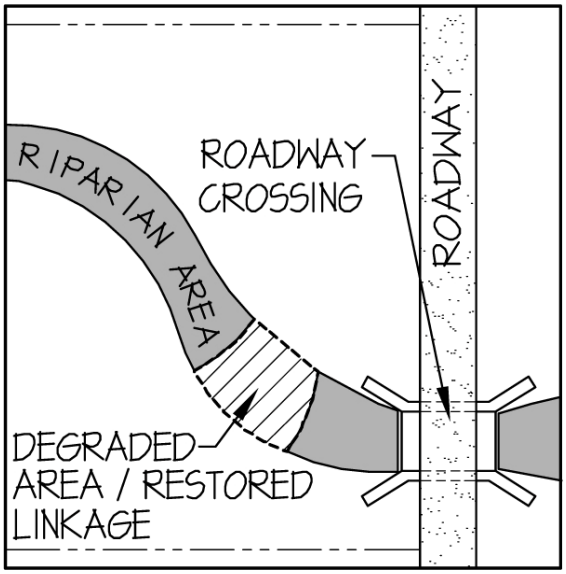
c) Serves as a habitat corridor for movement of wildlife.

d) Newly identified linkages will be conserved in accordance with the following:

(1) Restoration areas will be applied toward total ESOS requirements of the appropriate resource category as assigned by the Planning and Zoning Administrator.

(2) A proportional area will be exempt from Native Plant Salvage and Mitigation requirements in Section 27.6B. This does not apply to any plant listed as Threatened or Endangered under the Endangered Species Act or Highly Safeguarded by the Arizona Department of Agriculture.

FIGURE 27.10 – 23: Degraded/Restored Linkage



F. ESOS Use and Conservation Development

1. ESOS Use

a. Applicability

Areas protected as ESOS, upon approval of a development application, are subject to use restrictions and requirements. Each must be recorded when land is reserved by tract and/or deed restriction.

b. Permitted Uses

i. Natural open space.

ii. Trails.

iii. Identification, use restriction, and/or interpretive signage.

iv. Cultural resource exhibition.

v. Essential services as provided for in Section E.3, Open Space Standards, except for Major Wildlife Linkages.

vi. The following when in the Resource Management Category:

a) Golf Courses as limited below:

(1) Design must be in accordance with Section 24.6.C, Golf Course Overlay Zone Development and Section 24.6.E, Landscape Conservation (turf limitations).

(2) Golf course best environmental management practices for irrigation, fertilizer use and pest control must be utilized.

(3) Golf cart paths must be designed to minimize disturbance and avoid Distinct Vegetation and other environmentally sensitive features. Paved paths may be utilized.

b) Neighborhood-serving passive and active recreation facilities that are compatible with the conservation purposes of ESOS and do not include impermeable surfaces unless provided herein. Allowable facilities include:

(1) Soccer or ball field.

(2) Volleyball court.

(3) Horseshoe pit.

(4) Parcourse.

(5) Turf area subject to the limitations of Section 27.6.

(6) Benches.

(7) Picnic tables.

(8) Barbecue grills.

(9) Pathways.

(10) Impervious sidewalks for ADA accessibility.

(11) Open air ramadas and/or shade awnings.

(12) Garbage containers and dog stations.

(13) Other uses that have no greater impact than those specified above, subject to review and approval by the Planning and Zoning Administrator.

c. Prohibited Uses and Actions

i. Enclosed Structures.

ii. Parking

iii. Walls and fences.

iv. Dumpsters.

v. Motorized vehicle access except for maintenance purposes.

vi. Recreational activities not contained within the confines of a designated area.

vii. Off leash domestic animals.

viii. Establishment of non-native species.

ix. Removal of native vegetation with the following exceptions:

a) Development of recreation areas

b) Flood control purposes as approved by the Planning and Zoning Administrator and Town Engineer.

d. Access and Use

i. Private and Public Access

a) ESOS in common area ownership of a homeowners association may be restricted to private access. This excludes trail routes designated for public use as specified in F.d.i,b) below.

b) All trails identified within the Eastern Pima County Trails System Master Plan and/or the Oro Valley Trails Task Force report and their subsequent updates must enable public access.

c) All ESOS dedicated to the public will be open to public access.

ii. Motorized Vehicular Access

a) Access into ESOS areas is permitted for maintenance purposes and permitted uses only.

b) Within Major Wildlife Linkages, access is permitted for open space maintenance purposes only. Additional access can be permitted if supported by scientific evidence such access will not degrade the intended function of the linkage.

iii. Trails

Trails and associated amenities such as benches must conform to standards established by the Oro Valley Parks and Recreation Department.

iv. Signs

a) Permanent signs shall be posted at defined points of access into ESOS areas indicating the use restrictions contained in this Section.

b) Signs must conform to standards established by the Oro Valley Parks and Recreation Department.

2. Development Balance and Incentives

a. Purpose

Achieving or exceeding base zoning densities while implementing conservation objectives is the purpose of this section which includes increased flexibility for site planning, lot sizes and dwelling types.

b. Applicability

i. The following design options may be applied to property or portions of property when ESOS is applied to 25 percent or more of a project site, except as provided herein.

c. Flexible Development

i. Process. Development requirements may be modified to allow flexibility as a part of the rezoning, subdivision plat, or development plan review process. The process to enable use of flexible development options is delineated by application type:

a) As part of a rezoning application, the Town Council retains discretion to enable flexible design options on a case by case basis.

b) For development plan and subdivision plat proposals utilizing the ESL application incentive provided in Section 27.10B3, all flexible options are permitted upon Planning and Zoning Administrator review and approval, except the following:

(1) Section 27.1-F2c.iii.d). Building Height. Increases to building in excess of five feet must be considered by the Development Review Board and approved by Town Council.

(2) Section 27.1-F2c.iii.e). Open Space

(3) Section 27.1-F2c.iii.f). Mixed Use

ii. Review Criteria. The determination to permit a modification is subject to all of the following findings:

a) Enables development to the base zoning density, at a minimum, for the entire site.

b) Compatibility with adjacent land uses is achieved through architectural design, buffers, and placement of structures and improvements to reduce view impacts.

c) The modification does not conflict with an approved treatment plan for cultural resources.

d) Statutes, development agreements, appeal processes, or other provisions of this code are not violated.

iii. Requirements Subject to Modification

The following requirements may be modified as they relate to the proposed construction of single family attached and detached residences, multi-family residences, commercial, employment and mixed use projects.

a) Building Setback. Minimum setbacks may be reduced to no less than five feet on lots less than or equal to 12,000 s.f. and up to 20% of the required distance on lots greater than 12,000 s.f. Reductions are subject to the following:

(1) Side yards shall not be less than five feet, unless a zero lot line design is utilized,

(2) Setback reductions shall not result in on-lot driveway lengths that are less than 20 feet.

(3) Reductions to not apply to setback requirements in Section 27.10F.2.d.ii.f) for a conservation subdivision design.

b) Landscape Bufferyards. Minimum required bufferyards may be reduced to 10 feet with a corresponding decrease in planting ratios specified in Section 27.6, Table 27-10, except when the bufferyard is adjacent to an existing residential subdivision or public street.

c) Minimum Lot Size. Minimum lot sizes in all R1, R-4, R-S and SDH-6 districts may be modified subject to Conservation Design requirements of this Section.

d) Off-Street Parking. Modifications resulting in reduced amounts of parking and circulation area are supported. Off-street parking requirements may be reduced in accordance with Section 27.7.C.

e) Building Height. Building heights for single family attached and multi-family dwelling types may be increased by no more than 13 feet.

f) Open Space. Reductions may be provided in accordance with Section E, Open Space Requirements.

g) Mixed Use. Residential uses that are functionally integrated, including access, non-vehicular circulation and amenities, with commercial or employment uses, may be approved within commercial zoning districts.

h) Modified Review Process. Development plans and preliminary plats submitted in conformance with the approved Tentative Development Plan, as determined by the Planning and Zoning Administrator, may be administratively approved.

i) Recreation Area Credit. Permissible passive and/or active recreational amenities located within Resource Management Area ESOS may be credited toward residential recreation area requirements as approved by the Planning and Zoning Administrator when the locational requirements of Section 26.5.B, Provision of Recreation Area, are satisfied.

j) Native Vegetation Preservation. When 66 percent or more of a site is preserved as ESOS, requirements for Native Plant Salvage, and Mitigation (Section 27.6B) shall be waived within a development envelope. This modification cannot be applied to areas of distinct vegetation which are designated as a Core Resource area.

d. Conservation Subdivision Design

i. Purpose

Conservation subdivision design positions residential development on a portion of the available land in order to maximize protected open space and improve the efficiency of infrastructure systems. The provisions of this Section further provide offsets to typical reductions in development yield derived from drainage and circulation improvements. Conservation options include potential increases to development density.

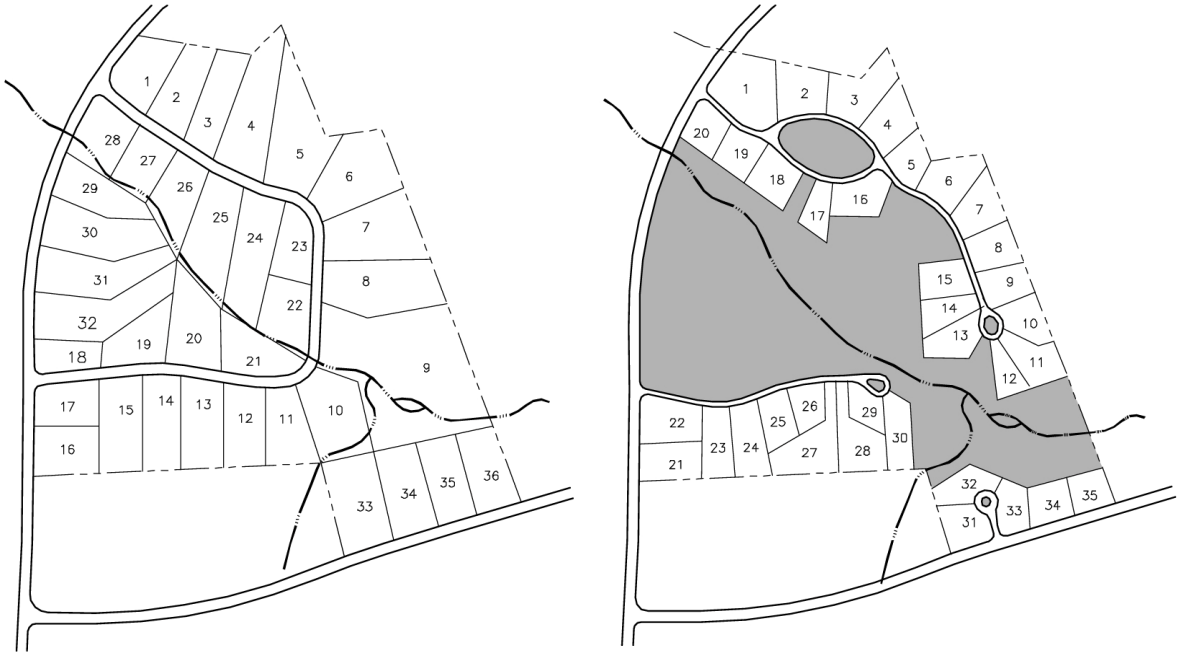
ii. General Requirements

a) Development shall be arranged in a manner to conserve identified resources.

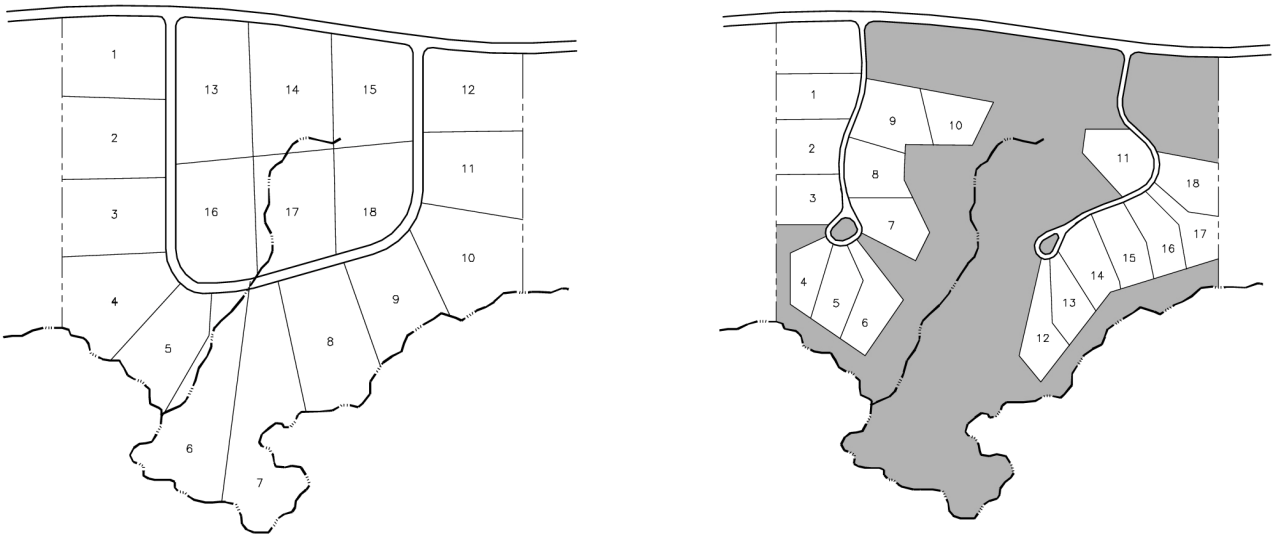
b) The area to be developed must be consolidated to a greater extent than permitted in Section 23.4, Dimensional Requirements and provide a concomitant increase in ESOS.

c) Conservation subdivision design shall enable a maximum number of individual lots that adjoin open space areas. Designs that create a single grouping of residences are not intended unless specific site conditions leave no alternative. Multiple groupings of residences are typically expected in a conservation subdivision design. Examples of desired conservation design are shown in Figure 27.10-24.

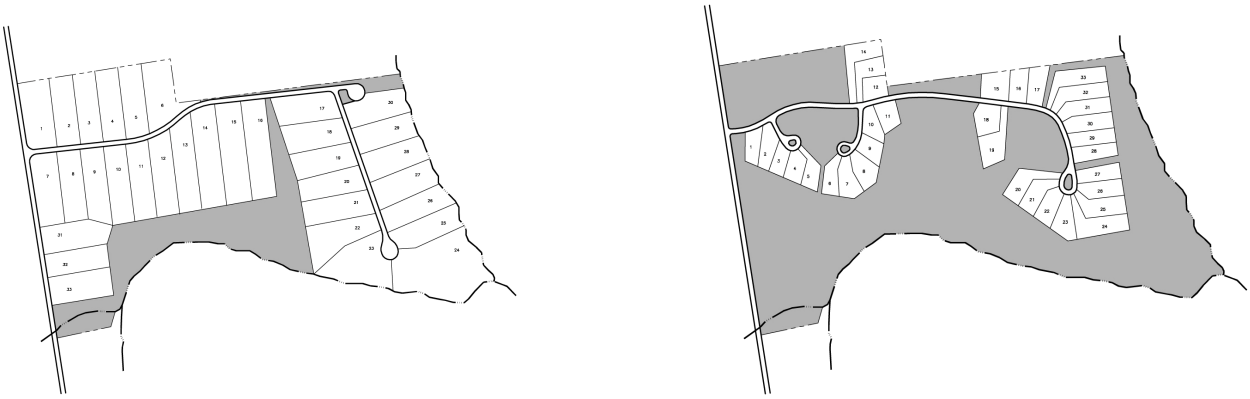
FIGURE 27.10 – 24: Conservation Subdivision Design Examples



Example 1



Example 2



Example 3

d) Open space areas created by conservation subdivision design must remain viable for wildlife use and movement.

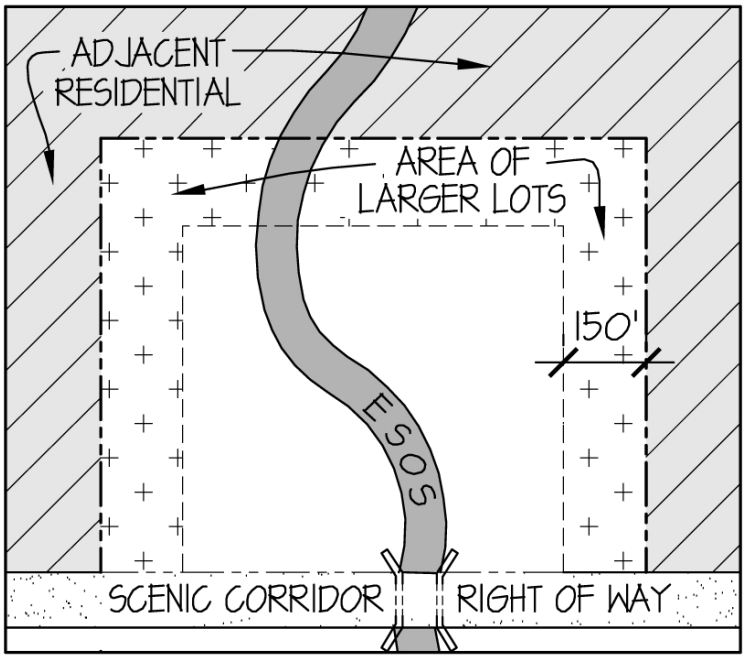
e) The length of residential streets, driveways and utility lines shall be reduced in comparison to a design that complies with zoning requirements identified in Section 23.4. The length of collector streets shall not be considered in assessing overall roadway reductions.

f) Compatibility with adjacent land uses through architectural design, transition of density, buffers, and placement of structures and improvements must be achieved as follows:

(1) Architectural Design. Structures shall include architectural design features and a color palette that is compatible with an adjacent subdivision(s). Design compatibility is subject to Development Review Board review and approval.

(2) Lot Size Transition. In perimeter areas adjacent to residential development, a transition shall be provided. Base zoning district lot sizes are required within 150 feet of adjacent residential uses.

FIGURE 27.10 – 25: Lot Size Transition



g) Conservation subdivision designs may employ any dwelling unit type permitted by OVZCR, except site-delivered housing as defined in Chapter 31.

(1) Alternative dwelling unit types shall employ the OVZCR development requirements associated with said alternative dwelling type.

(i.) If townhouse dwellings are proposed, the requirements for the R-4 zoning classification, Section 23.7.A, shall be applied.

(ii.) If multi-family dwellings are proposed, the requirements for the R-6 zoning classification, Section 23.7.D, shall be applied.

(2) The sum total of square feet by which the area of each lot in the subdivision is reduced shall not exceed the total square footage of the conserved area.

h) Any proposed increase in density must be specified on the tentative development plan required for rezoning.

i) Building heights must comply with base zoning, or building heights modified by an ESL rezoning approval.

iii. Lot Size Reduction

a) Conservation subdivision design without an increase in density may occur by reducing minimum lot sizes while retaining the overall Base Zoning Dwelling Count as defined in Chapter 31. All density calculations for ESL are intended to be completed using this method (See Figure 27.10-26).

b) When ESOS is applied to 25 percent or more of a project site, residential lots may be reduced in size by 40 percent, but shall not be smaller than the minimum lot areas set forth In Table 27.10-6.

TABLE 27.10 - 6: Allowable Lot Size Reductions with 25% ESOS

District	Minimum Base Zoning Lot Area	Minimum Conservation Subdivision Lot Size
R1-144	144,000	86,400
R1-43	43,000	24,000
R1-36	36,000	21,600
R1-20	20,000	12,000
R1-10	10,000	6,000
R1-7	7,000	5,500
SDH-6	6,000	5,500

c) When ESOS is applied to 66 percent or more of a project site, residential lot size may be reduced to a minimum of 3,000 square feet.

e. Conservation Development With Density Increase

i. When conservation development designs are utilized and minimum open space requirements of the ESL are met, a density increase of 10 percent above the base zoning density is permitted for residential and non-residential development.

ii. A density incentive up to 20 percent of the residential base zoning density or commercial intensity is permitted if ESOS requirements are exceeded by 10 percent or more.

iii. This density bonus provision may be applied when utilizing the flexibility and modifications permitted in this Section.

iv. The increase in residential density is calculated by dividing the area of additional ESOS by the minimum lot area of the base zoning district. Maximum density increases for development are listed in Table 27.10-7. The increase in non-residential intensity is 2 percent additional FAR for each additional one percent (1%) of open space not to exceed the maximum listed in Table 27.10-7.

FIGURE 27.10 – 26:
Formula to Calculate Base Zoning Dwelling Count and Density Bonus

Step One:

Base Zoning Dwelling Count =
Gross Land Area ÷ Minimum Lot Area of Base Zone

Step Two:

Additional Dwellings Permitted =
Additional ESOS Area (acres) ÷ Base Zoning Lot Size

Step Three:

Total Allowable Dwelling Count with Bonus=
Additional Dwellings + Base Zoning Dwelling Count

v. The additional ESOS must meet the following criteria:

a) Meet the requirements in Section E, Open Space Requirements.

b) Be natural, undisturbed desert area and cannot include revegetated areas.

c) The additional ESOS shall be provided in common area or separate tracts and cannot be located on an individual single-family lot.

TABLE 27.10 - 7: Maximum Density Bonus

Zoning District	Minimum Area per Dwelling	Base Density (D.U.'s / acre	Maximum Density with Bonus
Residential			
R1-300	300,000	**0.15**	**.18**
R1-144	144.000	**0.3**	**.36**
R1-72	72,000	**0.6**	**.72**
R1-43	43,000	**1.0**	**1.2**
R1-36	36,000	**1.2**	**1.44**
R1-20	20,000	**2.2**	**2.64**
R1-10	10,000	**4.4**	**5.28**
R1-7	7,000	**6.2**	**7.44**
SDH-6	6,000	**7.3**	**8.76**
R-4	5,450	**8.0**	**9.6**
R-4R	4,250/rental 15,000/dwelling	**10.2** **2.9**	**12.24** **3.48**
R-S	5,450	**8.0**	**9.6**
R-6	3,500	**12.4**	**14.88**
Non-Residential			
		Base (FAR)	Maximum FAR with Bonus
CN		**.20**	**.24**
C-1		**.30**	**.36**
C-2		**.40**	**.48**
PS			
T-P		**.50**	**.60**
POS		**.15**	**.18**

f. ESOS Flexibility

i. ESOS flexibility is available for any property subject to the requirements contained in this section. The Applicability requirements of Section F.2.b do not apply.

ii. The Town Council may reduce the amount of required ESOS specified in Table 27.10-2.

iii. Review and approval of a proposed reduction in ESOS is subject to the following limitations:

a) Critical and Core Resource Areas: 10 percent maximum reduction.

b) Resource Management Areas: 25 percent maximum reduction.

c) Major Wildlife Linkage Areas: No reduction permitted.

iv. Criteria

When it is demonstrated that one of the following criteria is satisfied and that open space connectivity is equally conserved, a reduction in minimum ESOS in the Critical, Core or Resource Management Areas may be approved by the Town Council.

a) The site is identified as appropriate for C-1, C-2 or Technological Park growth in accordance with the adopted strategic economic development policy, or

b) Development proposal is wildlife permeable as defined in Chapter 31, or

c) The area has been isolated by development from other open spaces and lost all connectivity with other open space areas.

v. Resource Priorities

Relative resource priorities as identified in Section E.4 shall be applied to guide open space design when ESOS flexibility is requested.

vi. Essential Services

a) Essential services include vehicular access, utilities and sewer improvements.

b) Disturbances to ESOS, excluding Major Wildlife Linkages, for essential services may be approved by the Town Council when:

(1) The proposed location improves public safety; or

(2) No economically viable alternative location exists, and

(3) It has been demonstrated that the least amount of disturbance has been planned.

c) Areas disturbed as a result of providing flexibility for essential services must be mitigated in accordance with Section 27.10.G, Mitigation.

d) Areas damaged by roads or infrastructure that do not enable complete restoration must be mitigated by providing onsite replacement of the same quantity and quality of ESOS or providing off-site mitigation as outlined below.

vii. Off-Site Mitigation

As a component of ESOS flexibility, ESOS may be provided on an alternative, off-site land parcel subject to the following:

a) Off-site mitigation proposals must further the purposes of the ESL regulations.

b) The resources must be equal or higher value in the ESL hierarchical system.

c) Mitigation must be provided on a 1:1 ratio.

d) The remaining ESOS, after any reduction, retains its environmental value as intended by the ESL regulations.

viii. Approved Cultural Resources Site

Land designated as a protected cultural resources site in accordance with an approved treatment plan shall qualify as required ESOS on a 1:1 basis (each square foot of cultural resource site shall equal one (1) square foot of required ESOS) as determined by the Planning and Zoning Administrator.

3. Design

a. Development Envelope

i. Development envelopes must be delineated when development is proposed adjacent to ESOS areas. The specific location of a development envelope shall be shown on the development plan, subdivision plat, improvement plan, and Type 1 grading permit. The method of delineating the envelope boundary must enable precise field verification.

ii. All improvements requiring ground disturbance shall be contained within development envelopes. No clearing, grading, grubbing, or disturbance may occur outside of the approved development envelopes or within ESOS areas subject to specified exceptions in Section F.1.b, Permitted Uses, and F.1.c.iv Prohibited Uses-Vehicular Access and Section E.4, Open Space-Essential Services.

iii. A field survey to determine the location of development envelope boundaries is required at the discretion of the Planning and Zoning Administrator.

iv. The boundary of ESOS or the development envelope shall be delineated by a temporary, highly visible, protective fence. Fencing must be established prior to construction and remain in place until construction is complete as determined by the Planning and Zoning Administrator.

b. ESOS Setbacks

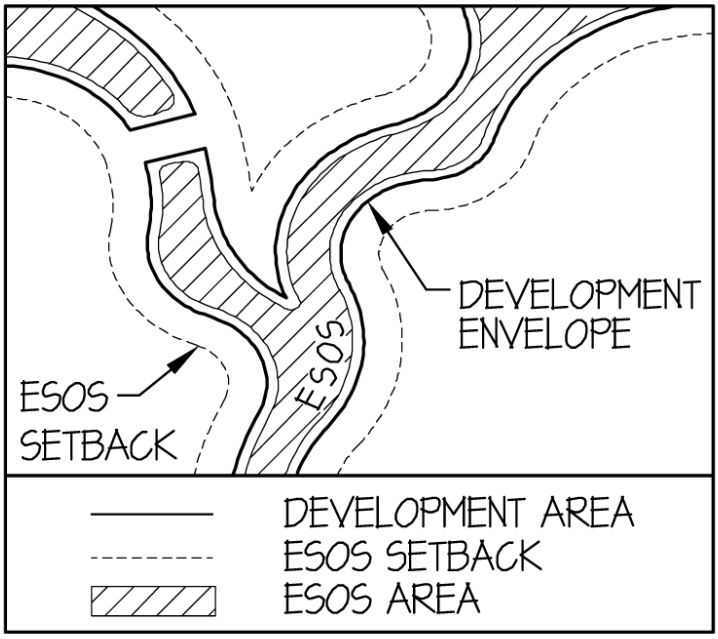
i. All structures must be setback to permit their installation or construction without any impact to ESOS areas. The following setbacks apply to the following structures:

a) Walls and fences: 15 feet

b) Buildings, ramadas, play structures,
similar accessory structures, swimming pools,
and retaining walls over 3 feet: 20 feet

Setbacks may be reduced at the discretion of the Planning and Zoning Administrator to no less than 5 feet if the property owner can demonstrate conditions or specific techniques that insure no encroachment into ESOS.

FIGURE 27.10 – 27: Building Envelope and ESOS Setback



ii. When other setbacks are required per the OVZCR, the more restrictive setback shall apply.

iii. The Planning and Zoning Administrator may require wider ESOS setbacks where conditions dictate additional disturbance is required for construction.

c. Rock Outcrops and Boulders

Mitigation measures are required for rock outcrop and boulder encroachments. A mitigation plan, prepared in accordance with the requirements contained in Section 27.10.G, Mitigation is required.

d. Circulation Improvements

i. Circulation improvements include facilities for vehicular and non-vehicular use such as roadways, driveways, parking, circulation areas, bridges, drainage crossings, multi-use and bicycle pathways and sidewalks. Trail system design is addressed in Section E, Open Space.

ii. Circulation improvements must be designed to avoid impacts to environmentally sensitive areas. When no other viable alternative exists, circulation improvements shall use shortest distance alignments and otherwise minimize grading and disturbance of environmentally sensitive areas.

iii. The design of circulation improvements and wildlife crossings in environmentally sensitive areas shall:

a) Comply with Oro Valley Subdivision Street standards and the Drainage Design Criteria unless specifically modified to preserve ESL resources and approved by the Town Engineer,

b) Be based on a Town-approved assessment of wildlife species occurring in the area, and,

c) Include design features that support conservation of identified species.

iv. The Town Engineer retains discretion for specifying wildlife-friendly design features for circulation improvements located in environmentally sensitive areas.

v. Restoration of all disturbed areas is required in accordance with Section 27.10.G, Mitigation.

e. Structures

i. For all structures on residential lots adjacent to ESOS, or non-residential and multi-family structures within 200 feet of ESOS, building materials must meet the requirements listed in Section 27.10.F.3.e.ii below.

ii. Design requirements for all structures and utility equipment such as surface mounted utility transformers, pull boxes, pedestal cabinets, service terminals or other similar on-the-ground facilities include:

a) Glass surfaces shall not exceed a reflectivity of 20 percent.

b) Exterior finishes shall not exceed a reflectivity of 60 percent.

c) Materials used for exterior surfaces of all structures shall match in color, hue, and tone with the surrounding natural desert setting. Green and beige hues and tones are preferred for utility equipment located in environmentally sensitive areas.

Surface materials of walls, retaining walls or fences shall be similar to and compatible with those of the adjacent main buildings.

d) Cumulative application of structural and other design requirements within Scenic Resource areas.

f. Permanent Walls and Fences

i. In open space areas such as recreation areas, bufferyards and drainage facilities adjacent to ESOS and in wildlife permeable development, wall and fence design features shall:

a) Be wildlife-friendly and promote conservation of identified species as determined by the Planning and Zoning Administrator.

b) Utilize wall and fence design based on a Town-approved assessment of the wildlife species using the area.

ii. No walls, fences, or other barriers may be located so as to impede wildlife movement through designated ESOS. Walls or fences shall not enclose or disconnect contiguous ESOS.

iii. Chain link, wire mesh, woven wire and similar fence materials are prohibited.

iv. Walls can be in the form of a view fence that combines solid wall elements with wrought iron or other open material to permit unobstructed views.

v. Walls and fences shall not require the removal of distinctive vegetation as defined in Section D.2.c.iii.;

vi. Walls shall be built of materials that blend into the rough textures and rustic character of the vegetation, rocks and other features of the natural desert setting and shall comply with Section 27.6.C.5, Landscape Conservation – Screening.

G. Mitigation

1. Purpose

Site-specific mitigation is required in order to restore biological functions and resource values of riparian areas, distinctive vegetation and rock outcrop features impacted by development activity or previous human disturbance.

2. Applicability

a. Mitigation is required for disturbed areas of environmentally sensitive resources including restoration due to impacts from:

i. Essential services installation as described in Section F.2.f.vi,

ii. Degraded linkage areas as described in Section E.4.e.i, and

iii. Other instances of disturbance to environmentally sensitive resources.

b. When ESOS is applied to a minimum of 66 percent of a project site or parcel in the Resource Management Area Category, the requirements of Section 27.6.B, Native Plant Preservation, Salvage and Mitigation do not apply.(repeat this in section 27.6.B.1)

c. This section applies to natural resources and does not apply to mitigation of a cultural resource.

3. General Requirements

Mitigation specific to each disturbed area is required for impacts to environmentally sensitive resources including:

a. Riparian Areas

b. Distinctive plant stands and communities, and

c. Rock outcrops and boulders.

4. Mitigation

a. Site Characterization

i. If the proposed impact area is less than ¼-acre in size, prior to disturbance the site shall be characterized through a 100% inventory of resource elements.

ii. If the proposed impact area is greater than ¼-acre in size site characterization may be accomplished through sampling as described below.

b. Sampling Riparian Areas and Distinctive Vegetation Stands

i. Sample Area(s)

a) Determine the sample areas within which plots or transects will be established in accordance with Reference Site requirements. The following qualities shall be included in the sample area:

(1) Sample areas for distinctive vegetation stands should include stands of mature and healthy vegetation that meet the minimum cover or density definitions in the ESL for those resources being impacted.

(2) Sample areas area shall be large enough to include all species belonging to the plant community.

(3) The habitat should be relatively uniform throughout a single sample area. Each habitat type shall be sampled separately.

ii. Configuration

a) Plots or transects shall be distributed throughout the sample area in a manner to capture all of the variability within that sample area. Plots or transects can be either located randomly within a sample area or according to an orderly sampling scheme (e.g., on a grid, at regular intervals, etc.)—as long as the result is that the sample area is accurately described by the plot number and arrangement.

b) The sampling locations must be approved as part of the Mitigation Plan review process, and must be representative of the area of being sampled.

iii. Plot Sampling

a) Plot sampling, or quadrat sampling, can be used to describe a variety of plant community characteristics of an area that is too large for a complete vegetation inventory to be feasible.

b) The parameters to be addressed include: diversity (species present), cover, and density (number of species in a given area).

c) The number of plots or transects conducted within each sample area should be sufficient to characterize the range of vegetation condition within it.

d) Size and Shape

(a) Plot size and shape should fit the nature of the vegetation community to be sampled. Circular plots are generally recommended with these field mapping standards, as they are more efficient to accurately establish in the field.

(b) Plot size should be large enough to include a significant number of individual plants, representing all dominant species, but small enough that plants can be counted without duplication or omission of individuals.

(c) Suggested plot sizes that are typically appropriate for vegetation in the context of riparian habitat are listed below. Site characteristics may necessitate using a different plot size or shape (i.e., if the riparian vegetation entity is not wide enough). Plot shape and size should be consistent throughout.

(d) Circular plots (preferred): 10-meter radius (314 m^2 or 3,380 ft^2)

(e) Square plots: 15–20 meters per side (225 m^2–400 m^2 or 2,422 ft^2– 4,306 ft^2)

(f) Rectangular plots: 15 meters x 20 meters (300 m^2 or 3,229 ft^2)

iv. Transect Sampling

Transects may be conducted according to the point intercept and belt transect methods. The method is based on a 50-meter point transect centered on a 2×50-meter plot (i.e., the belt transect). Using this method, vegetation is sampled by points at 0.5-meter intervals along the 50-meter transect to determine cover. The surveyor will note the species encountered at each interval. In addition, individuals of each perennial species rooted within the 2×50-meter plot will be counted to determine density and diversity. All annuals present in the 2×50-meter plot will also be noted.

c. Rock Outcrops and Boulders

If rock outcrops and/or boulders, as defined in Chapter 31, will be impacted beyond established thresholds, they must be addressed in the Mitigation Plan through salvage and relocation to re-create the original character as determined by an assessment of the following features:

i. The surface area and average height of the feature.

ii. Average size of boulders within the feature.

iii. General density and width of crevices or fractures across the outcrop.

iv. Aspect/orientation of the outcrop.

d. Reference Sites

i. When degraded areas do not permit site characterization in accordance with Section 4.b, above, a reference site shall be selected and used as a “proxy” for desired conditions at the mitigation site.

ii. Reference sites shall be used to determine appropriate plant species, size and density to be included in the Mitigation Plan.

iii. Reference sites shall be located in the same watershed and carefully chosen to reflect similar habitat resources including vegetation qualities and abiotic characteristics such as elevation, topography, stream characteristics, and substrate. Reference sites are informative and suggestive rather than prescriptive. Characterization of reference sites shall use the sample methodology outlined herein.

iv. Reference sites for riparian habitat impacts should include healthy, intact riparian habitat that is the same or higher riparian/xeroriparian classification and within the same watershed as that being impacted.

v. Each reference site may include several sampling areas.

vi. Number of Reference Sites

a) If the proposed impact area is less than ¼-acre in size and has been previously degraded or disturbed, at least one (1) reference site shall be selected for characterization.

b) If the proposed impact area is between ¼ and 5 acres in size and has been previously degraded or disturbed, at least two (2) reference sites shall be selected for characterization.

c) For proposed impacts areas greater than 5 acres that have been previously degraded or disturbed, at least three (3) reference sites shall be selected for characterization.

5. Mitigation Plan

a. Mitigation Plans shall be prepared by a qualified habitat restoration specialist. The requirement to use a Qualified Habitat Restoration Specialist is waived for Mitigation Plans prepared for single residential parcels.

b. A Mitigation Plan shall include accurate information about resource elements present in the proposed impact area prior to such impacts and at any proposed mitigation area if different than impact area.

c. Mitigation Plan Contents

The following information must be included in a Mitigation Plan:

i. Aerial photograph at an appropriate scale with the following items clearly labeled:

a) Proposed project area, mitigation area, and reference area(s),

b) ESL resources,

c) Sampling entities,

d) Plot and/or transect locations, numerically labeled, to identify the plot relative to the data.

ii. Results summary table with all species listed,

iii. Evaluation of species diversity and vegetation cover,

iv. Representative photographs of each sample entity,

v. Planting Plan, including specifications for the placement and relocation of rock and boulder features, and

vi. Other supporting data and evidence as appropriate.

d. Plant Density

i. For each area sampled, calculate the mean (average) number of individuals per species, based on the area of all plots or transects in that entity. For creating a planting plan, these values can be extrapolated to a meaningful area (e.g. 1 acre or the size of the proposed disturbance) for each species as well as a total for shrubs and trees. The mean value will be used to calculate the mitigation required, using the following formula:

$$\frac{\text{Total number of plants in all plots}}{\text{Total combined area of all plots}} = \frac{\text{X plants per area of interest}}{\text{Area of interest}}$$

ii. At a minimum, all mitigation areas should achieve a density of 45 trees per acre and 100 shrubs per acre.

Species and quantities of plant materials must be calculated based on density values obtained in the vegetation sampling of the reference site(s) as described below.

e. Plant Palette

i. The specific plant palette should include native species that are present in the proposed impact area or reference site(s), as determined by the sampling techniques described above.

ii. Historic floras may be consulted for additional species that may have occurred in the area in the past and that may be appropriate.

iii. Plant materials must be selected to create a diverse native vegetation community that will have the greatest habitat value possible. This should include (as appropriate) species of trees, large and mid-sized shrubs, bunchgrasses, sub-shrubs, vines, and annuals that will provide a structurally diverse vegetation community with ample cover for a variety of wildlife.

iv. Species selection must incorporate plant species that provide a variety of food resources for wildlife, include grains, berries, insects, pollen, and nectar.

f. Plant Size

Trees and shrub size shall reflect the average found in the transects. The following serves as minimum size requirements:

i. Trees: 50% at 24” boxed and 50% at 15 gallon

ii. Shrubs: 100% at 5 gallon

g. Planting, Rock and Boulder Design

i. Container plants must be installed in natural-looking patterns that mimic the surrounding and reference areas and not in rows or grids. Planting design shall be detailed on the Planting Plan.

ii. The placement of rock and boulder materials shall re-create the original character of the feature to the greatest practical extent. Rock and boulder placement shall be detailed on the Planting Plan.

h. Plant Material Quality

i. Emphasis on plant materials shall be for restoration quality stock that is native and as local to the project area as possible and preferably from within the same watershed.

ii. Plant materials may consist of salvaged plants or cuttings as well as container plants grown in traditional or tall pots from seed collected locally specifically for the project. Container plants will be grown at a nursery that specializes in producing high-quality native plant species for habitat restoration projects.

iii. Native soil shall be used in the plant containers if possible. If more native soil is needed than is available to fill plant containers, each container shall receive some native soil mixed with an appropriate commercial nursery soil mix.

iv. Container plants must be grown outdoors and in full sunlight. Prior to container plants being delivered to the project site, they shall be hardened off from water, so they may be able to sustain themselves under potential drought conditions once planted.

v. Deep–planting techniques for woody species are permitted in order to achieve maximum survival with minimal irrigation. This may include deep-planting of dormant pole cuttings as well as the use of container stock grown in tall pots.

vi. All plant materials shall be inspected by Town staff prior to installation to ensure they are healthy, disease free, and of proper species, quantities, and sizes.

i. Seed Purchase and Collection

i. If the proposed impact area is 5 acres or less in size, commercially purchased seed that is appropriate for the site may be used.

ii. Seed labels, including origin, purity, and germination rates, shall be made available to Town staff for review and approval prior to application at the project site.

iii. The seed mix palette must include only native species that occur in the vicinity of the restoration mitigation area and that are appropriate for the site, as determined by vegetation sampling.

iv. The mix should include as many species as possible, and, as with the container plants, a diverse mix of structural habits. It is important to include species that germinate at different times of the year as a contingency if precipitation is below average during the first wet season and to provide cover throughout the year.

v. If the proposed impact area is greater than 5 acres in size, seed will be collected from the impact site and vicinity. Seed collection shall occur in at least two seasons, spring and

late summer, prior to project implementation. It is critical that the project schedule include ample time for the collection and production of local plant materials. Seeds must originate from as close to the project area as possible, and within the same watershed if possible. Alternative means to achieve collection of native seeds may be approved by the Planning and Zoning Administrator.

j. Seed Application

Seeds can be applied through a variety of methods, including hand-broadcasting, pelletization, pitting, and hydroseeding. Timing of application shall be coordinated with precipitation for the greatest likelihood of germination success.

6. Off Site Mitigation

a. Location

i. Mitigation may be proposed onsite or off-site subject to Planning and Zoning Administrator approval. Onsite mitigation is appropriate when impacts are temporary such as disturbance for a utility right-of-way. Offsite mitigation may be proposed if impacts will be permanent.

ii. Appropriate off-site mitigation locations include areas adjacent or in close proximity to the impacted area that contain similar resource elements such as areas upstream along the same riparian corridor where the impact occurred, or areas where resources have previously been degraded or disturbed.

iii. The location of the proposed mitigation area should consider the following items:

a) Proximity and connectivity to other resource elements within and adjacent to the parcel containing the mitigation area

b) Soil and landscape characteristics

c) Hydrology

d) Zoning and long-term protection

e) Access and logistical concerns

f) Land use history

Addendum G
ESL Resource Science Specifications and Definitions

1. Methodology for Mapping

The following methodology is utilized in mapping riparian area boundaries within the Town of Oro Valley:

a. Hydroriparian includes any drainage with perennial surface water regardless of plant species composition; Mesoriparian includes any drainage without perennial surface water but any of the following species: Arizona Walnut (Juglans major), Fremont cottonwood (Populus fremontii), Gooding willow (Salix gooddingii), Arizona sycamore (Platanus wrightii), Arizona ash (Fraxinus velutina), netleaf hackberry (Celtis reticulata), or seep willow (Baccharis salicifolia); Xeroriparian includes any drainage with intermittent/ephemeral flow but not containing the above indicator species; Xeroripairan areas will have a representative vegetation volume of 0.500 m3/m2 or greater.

b. The lateral riparian boundary is a contiguous line along the canopy margins of the predominant overstory vegetation species parallel to a riparian area, where the lateral distance between canopy margins of individuals of the predominant plant species is less than two times the height of the tallest individuals. Where the distance between canopy margins parallel to the channel are greater than two times the height of the tallest individuals, the boundary is considered to be the top of bank of the channel.

c. Boundary between Meso and Xeroriparian habitat types -- any gap between Mesoriparian indicator species of 1,000 ft or greater will indicate a transition to xeroriparian. Mesoriparian boundary will be at indicator species' canopy.

d. In braided riparian systems where 'islands' may occur, these are included as part of the riparian area. Islands more than 200 feet wide, or whose surface elevation is significantly higher than surrounding channels, are not included.

e. Because of natural variability, not all areas within mapped riparian areas will support the overall representative vegetation volume. Additionally, mapped riparian areas may include areas without representative vegetation volume, but do contribute to regional riparian system functions (e.g. drainage connectivity, sediment and nutrient transport, channel meander, etc.)

f. Riparian areas disconnected hydrologically from downstream riparian areas by human disturbance or impacts are not included.

g. The criteria for determining an upstream starting point (headwaters) of Riparian Areas with representative vegetation volume is where a discernable channel with an ordinary high water mark begins.

h. Vegetation volume within a riparian area will be determined using Pima County Regional Flood Control District Technical Procedure 116: Quantitative Methods for Regulated Riparian Habitat Boundary Modifications and On-Site Vegetation Surveys.

2. Special Status Species Habitat

Special Status Species Habitat is comprised of the following:

a. Breeding, foraging, cover, and dispersal habitat for common and special-status species as designated by Pima County at the time of adoption of this ordinance.

b. Wildlife habitat includes all areas identified as Significant Vegetation, Rock Outcrops and Boulders, Riparian Areas, Distinct Habitat Resources or Major and Minor Wildlife Linkages.

c. Pima County Conservation Land System Biological Core and Important Riparian Areas.

d. Nature Conservancy Conservation Target #18 (Tortolita Mountains).

e. Priority Conservation Areas (PCA's) for Priority Vulnerable Species.

f. Designated Critical Habitat for ESA Threatened and Endangered species.

g. SDCP Priority Vulnerable Species (AZ WFSC, and ESA T&E).

h. Habitat for threatened and endangered species, if designated, is to be regulated by State and Federal law.

3. Criteria Utilized to Refine Pima County SDCP designated Multiple Use Areas

Lands were retained in Resource Management Areas by applying the following:

a. Adjacent to Protected Open Space: Land areas that are adjacent to or have connectivity to publicly or privately protected open space area or preserves.

b. Abut or connected to Riparian Areas: Land areas that directly abut or have connectivity to mapped riparian areas and floodplains.

c. Wildlife Permeable Areas: Land areas that are committed to or directly abut wildlife permeable development as defined in Section 31.

d. Minimum Size Thresholds: RMA's shall meet the following minimum size thresholds:

1) One (1) acre when abutting other resource areas, open space areas, preserves, or riparian areas. The cumulative area of the parcel(s), resource areas, open space areas, preserves, or riparian areas must be 20 acres or larger.

2) 20 acres on a single or multiple parcels when not abutting resource areas, open space areas, preserves, or riparian areas.

e. Developed areas: Exclude graded areas of active development and areas developed at a density of greater than one home per acre.

Addendum H
Scenic Resources Area Design Guidelines

1. Purpose

Design guidelines seek to implement the adopted land use goals of the community with regard to community design within Scenic Resource areas. The purpose includes:

To ensure the built environment conserves environmentally sensitive resources in accordance with the adopted General Plan,

To promote community development that is aesthetically pleasing and compatible with the natural surroundings,

To maintain the value of the Town's scenic and environmentally sensitive resources, and

To minimize disturbance to the natural environment.

2. Design Review and Approval Procedures

The baseline for design guidance is contained in the OVZCR, Addendum A, Design Guidelines. These Scenic Resource Design guidelines supplement Addendum A and are intended as a flexible addition to the development requirements set forth in Section 27.10.D.2.f, Scenic Resources Category, for general land development use types along scenic corridors and within public park viewsheds.

These guidelines apply to any development in all three Tiers of the Scenic Resource Category as specified in Section 27.10.D.2.f.iii, Scenic Resources Applicability. Procedures for applying these guidelines are included in Section D.2.f.vi.

3. Design Guidelines

Review of all development plans and subdivision plats in scenic corridor areas should consider the following particulars. Site Planning and Architectural guidelines are expected to be met for the approval of a subdivision plat or commercial development plan.

Employment / Institutional guidelines are in addition to consideration of Commercial guidelines for employment/institutional development plans in scenic corridor areas. Proposed resort developments are to be evaluated according to General Plan, Specific Plan and overlay district criteria to assure project excellence.

a. Site Planning

1) General

i. Incorporation of natural elements such as boulders, native rock or designing to blend structures with natural washes or existing stands of vegetation is highly desirable.

ii. Include subdued lighting for entries, signage and parking areas.

iii. Provide pathway links to interior residential neighborhoods or planned recreational trails.

iv. Include Integration of structures, pedestrian paths with natural earthforms.

v. Parking or maneuvering should not be located in required minimum setback.

vi. Structures should be used to screen access or frontage roadways parallel to scenic corridors. Earthen berms should comply with adopted rainwater harvesting requirements.

2) Residential

The following site design expectations are to be met for the approval of any subdivision plat or development plan:

i. Street patterns and/or landscaping are to be provided consistent with safe traffic visibility and design practice to screen views of rights-of-way perpendicular to scenic corridors.

ii. Walls enclosing individual lots, residential clusters, or multi-family structures are to be located at the setback line of perimeter landscaped buffer areas or maintained setback tracts (see Section 24.5.G.1.b).

iii. Pathway linkages are to be provided within the development and connecting with pathways, trails, or bike lanes paralleling the scenic corridor.

iv. Except where specific view corridor preservation is intended, curvilinear street patterns and/or landscaping are to be provided to screen views of rights-of-way perpendicular to Oracle Road consistent with safe traffic visibility and design practice.

v. Maintain views from residences to mountain vistas, major washes, and native vegetation.

vi. Provide structure spacing to permit views and focus on stands of vegetation.

vii. Utilize subdued or managed lighting.

viii. In sloped areas provide screening of structural support piers.

ix. Provide shared roadway access.

3) Commercial

i. Rear and side setbacks adjacent to residential districts should include berms and/or walls, augmented with landscaping achieving opaque screening to a height of not less than 8 feet. Berming shall comply with Town landscape requirements for rainwater harvesting.

ii. No loading, storage, outdoor activity (except as expressly permitted in the underlying district), or display of merchandise visible from scenic corridors, intersecting arterials or adjacent residential neighborhoods.

iii. Pathway linkages to be provided to adjacent properties where appropriate and within multi-use developments.

iv. Clustering structures as a central “outcropping” visible when approaching the development on entry driveways, with principal parking areas (majority of spaces) screened by structures from scenic corridors or adjacent arterials.

v. Access driveways should be spaced 660 feet apart.

vi. Provide shared roadway access.

4) Employment and Institutional

i. Adjacent to residential districts, setbacks of the residential district are to be met or exceeded, and to include a masonry wall with landscaping as augmentation.

ii. No outdoor storage visible from Oracle Road or adjacent residential neighborhoods.

iii. Provide pathway links to internal recreation facilities and external pathways and routes.

iv. Maintain view corridors through the site.

v. No parking or access driveways within required setbacks.

5) Resort Development

i. Open vistas are characteristic of this use type; walls and enhanced vegetation are to be utilized for screening functions.

ii. Clustering of structures is oriented away from the perimeter of the site and view corridors, providing a central "outcropping".

iii. Keeping principal structure on lower slopes, not exceeding ridge heights.

iv. Maintaining wide sight angles beyond structures is preferred.

v. Casitas should be deployed to create residential scale.

vi. Emphasis should be placed on existing vegetation to accent principal buildings and plazas.

vii. Vehicular circulation ways are minimized.

viii. Pathway linkages, particularly to encourage resort guests' and residents' use of the Corridor path systems, are to be established for access to and from the principal resort structure.

ix. Include visible display of open space and recreational features, such as golf courses.

x. Maintain open expanses to preserve adjacent neighborhood views.

xi. Structures should be grouped well away from view corridors.

xii. Low-lying building profiles should be utilized.

xiii. Views through the site should be preserved.

b. Architectural Design

1) General Design

i. Buildings constructed in scenic corridors and park viewsheds should be low and of colors, materials and textures, which blend with natural desert vegetation, leaving large areas of open space between developments. Buildings that are visible from scenic corridors should seem to be a part of, or in, the landscape rather than appearing to be an imposition on the site. The buildings should follow the natural contours of the existing topography.

ii. Building Colors

a) Building colors should relate to one another and the natural environment on the basis of pigment, color value, and/or intensity. In scenic corridors, earth tones and pastels are encouraged, especially in areas of high visibility. Desert/mountain colors that blend with the natural background are encouraged.

b) In areas upslope from scenic corridors, darker, geologic colors to blend with mountain slopes.

c) In locations upslope from the ultimate scenic corridor roadway right-of-way, richer, earthtone or geologic colors and rougher textures are preferred, especially those which complement background views; downslopes, darker earth colors with more dense landscaping clusters.

d) Color schemes should avoid jarring juxtapositions with primary colors.

e) In more private area, away from scenic corridors, homeowners and business owners are permitted more freedom in color selections.

f) Bright colors should not be visible from scenic corridors or other public rights-of-way.

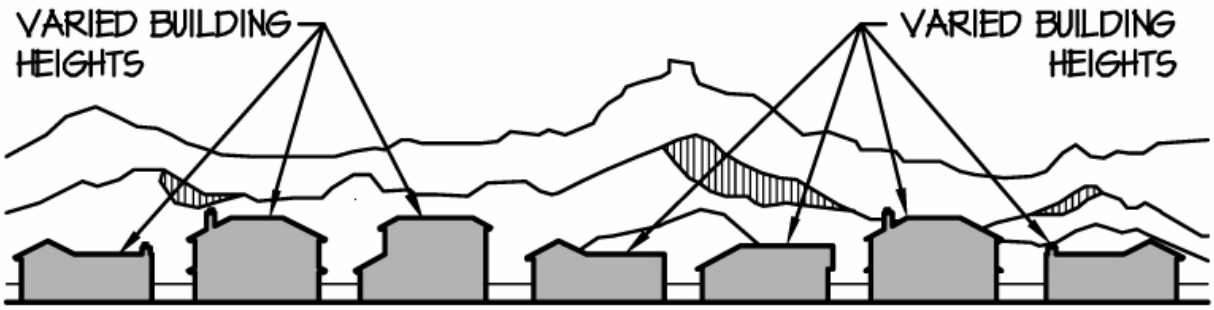
g) Foreground colors should harmonize and blend with existing vegetation, natural rock/earth forms or built background.

iii. Include architectural detailing on all structure facades.

2) Residential

Review of all residential developments other than individual, detached, single-family home construction shall consider the following criteria to assure design consistency with Scenic Resource intent and character:

i. Building heights should be varied, preferably mixing one and two-story homes to enable views across the site from the scenic corridor right-of-way.



ii. Consistent, finished rooftop treatments, without visible roof-mounted equipment.

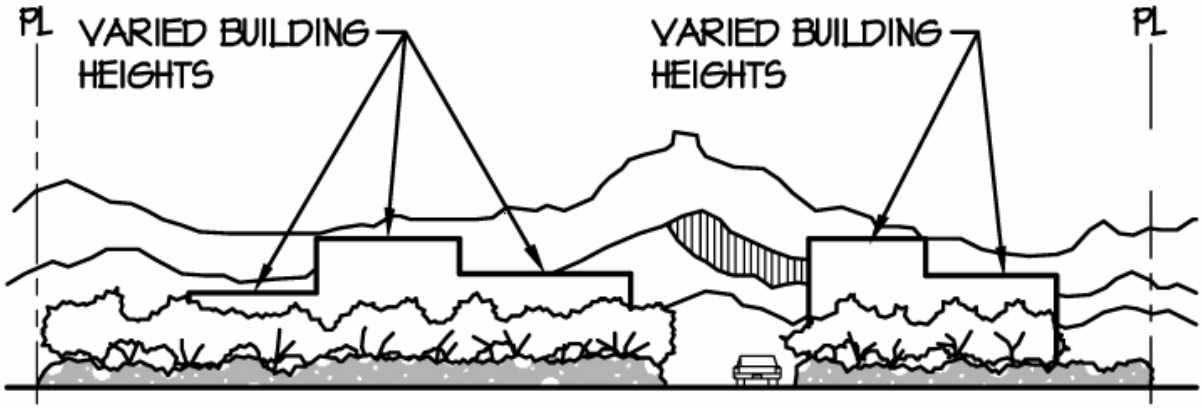
iii. Noise Mitigation should be addressed by masonry construction, double-paned windows, and limited window openings and recreational yard uses facing scenic corridors.

iv. Structural screening of access or frontage roads and parking visible from scenic corridors, and structural integration with terrain, such as building lower floors into slopes.

v. Thematic architectural detailing should be included.

3) Commercial

i. Building heights should be varied to enable views across the site from the scenic corridor right-of-way.



ii. Structural height restricted to 1:4 (from natural grade) relative to width.

iii. Principal structures are constructed of rough masonry, slump block, or similar materials; board and batten, untreated concrete block or metal buildings are discouraged.

iv. Moving appurtenances should not be visible from scenic corridors or other public rights-of-way.

v. Rooflines are preferred to be horizontal; others are permissible.

vi. Architectural detailing includes rough-cut stone accents, recessed window treatments, and vertical elements in visible walls of greater than 50 feet in length.

4) Employment / Institutional

i. Structural height is limited to a ratio of 1:3 relative to width.

ii. Provide enhanced native landscape along frontage.

iii. Include rougher building material textures.

5) Resort

i. Provide distinctive architecture blending with the Sonoran Desert context.

ii. Include creative use of light and shade in plazas.

iii. Extensive use of natural materials (rough native stone, wood) is preferred.

iv. Consideration of split-level entry from parking areas.

v. Mission-style, Santa Fe, or Territorial architecture is appropriate.

vi. Include landscaped focal points.

c. Vegetation Preservation and Screening Guidelines

Vegetation Preservation: Innovative site planning and architectural treatments, which preserve and incorporate the maximum number of existing trees, Corridor Character Vegetation, and shrubs is encouraged in concert with compliance with native plant preservation requirements.

Addendum P

Methods for Sampling Riparian Habitat and Specifications for Plant Material Quality

This Addendum contains the procedures and minimum specifications for determining and configuring sample areas and techniques for both plot sampling and transect sampling to be conducted in conjunction with preparation of a Mitigation Restoration Plan as required by Section 27.10.G.

1. Sample Area(s)

a. Determine the sample areas within which plots or transects will be established in accordance with Reference Site requirements. The following qualities shall be included in the sample area:

b. Sample areas for significant vegetation stands should include stands of mature and healthy vegetation that meet the minimum cover or density definitions in the ESL for those resources being impacted.

c. Sample areas area shall be large enough to include all species belonging to the plant community.

d. The habitat should be relatively uniform throughout a single sample area. Each habitat type shall be sampled separately.

e. Configuration

1) Plots or transects shall be distributed throughout the sample area in a manner to capture all of the variability within that sample area. Plots or transects can be either located randomly within a sample area or according to an orderly sampling scheme (e.g., on a grid, at regular intervals, etc.)—as long as the result is that the sample area is accurately described by the plot number and arrangement.

2) The sampling locations must be approved as part of the Mitigation Restoration Plan review process, and must be representative of the area of being sampled.

2. Plot Sampling

a. Plot sampling, or quadrant sampling, can be used to describe a variety of plant community characteristics of an area that is too large for a complete vegetation inventory to be feasible.

b. The parameters to be addressed include: diversity (species present), cover, and density (number of species in a given area).

c. The number of plots or transects conducted within each sample area should be sufficient to characterize the range of vegetation condition within it.

d. Size and Shape

1) Plot size and shape should fit the nature of the vegetation community to be sampled. Circular plots are generally recommended with these field mapping standards, as they are more efficient to accurately establish in the field.

2) Plot size should be large enough to include a significant number of individual plants, representing all dominant species, but small enough that plants can be counted without duplication or omission of individuals.

3) Suggested plot sizes that are typically appropriate for vegetation in the context of riparian habitat are listed below. Site characteristics may necessitate using a different plot size or shape (i.e., if the riparian vegetation entity is not wide enough). Plot shape and size should be consistent throughout.

   i. Circular plots (preferred): 10-meter radius (314 m^2 or 3,380 ft^2)

   ii. Square plots: 15–20 meters per side (225 m^2–400 m^2 or 2,422 ft^2– 4,306 ft^2)

   iii. Rectangular plots: 15 meters x 20 meters (300 m^2 or 3,229 ft^2)

3. Transect Sampling

Transects may be conducted according to the point intercept and belt transect methods. The method is based on a 50-meter point transect centered on a 2×50-meter plot (i.e., the belt transect). Using this method, vegetation is sampled by points at 0.5-meter intervals along the 50-meter transect to determine cover. The surveyor will note the species encountered at each interval. In addition, individuals of each perennial species rooted within the 2×50-meter plot will be counted to determine density and diversity. All annuals present in the 2×50-meter plot will also be noted.

4. Plant Material Quality

a. Plant materials may consist of salvaged plants or cuttings as well as container plants grown in traditional or tall pots from seed collected locally specifically for the project. Container plants will be grown at a nursery that specializes in producing high-quality native plant species for habitat restoration projects.

b. Native soil shall be used in the plant containers if possible. If more native soil is needed than is available to fill plant containers, each container shall receive some native soil mixed with an appropriate commercial nursery soil mix.

c. Container plants must be grown outdoors and in full sunlight. Prior to container plants being delivered to the project site, they shall be hardened off from water, so they may be able to sustain themselves under potential drought conditions once planted.

d. Deep–planting techniques for woody species are permitted in order to achieve maximum survival with minimal irrigation. This may include deep-planting of dormant pole cuttings as well as the use of container stock grown in tall pots.

All plant materials shall be inspected by Town staff prior to installation to ensure they are healthy, disease free, and of proper species, quantities, and sizes.

Chapter 31 Definitions

Archaeological site:

- *Repeal existing ZC definition 32. Archaeological site. Not required because it references a term defined by Arizona State Museum standards.*
- *Staff: Text search zoning code and substitute "cultural resources" for "archaeological" when it is used in conjunction with "site," because we are now using the term cultural resource, not archaeological, in Section 24.4, PAD, of the zoning code.*

XXX. Active Restoration

The process of taking specific intentional actions to re-establish natural processes, vegetation, and habitat of an ecosystem.

XXX. Base Zoning Dwelling Count

Shall be calculated by dividing the gross land area of the site or parcel, before any required dedications for right-of-way or drainage, or designations for open space or other OVZCR requirements, by the base zoning minimum lot size to identify the potential dwelling unit yield of the site or parcel.

Base Zoning Dwelling Count = Gross Land Area ÷ Minimum Lot Area of Base Zone

XXX. Conservation

Shall mean, in the context of the Environmentally Sensitive Lands Conservation System, the use and management of land to eliminate waste and maximize efficiency of use while yielding the highest sustainable benefit to present generations and maintaining the natural resources in such a state that remain biologically viable and they can provide for the benefit of future generations.

Cultural Resource:

- *Repeal existing ZC definition 90. "Cultural or Historic Resource" and add a new definition for "Cultural Resource," because new term incorporates both archaeological and historic resources*

xxx. Cultural Resource

Any prehistoric or historic site or object having historical, architectural, archaeological, or community importance, including artifacts, records, and material remains related to such property or resource.

Cultural Resource Professional:

- *New definition proposed.*

xxx. Cultural Resource Professional

Shall include archaeologists, architects, architectural historians, and historians who meet the minimum professional qualifications established by the Secretary of the Interior's Professional Qualification Standards.

Cultural Resources Survey:

- *Current ZC definition for "survey" describes "archaeological survey," propose to change to "Cultural Resources Survey.*
- *Staff: text search zoning code and change all references to "survey"* ***used in relation to archaeological resources*** *to "cultural resources survey."*

xxx. Cultural Resources Survey

An activity with the purpose of locating and identifying cultural resources without causing any disturbance of the ground.

xxx. Environmentally Sensitive Open Space (ESOS)

Comprised of lands designated as permanent, natural open space in accordance with the requirements of Section 27.10.

XXX. Hillside Conservation Area

Shall mean land area designated for conservation of natural slopes greater than 15 percent.

XXX. Hillside View Conservation Area

Shall mean the visually significant slopes and ridges of the site designated as ESOS. Visually significant slopes and ridges are identified by the Scenic Resources category of the ESL regulations.

XXX. Preservation

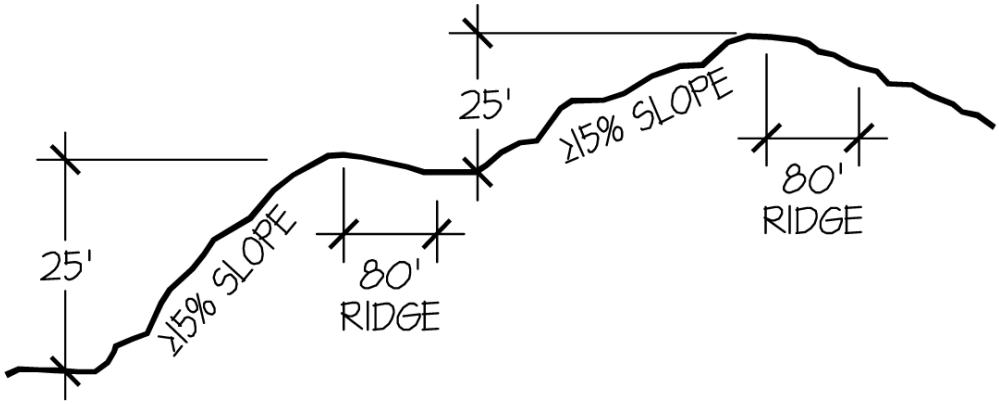
Shall mean, in the context of the Environmentally Sensitive Lands Conservation System, the attempt to maintain land in its current condition to protect the area from negative human influence.

XXX. Qualified Habitat Restoration Specialist

A person with a minimum of a Bachelor's degree in a natural resources-related field, and five years of experience in the field of habitat biology.

XXX. Ridge

Shall mean a topographic feature above sloped areas 15 percent and greater that forms a crest or hilltop of at least 80 feet in width. Ridges may include sloped areas as illustrated below.



XXX. Scenic Resource Conservation Area

Shall mean lands adjacent to designated scenic corridors where the land use and design requirements of the ESL Scenic Resources Category apply.

Treatment Plan:

- *Staff drafted new ZC definition for this term based on research from other jurisdictions.*

xxx. Treatment Plan

A plan prepared by a qualified cultural resource professional for the preservation, data recovery, excavation, archiving, monitoring, adaptive reuse, curation, and/or documentation of one (1) or more significant archaeological resources, buildings, structures, sites, landscapes, or artifacts.

XXX Visually Significant Slopes

Sloped areas of 15 percent and greater visible from Scenic Corridors, public rights of way, public parks and all trails identified in the Oro Valley Trails Master Plan.

XXX Wildlife Permeable Development

Residential development with a developed density of one home per acre or less and fences and walls that are wildlife friendly and do not impede the movement of wildlife between adjacent lots or between the development and adjacent open space areas.)

ESL Related Revisions to Section 27.6

Landscape Conservation Code

3. Site Resource Inventory Standards and Requirements

a. Site Resource Inventory

i. The Site Resource Inventory (SRI) shall be a primary evaluative design tool upon which the site design and salvage plans are based. The information contained in the SRI shall be utilized for purposes of site planning and design, and shall describe and identify natural characteristics of the site, as listed below, including areas of significant vegetation. Preservation of protected natural areas and significant vegetation shall be a primary consideration.

ii. The SRI shall strive to:

a). Minimize native plant disturbance, destruction, or removal.

b) Promote creative plat or development design to preserve significant vegetation.

c) Propose mitigation that maintains, as nearly as possible, significant native vegetation and animal habitat while preserving site soil stability.

d) incorporate native vegetation of a size, quality, and type consistent with native vegetation and the development.

e) Maintain significant vegetation, as described herein, in place, unless there is no other area available for construction.

f) Identify any prohibited plants (Appendix E) such as buffelgrass or tamarisk.

b. Significant Vegetation

Significant Vegetation (SV) is characterized as ~~distinctive native plant stands~~ and/or ~~distinctive individual native plants~~ ~~that demonstrate, through the presence of certain~~ criteria, as listed below, areas of special value to the Sonoran Desert ecosystem.

i. Distinctive Native Plant Stands are areas of native vegetation that exist in contrast to the majority of the surrounding vegetative community due to either microclimates or availability of water sources. Criteria include:

a) Saguaro cacti stands that include one foot or taller saguaro occurring at a density of 25 or more over a minimum one-half acre area.

b) Ironwood tree stands that include 30 percent or more average cover at the edge of all tree canopies within a minimum one (1) acre area.

c) Palo verde tree stands that include 50 percent or more average cover within a minimum one (1) acre area.

Deleted: specific plant communities

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Deleted: occurrences and/or unique individual specimens

Deleted: Plant Community is an area of vegetation dominated by one (1) or more species. Climate, elevation, soil types, and other factors ultimately determine the limits and boundaries of particular plant communities. Examples of a plant community dominated by one (1) species are desert grassland and creosote bush association, or a grove of trees, for example, a mesquite bosque. These communities can form almost pure stands of single species. Examples of co-dominate plant communities are cottonwood-willow and palo verde-saguaro association. Plant communities create an environment that is beneficial, unique, and/or valuable to the desert ecosystem.

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d) Mesquite tree stands that include 50 percent or more average cover within a minimum one (1) acre area.

e) Ocotillo stands that include areas of 50 ocotillo of any size within a minimum one (1) acre area.

ii.

A Distinctive Individual Native Plant refers to any native tree, shrub, or cacti with extraordinary characteristics such as, but not limited to age, size, shape, form, canopy cover, or aesthetic value. Criteria include:

a) Saguaro cacti over 15 feet tall with 2 or more arms.

b) Crested saguaro cacti.

c) Native tree with 12 inch basal caliper and over 12 feet tall.

d) Native 'nurse' tree with 3 or more saguaro cacti under or within its canopy.

e) Any Plant listed as Threatened or Endangered under the Endangered Species Act or Highly Safeguarded by the Arizona Department of Agriculture.

iv. Criteria for identifying areas of significant vegetation include the presence of the following (in addition to being characterized as a Distinctive Native Plant Stand and/or a Distinctive Individual Native Plant):

a) Plant species that are native to the area.

b) Plant species composition is typical for the area.

c) Plants are generally healthy and will survive for five (5) or more years.

d) Plant density is normal for the site conditions (soil, slope, orientation, water availability).

e) Mature specimens of individual trees and/or columnar cactus species are present.

f) Noxious/invasive species are few and not visually prominent, such as buffelgrass, desert broom, tamarisk, Mexican palo verde, and tree of heaven.

g) Grading or clearing has not substantially altered the landscape in the area.

h) Constructed non-native landscapes do not qualify as significant vegetation.

i) Specific groups of plant communities that are known to be habitat for protected species, for example: ironwood, saguaro, mesquite, and palo verde are known Pygmy Owl habitat.

v. Preservation of significant vegetation should emphasize maintenance or creation of connections between natural areas and significant vegetation. Areas of significant vegetation include, but are not limited to, other natural areas protected by this zoning code, such as riparian habitat.

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Unique Plant Occurrences are areas of vegetation that exist in contrast to the majority of the surrounding

Deleted: <#>Unique Plant refers to any native tree, shrub or cacti that meet the following criteria:¶

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c. Mitigation

i. When areas of significant vegetation are present but are not preserved in place due to development, salvage and mitigation shall be required. For example, for 100 plants identified as significant vegetation that are not preserved in place, those that meet the salvage criteria in Section 27.4.B.4.c will be salvaged. If ten (10) are salvaged, the 90 remaining shall be mitigated as set forth in Table 27-1.

ii. Mitigation of Significant Vegetation does not apply to environmentally sensitive open space (ESOS) as provided in section 27.10G.

iii. Mitigation of significant vegetation, under-story requirements, and area measurement.

a) Mitigation of significant vegetation shall be according to the ratios in Table 27-1.

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TABLE 27-1: MITIGATION OF SIGNIFICANT VEGETATION

Amount of SV Disturbed	Tree Mitigation Ratio	Percent Trees Replaced w/ 48" Box	Percent Trees Replaced w/ 36" Box	Understory** Vegetation Required	Cacti and Other Protected Plants
0-29%	Standard mitigation requirements of Section 27.1.E apply.			5 understory plants for each mitigated tree.	Same size and species as that removed or destroyed.
30-49%	1:1	None	100%		
50-100%	2:1	50%	50%		
**Under-story plants selected from the supplemental native plant list, Addendum C, and either transplanted from onsite or nursery plants.					

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b) The percentage of significant vegetation shall be measured as the square footage of the ground cover area.

If the mitigated plant does not survive the first 18 months of transplanting after landscaping is complete, mitigation standards, as listed above, shall apply.

d. Preservation incentives. In order to promote preservation in place, development standard incentives are offered to permit clustering of development, as set forth in Table 27-2.

TABLE 27-2: PRESERVATION INCENTIVES

Amount of SV Preserved In Place	Reduction In Lot Size Permitted	Increase In FAR Permitted
71-100 %	Up to 20% of appropriate interior lots*	Up to 20%
51-70 %	Up to 15% of appropriate interior lots*	Up to 15%
50 % or less	None	None
*Appropriate interior lots are those lots not on the perimeter of the development and not adjacent to a natural resource area.		

e. Mitigation Remedy. When a proposed development is in conformance with the General Plan and meets other development standards of the Code, but unique circumstances exist in regard to significant vegetation, such as when a large percentage of a site is covered

with significant vegetation and mitigation results in plants too numerous to survive on the site, the developer may request approval for a mitigation remedy. Remedies include provision of required vegetation, irrigation materials, and associated labor as follows:

i. Relocation to an adjacent property
ii. Placement on a Town property
iii. In-lieu fee for a Town landscape or restoration project
iv. Other similar relocation effort

The developer must make his/her request to the Town for a mitigation remedy before or concurrent with a preliminary plat or development plan submittal. The request shall include a mitigation proposal and rationale and justification for the proposal. The Development Review Board (DRB) shall consider the proposal and make their decision at a public meeting.

Section 23.6 Property Development Standards for Single-Family Residential Districts

A. Common Regulations of R-1 Districts

The following property development standards shall apply to all land and buildings in single-family residential districts. Specific lot sizes, setbacks, and criteria which vary among individual single-family residential districts are identified in Sections 23.6.A through 23.6.H. Alternative development standards in OVZCR § 27.10 .B.3 (Environmentally Sensitive Lands) may be applied at the request of the property owner upon satisfaction of applicable ESL review criteria. .

Section 23.7 Property Development Standards for Multi-Family Residential Districts

A. Common Regulations of Multi family Districts

Alternative development standards in OVZCR § 27.10 .B.3 (Environmentally Sensitive Lands) may be applied at the request of the property owner upon satisfaction of applicable ESL review criteria.

Section 23.8 Property Development Standards for Nonresidential Districts

A. Common Regulations of Nonresidential Districts

Alternative development standards in OVZCR § 27.10 .B.3 (Environmentally Sensitive Lands) may be applied at the request of the property owner upon satisfaction of applicable ESL review criteria.

Section 23.9 Property Development Standards for Planned Districts

A. Common Regulations of Planned Districts

Alternative development standards in OVZCR § 27.10 .B.3 (Environmentally Sensitive Lands) may be applied at the request of the property owner upon satisfaction of applicable ESL review criteria.

Section 21.9 Historic Preservation Commission

A. Scope

In accordance with the General Plan: Archaeological and Historic Resources Element, the Historic Preservation Commission facilitates the conservation of cultural resources in the Oro Valley community.

B. Powers and Duties

In addition to other powers and duties of the Historic Preservation Commission specified in Article 6-10 of the Oro Valley Town Code, the Historic Preservation Commission performs the following:

1. Planning and Zoning Work Plan

The Historic Preservation Commission provides recommendations to the Town Council on the annual work plan, which is a formal list of the Planning Department's annual land use policy and zoning work projects.

2. General Plan

The Historic Preservation Commission reviews and recommends cultural resource conservation policies for inclusion in the General Plan.

3. Zoning Code Amendments

The Historic Preservation Commission reviews and recommends zoning requirements, historic districts, and design guidelines pertaining to conservation of cultural resources.

4. Development Review

The Historic Preservation Commission considers evidence and recommends action upon appeal or review of a Planning and Zoning Administrator's determination of cultural resource significance and/or action specified within a formal treatment plan.

5. Special Inventories or Plans

The Historic Preservation Commission shall maintain a list of known significant cultural resources for consideration in planning of current and future development.

C. Transaction of Business

The Planning and Zoning Administrator shall apprise the Historic Preservation Commission of all determinations of significance, treatment plan approvals, and zoning enforcement actions that involve a cultural resource.

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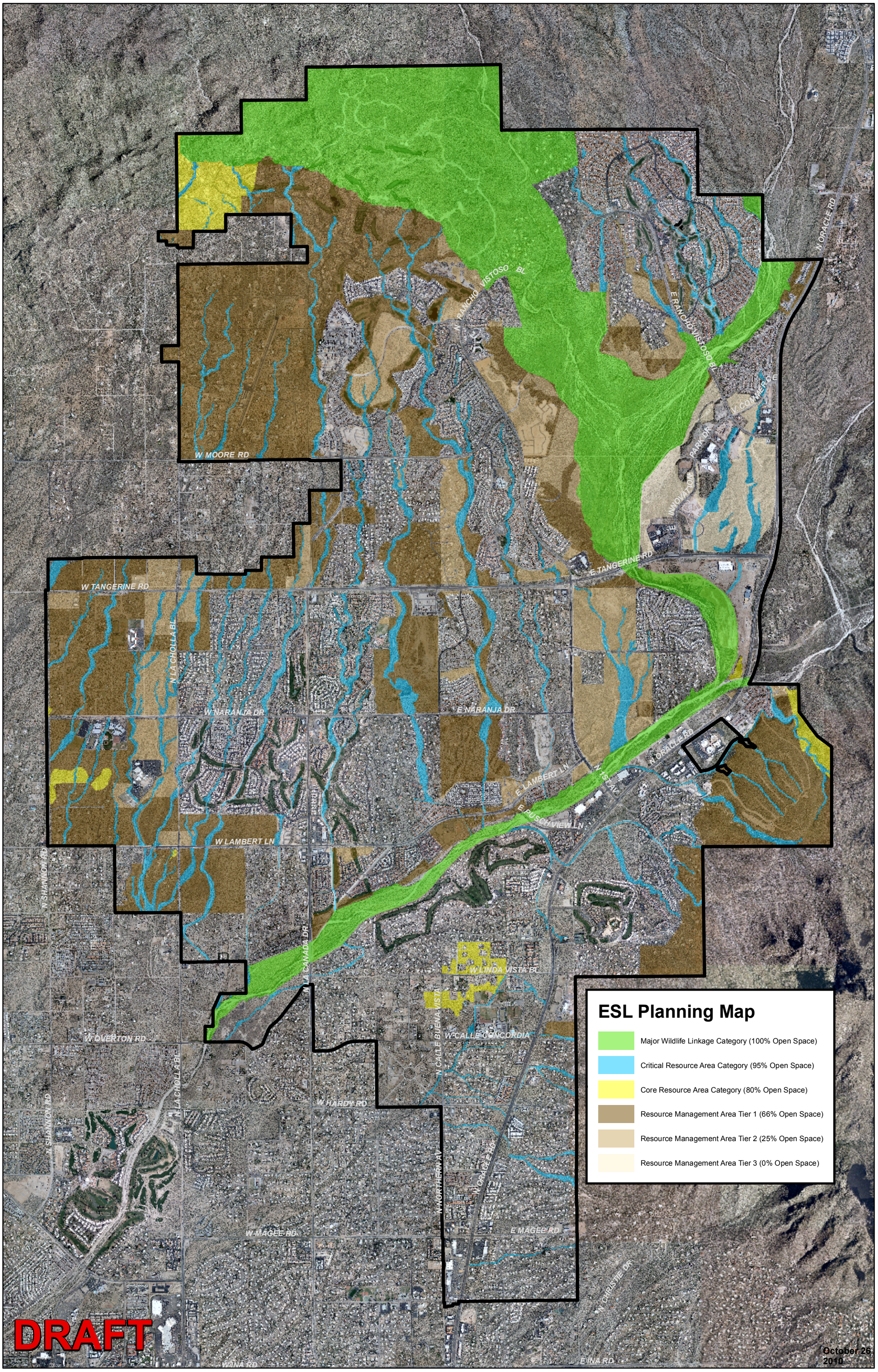
ESL Planning Map
Major Wildlife Linkage Category (100% Open Space)
Critical Resource Area Category (95% Open Space)
Core Resource Area Category (80% Open Space)
Resource Management Area Tier 1 (66% Open Space)
Resource Management Area Tier 2 (25% Open Space)
Resource Management Area Tier 3 (0% Open Space)
DRAFT
October 26 2010
N RANCHO VISTOSO BL
E RANCHO VISTOSO BL
N ORACLE RD
V COMMERCE
INNOVATION PARK DR
W MOORE RD
E TANGERINE RD
W TANGERINE RD
N LA CHOLLA BL
W NARANJA DR
E NARANJA DR
E LAMBERT LN
N 1ST AV
E PUSCH VIEW LN
W LAMBERT LN
N SHANNON RD
N LA CANADA DR
W LINDA VISTA BL
N CALLE BUENA VISTA
W CALLE CONCORDIA
W OVERTON RD
W HARDY RD
N NORTHERN AV
W MAGEE RD
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Attachment #2,
ESL Review Process and Outreach

The following is a list of teams, committees, and groups involved with ESL zoning development:

- Staff and consultant team - Mapping, research, outreach strategies, and code drafts were produced by a multi-disciplinary team including biologist, planners, attorneys, GIS mapping specialists, and communications staff.
- Public Advisory Committee (PAC) – A seven member team of Oro Valley residents specifically assigned by Town Council. Please see table below for a complete list of participants. PAC's role is to review all draft elements and provide recommendations. To date, there have been a total of 34 PAC meetings.

  Composition of PAC:

Name	Sponsor	Description
Steve Solomon	Mayor Loomis	Town Council Member Selection
Doug McKee	K.C. Carter	
Philip Kline	Paula Abbott	
Steve Taillie	Salette Latas	
Susan Simms	Bill Garner	
Bill Adler	Al Kunisch	
Don Chatfield	Barry Gillaspie	

- Technical Advisory Committee (TAC) – This committee includes accomplished professionals in the fields of conservation biology and resource management. Please see table on the following page for a list of participants. This Committee's charge has entailed defining significant habitat and review of associated definitions and mapping. A total of 10 TAC meetings were conducted.

Composition of TAC:

Name	Organization	Relevant expertise
Mike Demlong	Arizona Game & Fish	Sonoran desert fauna, including threatened and endangered species
Scott Richardson	U.S. Fish & Wildlife Service	Significant vegetation
Sherry Ruther	Pima County Development Services	Sonoran Desert Conservation Plan
Daniel Zwiener	Historic Preservation Commission	Archaeological and cultural resources
Philip Pearthree	Arizona Geological Survey	Geomorphology of steep slopes and riparian areas; hillside species
Janine Spencer	Town of Marana (Coordinator of Town's Habitat Conservation Plan)	Sonoran desert wildlife habitat planning and management; avian species
Carolyn Campbell	Coalition for Sonoran Desert Protection	Conservation approaches
Paul Keesler	TOV Public Works	Engineering and grading standards
James Gardner	TOV Parks and Recreation	Maintenance of Town's open space areas
Phillip Saletta	TOV Water	Wellhead sites

- Historic Preservation Commission - In fall of 2009, the Historic Preservation Commission (HPC) assigned a work group to review the ESL cultural resources elements. After ten workgroup meetings, a draft was presented to the full HPC. On 6/14/10, HPC formally recommended approval of the ESL cultural resources elements.
- Forums to solicit landowner and citizen input – This is a central component of the project. To date, there has been three open houses, three Town Council Study Sessions (including a joint session with the Planning & Zoning Commission), and one joint Planning & Zoning Commission and Development Review Board study session.
- Oro Valley Landowners and Developers - There have been two Oro Valley landowner meetings to discuss issues. Furthermore, there has been multiple one on one meetings with developers who have specific interests in Oro Valley.
- Southern Arizona Homebuilders Association (SAHBA) and Metro Pima Alliance (MPA) – There has been extensive outreach to SAHBA and MPA. This includes the following:
    - Two brownbag events for the general membership of SAHBA
    - Eight meetings with a focused SAHBA and MPA review team
    - Numerous one on one meeting with SAHBA and MPA representatives.

SAHBA and MPA contribution to ESL has resulted in approximately 15 significant changes as a direct result of the development communities contribution (23 total meetings and joint work group sessions). Changes include:

- Opportunities for Planning & Zoning Administrator approval of incentives
- Assurances that any other open space requirement within the zoning code may be credited toward ESL open space requirements when land connectivity is achieved
- Modifications to increase design flexibility

- ESL participation has included: Public Advisory Committee (PAC), Technical Advisory Committee (TAC), Historic Preservation Commission, Planning & Zoning Commission, SAHBA and MPA, OV Landowners, and General Public.

- Northwest Pima Chamber of Commerce – Staff presented an overview of the draft ESL to the Chamber at one of their regular meetings. Comments provided were incorporated into the draft.

Town of Oro Valley 2005 General Plan and Arroyo Grande Special Area Policies that support Environmentally Sensitive Lands (ESL) project

Direct references to ESL are in **bold.**

OVGP or AG Special Area policy	Policy reference	Plan Element	ESL Characteristic	Notes
	Riparian vegetation			
OVGP	1.1.3 The Town shall continue to avoid development encroachment into washes, riparian areas, designated natural open space and environmentally sensitive lands. In cases where encroachment is unavoidable, such as in the case of utility or public safety, require compensation or trade to offset the loss of natural area.	Land Use	Riparian protection	
OVGP	5.4.2 The Town shall ensure that major transportation system wash crossings (collector streets and above) are designed to be hydraulically efficient and environmentally sensitive with minimum disruptions or impact to riparian areas and wildlife habitat	Transportation	Riparian protection	
OVGP	12.1 To protect and restore the natural qualities of creeks, washes, and groundwater basins and recharge areas in Oro Valley to ensure public health and safety and the biological productivity and diversity of these water courses.	Water Resources	Riparian protection	
OVGP	12.1.1 The Town shall require that natural washes (defined as riparian areas and 100-year floodways) be kept free from development that would adversely impact floodway capacity or characteristics, natural/riparian areas, water quality, or natural groundwater recharge areas.	Water Resources	Riparian protection	
OVGP	11.2.3 The Town shall define essential habitat areas as those that meet one of the following criteria: areas occupied by special-status species as defined by the U.S. Fish and Wildlife Service or Arizona Game and Fish; riparian habitat types, defined as low xeroriparian, moderate xeroriparian, high xeroriparian, hydroriparian, mesoriparian (including mesquite bosque and degraded mesquite bosque); and buffer areas around these areas.	Open Space and NRP	Riparian protection/Habitat protection/Significant veg	

OVGP or AG Special Area policy	Policy reference	Plan Element	ESL Characteristic	Notes
OVGP	11.1.4 The Town shall require new development proposals, through the rezoning process, adjacent to or containing riparian areas or wildlife and plant habitat to include provisions to link these systems to other nearby riparian areas, habitats, existing or planned trails, and regional natural open space areas (e.g.,Tortolita Mountain Park, Catalina State Park, and Coronado National Forest).	Open Space and NRP	Riparian/Habitat/Significant vegetation	
AG	4.The designated riparian areas (blue on the conceptual plan map) will be managed and maintained as NOS and will otherwise comply with the Town of Oro Valley's Riparian Ordinance, as amended. Disturbance, at locations of least impact, may be allowed for utility and roadway crossings, subject to mitigation of adverse impacts. Specific delineation of the riparian areas will be based on the Oro Valley **Environmentally Sensitive Lands - Riparian data layer.** Roadway crossings must be designed to allow for safe wildlife movement, consistent with the methodology recommended in the Arizona Missing Linkages; Tucson-Tortolita-Santa Catalina Mountains Linkages report.	Open Space and NRP	Riparian protection/Habitat	
AG	11. It is intended that all areas designated as NOS or riparian areas will be preserved and protected by conservation easements, or other legal means.	Open Space and NRP	Open Space management - riparian	
AG	8. No development may utilize groundwater in a manner that diminishes or otherwise compromises the quantity or quality of groundwater available to support the significant riparian areas contained in the Honey Bee and Big Wash washes.	Open Space and NRP	Riparian protection	

OVGP or AG Special Area	Policy reference	Plan Element	ESL Characteristic	Notes
	Hillside protection/Viewshed			
OVGP	1.1.2 The Town shall continue to consider development impacts on natural rolling terrain and emphasize low-density developments in these areas. This will include evaluating areas with slopes of 15 percent and greater for development compatibility and safety, with the possibility of preserving them as natural open space.	Land Use	Hillside preservation	`
OVGP	1.1.4 The Town shall commit to preserve, protect, and enhance the visual qualities of Oro Valley and surrounding visually significant areas, such as ridgelines, and closely monitoring or reacting quickly to development plans of neighboring communities, and county, state, and federal agencies. Thus, view protection shall be an essential aspect of Oro Valley's community development review and project approval process. Where possible, encourage permanent protection of scenic vistas, especially from the Oracle Road Scenic Corridor, the Tangerine Road Corridor, and other corridors as specified in Policy 11.3.1.	Land Use	Hillside preservation/View shed protection	
OVGP	11.2.17 The Town shall continue to prohibit mass grading for all residential developments with lots exceeding 15,000 sf and strongly discourage it through the community (see Policy 1.1.6)	Open Space and NRP	Hillside Development	
OVGP	11.3.1 View protection is to be an essential aspect of development review and project approval. The Town defines the following roadways as scenic corridors within OV: See list of primarily arterial roads	Visual Resources	View shed protection	

OVGP or AG Special Area policy	Policy reference	Plan Element	ESL Characteristic	Notes
OVGP	11.3.2 The Town shall continue to require all new development and improvements to existing development, both public and private, to maintain and/or enhance the character and quality of views from and along scenic corridors and public parks. The following measures will contribute to achieving this objective: - preserve areas of natural open space (especially habitat areas) to provide visual relief; - provide large natural or naturally landscaped areas in rights-of-ways along scenic corridors; - create design standards to minimize the impacts of parking lots; - create a Town ordinance that required vehicle loads to be covered and secured; - work with utility providers to place utilities underground; and - discourage visually intrusive structures.	Visual Resources	View shed protection/Habitat	
OVGP	11.4.1 The Town shall define and map visually important areas, especially peaks and ridges, and highly visible sloped areas.	Visual Resources	View shed protection, hillside protection	
OVGP	1.1 To preserve Oro Valley's natural Sonoran Desert environment and the scenic resources that are an important part of the community's quality of life.	Land use	View shed protection	
OVGP	5.4.3 The Town shall continue to maintain view protection as an essential aspect of Oro Valley's transportation design process, with permanent protection of scenic vistas along major roadway corridors to be encouraged. Road construction on slopes should minimize the visual impact	Transportation	View shed protection/Steep slope preservation	
	Threatened and endangered habitat			
OVGP	1.1.5 The Town shall continue to require that all new development in areas with sensitive wildlife use fencing compatible with wildlife movement.	Land Use	Habitat protection	
OVGP	11.1.5 The Town shall ensure that recreational uses on areas with essential or key habitats are designed to protect these resources.	Open Space and NRP	Habitat	
OVGP	11.2 To protect native biological habitats and their associated plant and wildlife species throughout the Town of Oro Valley and create/restore habitats where feasible in development design.	Open Space and NRP	Habitat protection	

OVGP or AG Special Area policy	Policy reference	Plan Element	ESL Characteristic	Notes
OVGP	11.2.1 The Town shall ensure that development will provide for coordinated and enhanced protection of key habitat areas. “Key habitat” and “essential habitat” are provided, respectively, in Policy 11.2.2 and Policy 11.2.3.	Open Space and NRP	Habitat protection	
OVGP	11.2.2 The Town shall define key habitat areas as those that meet the following criteria: significant saguaro stands; significant ironwood stands; and, significant rock outcrops. Note: The term “significant” as it relates to each of these will be defined in ordinance.	Open Space and NRP	Habitat protection/Significant veg	
OVGP	11.2.10 The Town shall achieve fauna and flora protection through regulatory practices as well as through working partnerships with developers. On-site water detention basins, clustering, land trusts, scenic easements, and similar practices **should become part of an ordinance** to protect the plants and animals and still achieve land development objectives.	Open Space and NRP	Habitat/significant veg	
OVGP	11.2.11 The Town shall protect and enhance contiguous areas of key habitats rather than small, segmented remainder parcels.	Open Space and NRP	Habitat	
OVGP	11.2.12 For new public or private development projects, the Town shall required a buffer of adequate size to protect the integrity of the essential habitat. Buffer size regulations **will be defined in the Town's ESLO** (see Policy 11.2.7), which will provide guidance on buffer sizes, based on site characteristics, such as terrain, width of habitat, habitat condition, and so forth.	Open Space and NRP	Habitat/significant veg	
OVGP	11.2.13 The Town shall regulate development within buffer areas in the same way as the habitat areas the buffer is protecting.	Open Space and NRP	Habitat	
OVGP	11.2.14 The Town shall inventory and actively pursue opportunities to restore degraded areas that contain remnants of essential of key habitat areas as defined in this element.	Open Space and NRP	Habitat	

OVGP or AG Special Area policy	Policy reference	Plan Element	ESL Characteristic	Notes
OVGP	11.2.9 The Town shall require project designs that: - place development in areas not defined as key habitat when possible; - provide deed restrictions regarding treatment of identified habitats and natural open space on private property; - minimize adverse impacts to these habitats; - provide for connectivity between on- and off-site essential and key habitat areas; and, - are designed to reduce overall habitat impacts.	Open Space and NRP	Habitat	
OVGP	**11.2.5 The Town shall maintain a current and accurate database of biological resources, including maps that identify the locations of specific habitats (as defined in this element), and lists of special-status species, to mandate environmentally compatible development. Upon annexation, town shall update the database for annexation area.**	Open Space and NRP	Habitat	
OVGP	11.2.6 On site with high potential for essential of key habitats or special status species, the town shall require the project applicant to have the site surveyed by a Town-qualified biologist as part of the application process.	Open Space and NRP	Related, not specific to ESL	
AG	3. NOS is intended to preserve wildlife movement and landscape connectivity between Tortolita Mountain Park and Catalina State Park, as well as to preserve archaeological resources. Consistency with these goals will be assured at development review phase. The NOS will need to be acquired according to state law which governs the Arizona State Land Department in order to become part of the Tortolita Mountain Park.	Open Space and NRP	Habitat/Cult/hist resource protection	
OVGP	11.2.4 Within essential habitats, The Town shall permit only the following uses: (see list of uses. . .), unless area already covered by a hcp or similar plan approved by the US F&W Service or Arizona Game & Fish. These uses shall be designed to minimize impacts on environmentally sensitive resources.	Open Space and NRP	Riparian/habitat	

OVGP or AG Special Area policy	Policy reference	Plan Element	ESL Characteristic	Notes
	General/Open Space/Multiple goals			
OVGP	11.1 To protect the **environmentally sensitive open space** areas within the Planning Area.	Open Space and Natural Resource Protection	General	
OVGP	**Significant Resource Area:** **This designation denotes areas that contain key historic or archeological sites of other environmentally sensitive lands. It is an overlay that includes areas that have been preserved and those that should be preserved through the methods listed in the Open Space and Natural Resources Conservation Element.** Any development that takes place in ESL areas should be at the lowest density allowable in the underlying designation and should include mitigation measures; (see GP for more specifics). TDR from SRA portions to less sensitive portions of a site are encouraged.(see GP for specifics on transfer and densities).	Land Use	Multiple goals	
OVGP	11.1.2 The program in Policy 11.1.1 shall identify and provide recommendations to the Town Council for the application of a range of planning and funding tools to acquire, enhance, manage, maintain, or otherwise protect **environmentally sensitive lands** and other desirable natural open space lands such as those identified as SRA in this plan.	Open Space and NRP	Multiple goals	
OVGP	11.1.3 The Town shall work with authorized representatives of approved Planned Area Developments (PADs) to minimize impacts on environmentally sensitive lands, including amendments of PADs, while allowing for development in accordance with the spirit of existing approvals.	Open Space and NRP	Multiple/Prop 207	
OVGP	1.1.1 The Town shall promote clustering of development to protect environmentally sensitive areas and to preserve significant, passive use, natural open space within residential neighborhoods. In large-lot or multi-family developments, clustering may also be accomplished by placing building pads close to each other, while employing other mechanisms to protect remaining natural open space.	Land Use	Open Space/clustering	

OVGP or AG Special Area policy	Policy reference	Plan Element	ESL Characteristic	Notes
OVGP	11.1.8 The Town shall use natural open space preservation as one criterion in considering land use rezoning proposals. Developments shall utilize natural open space to comply with requirements for landscaped areas and buffer areas, whenever feasible.	Open Space and NRP	Open space preservation	
AG	1. 68.4% of the entire Planning Area will be managed and maintained as natural open space (NOS). No disturbances will be allowed unless approve by the Oro Valley Town Council. The only allowable disturbance in the NOS linkage area (green on the conceptual plan map) will be for: access roads for utilities, trailheads, and to connect the employment and commercial center on Oracle Road to the MPC 1 area; utility crossings; trails; and trailheads.	Open Space and NRP	General Open Space	
AG	5. A minimum of 50% of the MPC Area 4, in the northwest corner of the Planning Area, will be managed and maintained as NOS. This NOS requirement will be applied on a project-by-project basis; each development unit (Subdivision Plat or Block Plat) will provide a minimum of 50% project level NOS. Each individual development will be designed according to Cluster Development principles in order to consolidate the development footprint and to: - (1) preserve finite and non-renewable cultural resources by preserving in place; - (2) conserve sensitive on-site biological resources; and; - (3) maintain a landscape permeable to the movements of biological resources by providing connectivity between the Planning Area's NOS and areas north into Pinal County.	Open Space and NRP	Habitat/Cult/hist resource protection	

OVGP or AG Special Area policy	Policy reference	Plan Element	ESL Characteristic	Notes
AG	6. A minimum of 80% of the RLDR (Rural Low Density Residential) area will be managed and maintained as NOS. This NOS requirement will be applied on a project-by-project basis; each development unit (subdivision plat or block plat) will provide a minimum of 80% project level NOS. Project level development will be designed according to cluster development principles in order to consolidate the development footprint and to: - (1) preserve finite and non-renewable cultural resources by preserving them in place; - (2) conserve sensitive on-site biological resources; and, - (3) maintain a landscape permeable to the movements of biological resources. Project level NOS will, to the maximum extent possible, be configured in a consolidated, uninterrupted pattern, which connects to other on-site and off-site areas.	Open Space and NRP	Open Space/habitat/Cult/hist resource protection	
OVGP	**11.2.7 The Town shall prepare, adopt and implement an Environmentally Sensitive Lands Ordinance (ESLO) containing standards for protecting sensitive resources and provisions for requiring innovative site planning and design practices that would protect sensitive resources.**	Open Space and NRP	General/multiple goals	
OVGP	11.4.3 The Town shall **prepare design guidelines and standards as part of an ESLO** (see Policy 11.2.7) to protect scenic resources and direct site and building design in areas identified as visually important. The ESLO may include, but not be limited to, the following: - placement of roadways - Building materials, colors, and reflectivity - Protection of ridgelines, slopes, and hillsides - Integration of buildings and landscape with site features and vegetation - placement of single- and two-story structures - open space and landscape area requirements - standards for fencing and berming - control of light and glare - limiting the areas that may be graded - limiting cuts and fills - treatment of disturbed areas, especially cut and fills	Visual Resources	General/multiple goals	This references ESLO, but it seems that most of these items have already been addressed in ZC in one way or another. . . .

OVGP or AG Special Area policy	Policy reference	Plan Element	ESL Characteristic	Notes
OVGP	11.2.8 The Town shall work as an equal partner with federal, state, and county agencies and the public in the development and implementation of the **Sonoran Desert Conservation Plan.**	Open Space and NRP	General/multiple goals	
OVGP	11.5.8 The Town shall continuously inform and educate the public about the natural and cultural resources in Oro Valley and the steps that they can take to help protect, enhance, restore, and enjoy these resources.	Visual Resources	Multiple goals	Not directly ESL related.
	Cultural/Historic Resources			
OVGP	10.1 To preserve the unique archaeological, cultural, and historic resources within Oro Valley to the degree not already regulated by the State of Arizona.	Cultural/Historic Resources	Cult/hist resource protection	
OVGP	10.1.1 The Town shall continue to require the preparation of cultural resources assessments, including information about both prehistoric and historic uses, by a qualified archaeologist or historian for all new private and public development projects.	Cultural/Historic Resources	Cult/hist resource protection	
OVGP	10.1.2 The Town shall use the standards and criteria established by the National Register of Historic Places, as amended, to identify significant cultural resources, including people, events, and activities, in Oro Valley, specifically identify Steam Pump Ranch and Honey Bee Village	Cultural/Historic Resources	Cult/hist resource protection	
OVGP	10.1.3 The Town shall continue to consider the potential effect of development projects on significant prehistoric and historic resources during the planning and design processes. Cultural resources determined to be significant will be preserved in place if possible, and if not, appropriate data recovery and documentation will be prepared in consultation with the Arizona State Historic Preservation Office. Avoidance of significant sites is preferred over data recovery and documentation.	Cultural/Historic Resources	Cult/hist resource protection	

OVGP or AG Special Area policy	Policy reference	Plan Element	ESL Characteristic	Notes
OVGP	10.1.4 The Town shall continue to ensure protection and appropriate handling of cultural resources discovered during development site preparation and construction. If cultural resources are discovered during development, work shall cease until a qualified archaeologist inspects the site and materials and makes recommendations regarding treatment. If human remains are If human remains are inadvertently discovered the Town shall contact related tribes or communities who may have ancestral ties to the remains.	Cultural/Historic Resources	Cult/hist resource protection	
OVGP	10.1.5 The Town shall actively seek grants and other funding mechanisms to provide for the protection and preservation of cultural resources or resources of value to local culture. The Town shall also investigate use of these funds to provide for interpretive locations and facilities.	Cultural/Historic Resources	Cult/hist resource protection	
OVGP	10.1.6 Through partnerships and collaborative efforts, The Town shall identify appropriate strategies to protect archaeological and cultural resources.	Cultural/Historic Resources	Cult/hist resource protection	
AG	1. The entirety of the Planning Area must be surveyed for cultural resources and any sites encountered must be recorded with the Arizona State Museum.	Cultural/Historic Resources	Cult/hist resource protection	
AG	2. All cultural resource preservation areas will be monitored through the Arizona Site Stewards Program and others to help ensure the protection of these areas and the preservation of these sites' inherent cultural values.	Cultural/Historic Resources	Cult/hist resource protection	
AG	3. Cultural Resources within Open Space and Riparian areas will be preserved in place and managed and maintained as natural open space.	Cultural/Historic Resources	Cult/hist resource protection	
AG	4. Archaeological and historical sites determined to be of exceptional importance should be avoided and protected in place.	Cultural/Historic Resources	Cult/hist resource protection	
AG	5. Where avoidance of individual sites cannot be achieved and an impact to the resource will occur, a plan to mitigate the impacts through site data recovery and documentation, analyses, report preparation, and curation must be developed and then reviewed and approved by the State Historic Preservation Office and implemented prior to any ground disturbance.	Cultural/Historic Resources	Cult/hist resource protection	

OVGP or AG Special Area policy	Policy reference	Plan Element	ESL Characteristic	Notes
AG	7. Within those areas designated as MPC, COP, or VC, a total of 434 acres of floating NOS will be designated for the preservation in place of finite, non-renewable cultural and archaeological resources, or, if not needed for this purpose, will be utilized to further the preservation of NOS.	Open Space and NRP	Open Space/Cult/hist resource protection	
	Various Other			
OVGP	11.3.4 The Town shall protect air quality through: - the enforcement of dust control measures - restrictions to prohibit uses that create air pollution - encouragement of gas versus wood fireplaces - limits to mass grading, which shall require the approval of the Planning & Zoning Administrator	Visual Resources	Dust control/air quality	
OVGP	11.4.2 The Town shall continue to actively pursue measures to protect and maintain night sky visibility	Visual Resources	Lighting	
AG	9. NOS will be unlighted and protected from lighting in nearby developed areas as proscribed in the Oro Valley Zoning Code.	Open Space and NRP	Lighting	
	Policies that are related to or reference ESL			
OVGP	2. Community Design. Site Planning: A major goal of Oro Valley is to preserve the existing natural Sonoran Desert to the greatest extent possible for existing and future generations. Large-scale development in view corridors, grading of large areas, the introduction of non-native plant species, and the destruction of habitat are prime issues related to community design.	Community Design	Multiple goals	
OVGP	11.1.7 The Town shall prepare, adopt, and periodically update a Natural Open Space Management Plan to determine the appropriate level of use and protection of th environmentally sensitive open space areas within and surrounding the Town. This should include preparation of any inventory of these areas and the natural resources they support (see policies 11.5.1, 11.5.2, and 11.5.3)	Open Space and NRP	Related: open space management, inventory	

OVGP or AG Special Area policy	Policy reference	Plan Element	ESL Characteristic	Notes
OVGP	11.2.16 The Town shall require the protection of healthy, native vegetation within a development. If on-site protection is not feasible, the Town shall encourage transplantation of healthy native vegetation to approved sites within, or as a less preferable option, outside the project limits.	Open Space and NRP	Related, Significant veg	
OVGP	11.2.19 The Town shall provide guidelines for safe movement of wildlife above and below roadways and through or around other man-made environments. (see also Policy 5.4.2)	Open Space and NRP	Related, Habitat	
OVGP	11.2.20 The Town shall continue to encourage utilization of the Town's Save-A-Plant program for protection of health native vegetation.	Significant Veg	Significant veg	
OVGP	11.5.1 The Town shall establish an advisory committee to provide the Town Council and Planning Commission with annual recommendations and input regarding Town-initiated actions and incentives to protect **environmentally sensitive lands** in the Town and to monitor and/or recommend modifications to this element. The advisory committee's efforts are to be coordinated with the recommendations of the Natural Open Space Management Plan	Open Space and NRP	General/open space management	
OVGP	11.5.4 The Town shall adopt a set of best available practices to minimize impacts to the Town's open space system.	Open Space and NRP	Open Space management	
OVGP	11.5.6 The Town shall establish guidelines for trading natural open spaces that allow those trades that create interconnected, high-quality natural open space.	Open Space and NRP	Open space	
OVGP	11.5.11 The Town shall continue to explore strategies that would enable preservation of lands extending north and west from Honey Bee Canyon/Sausalito Creek and connecting to the Tortolita Mountain Park through independent methods and through coordination with Pima County, Arizona State Land Department, Arizona State Parks Board, and/or any nationally recognized conservation organization.	Open Space and NRP	Open space	Directly References Tortolitas
AG	12. Oro Valley will work in collaboration with to support Pima County in developing, managing and funding a management plan to protect biological and cultural resources.	Open Space and NRP	General/intra-agency coordination	
AG	10. Invasive plant species management will be incorporated into all plans for development.	Open Space and NRP	Landscape management/invasives	

OVGP or AG Special Area policy	Policy reference	Plan Element	ESL Characteristic	Notes
AG	2.It is the intent of this plan that the NOS area that is the “wildlife linkage” will become part of the Tortolita Mountain Park and remain as NOS in perpetuity. The Town of Oro Valley, ASLD, and Pima County will continue to cooperate to achieve this goal. When that occurs, a management plan will be established for the open space. All parties recognize that State Trust Lands may not be sold or otherwise disposed of until ASLD has complied with the Enabling Act and other applicable laws, including appraisal, approval by the Board of Land Appeals, and public auction. As part of the Pre-Annexation Development Agreement, ASLD will develop information on how lands within the plan will be valued.	Open Space and NRP	Open Space management/habitat	

Attachment #4
ESL HISTORY

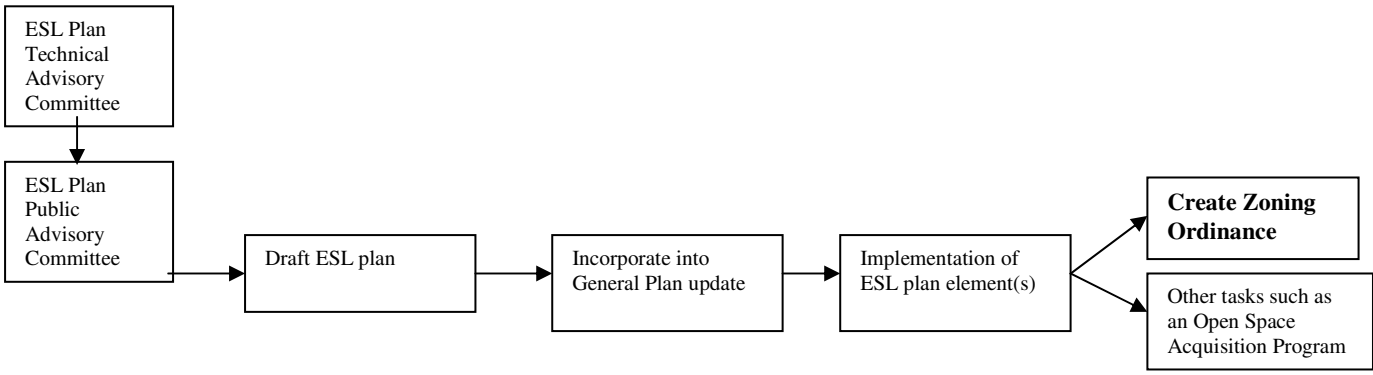
The need for ESL was first established in the 1996 General Plan. The Environmentally Sensitive Lands Project consists of two main components: 1) Policy Development, and 2) Implementation. The first was initiated in 1999 and was completed with the adoption of Focus 2020 General Plan. From 1999 to 2001, a considerable effort was expended by committees, citizens, and staff to develop policies that reflect the goal of the ESL project. The effort included the following:

- Extensive field work and documentation via GIS for the majority of the area within existing Town boundaries (reflected in current General Plan designated Significant Resource Areas)
- Two Public Workshops
- Town Council Approval of Public Advisory Committee (PAC) & Technical Advisory Committee (TAC)
- Five PAC Training Sessions (Instruction Provided by Various Specialists)
- Eleven PAC Meetings (Each Noticed in the NW Explorer Town Page)
- Two TAC Meetings
- One joint Commission and Council Study Session
- Distribution of 3,500 Random Surveys (28.1% Return Rate)
- Stakeholder Meetings (NW Chamber of Commerce, Association of Realtors, SAHBA Technical Review Board, Neighborhood Coalition, and Sun City Vistoso Community Association – Government Affairs Committee)
- Direct mailings to all of the Homeowner's Associations within the Town
- Meetings with other jurisdictions with similar plans and ordinances
- Provision of an interactive website

This effort was eventually merged into the General Plan update process. As a result, the comprehensive policies developed by the PAC were incorporated into the draft General Plan. Meetings between the ESL PAC and the General Plan Steering Committee were facilitated to insure an accurate transfer of the ideals embodied in the PAC's work.

From 2005 to 2008, the second phase of the ESL project, Implementation, was postponed due to staff and funding concerns. The project was fully funded in February of 2009.

The following graphic depicts the project sequence:



In 2008, the Town of Oro Valley, in conjunction with the Arizona State Land Department (ASLD), initiated a General Plan (GP) amendment for the Arroyo Grande Planning Area and an extension of the Urban Services Boundary (USB) to include 9,106 acres (14 square miles) of unincorporated Pima County land with no current development. The area is bounded on the south by the Town limits, on the east by Oracle Road, on the north by the Pima/Pinal County Line, and on the west by the Tortolita Mountain Park.

This General Plan amendment proposal was evaluated using adopted General Plan goals and policies as well as input and analysis from the public, the ASLD, Pima County, and the Planning and Zoning Commission. The land use plan is a product of extensive analysis and negotiations with a multitude of agencies and stakeholders.

Similar Sonoran Desert Conservation Plan derived principals applied in Arroyo Grande are proposed within the Town limits.

Attachment #5, ESL Conservation System Overview

ESL Conservation Category		Major Wildlife Linkage	Critical Resource Area	Core Resource Area	Resource Management Area	Cultural Resources	Scenic Resources	Hillside Areas
Description		**Provides essential connectivity to support dispersal, migration, genetic transfer.**	**Range of riparian areas that create the open space framework; includes rock outcrops**	**Conserves recognized habitat, distinctive vegetation stands and specimens**	**Conserves recognized habitat and supports higher level resource areas**	**Provides site specific protection and/or management direction in concert with other resources**	**Conserves unique visual qualities along scenic corridors and parks**	**Conserves hillside and ridge landforms; ensures compatible design**
Conservation Standard		**100%**	**95%**	**80%**	**66%-0%**	**Resource Dependent**	**Varies by Location**	**Varies by % Slope**
ESL Resource Type								
1.0	**Wildlife Linkages**	Identified large mammal corridors	Other identified minor links					
2.0	**Riparian Areas**		All Riparian Areas					
3.0	**Significant Vegetation**			Distinct Stands Distinct Individuals				
4.0	**Wildlife Habitat**		Distinct Habitat Resources	Critical (T&E) Habitat Areas PC Bio Core Mngmnt. Areas	Habitat for PV Species PC Resource Mngmt. Areas			
5.0	**Rock Outcrops**		Rock Outcrops Boulder piles					
6.0	**Cultural Resources**					Treatment Plan Dependent		
7.0	**Scenic Resources**						Scenic Corridors Park View sheds	
8.0	**Hillsides**		25% slopes and greater					Moderate Slopes (15-24%)

Attachment #6

Resource Management Area
Minimum ESOS by General Plan Designation

<table>
<tr><th>RMA Tiers</th><th>Tier 1</th><th>Tier 2</th><th>Tier 3</th></tr>
<tr><td>Minimum ESOS</td><td>66%</td><td>25%</td><td>0%</td></tr>
<tr><td rowspan="8">General Plan Land Use Designation</td><td>Rural Low Density Residential 0-0.3</td><td>Neighborhood Commercial / Office</td><td rowspan="8">Growth Areas</td></tr>
<tr><td>Low Density Residential 0.4-1.2</td><td>Community / Regional Commercial</td></tr>
<tr><td>Low Density Residential 1.3-2.0</td><td>Commercial / Office Park</td></tr>
<tr><td>Resort/Golf Course</td><td>High Density Residential</td></tr>
<tr><td>Open Space</td><td>Medium Density Residential</td></tr>
<tr><td rowspan="3">School, Park</td><td>Public/Semi Public</td></tr>
<tr><td>MPC Rooney</td></tr>
<tr><td>MPC Kai Capri</td></tr>
</table>

MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
SPECIAL MEETING
November 8, 2010
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

CALL TO ORDER AT OR AFTER 6:00 P.M.

Chairman Reddin called the meeting to order at 6:00 p.m.

ROLL CALL

PRESENT: Clark Reddin, Chairman
Alan Caine, Commissioner
Robert Swope, Commissioner
John Buette, Commissioner
Mark Napier

EXCUSED: Robert La Master, Commissioner

PLEDGE OF ALLEGIANCE

Chairmen Reddin led the audience in the Pledge of Allegiance.

CALL TO THE AUDIENCE (Non Agenda Items Only)

Opened and closed without comment.

1. Approval of the August 19, 2010 and October 5, 2010 Planning and Zoning Commission minutes.

MOTION: A motion was made by Commissioner Swope and seconded by Commissioner Buette to approve the August 19, 2010 and October 5, 2010, P&Z Commission meeting minutes.

MOTION carried, 5-0.

2. Public Hearing: Amendment to the Zoning Code to implement the Environmentally Sensitive Lands (ESL) ordinance. The proposed amendments involve a comprehensive effort to adopt new and/or updated requirements regarding open space, design incentives, hillsides, cultural resources, scenic resources, and landscape standards. Amendments include the following chapters of the Oro Valley Zoning Code Revised: Chapter 21, Review and Decision-Making Bodies, Chapter 23 (Sections

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23.6, 23.7. and 23.8), Zoning Districts, Chapter 24, Supplementary District Regulations (Sections 24.1, 24.2, 24.5, and 24.7), Chapter 27, General Development Standards (Section 27.2, 27.6, and adding new ESL Section 27.10), Chapter 31, Definitions, and adding ESL related appendixes. Case number: OV7-10-03

Bayer Vella, Conservation and Sustainability Manager, presented the following:

- ESL Project Purpose
- Refinement of Existing Zoning Regulations
- ESL Project Purpose continued.....
- ESL Process
- Systems Approach & Applicability
- ESL Open Space Categories:
- Resource Science Evaluation
- ESL Conservation Standards
- Resource Science & Future Growth
- ESL Planning Map
- ESL & Vacant Land
- Potential Annexation Areas
- Flexible Design Standards
- Conservation Subdivision Design
- Hillside Resources
- Cultural Resources
- Scenic Resources Category
- General Plan Compliance and Fiscal Balance
- Economic Development
- ESL Review Process with all the different teams and committees

Commissioner Caine asked if open space requirements apply only to rezoning.
Mr. Vella answered yes.
Commissioner Caine stated cultural resources are already in the code. He asked if anything had been added pertaining to cultural resources to the code.
Mr. Vella said the Cultural Resources section does have new items.
Commissioner Caine asked if there was some way to identify these changes.
Mr. Vella responded the ESL represents a paradigm shift that we expect a year or so to get comfortable.
Commissioner Caine asked Mr. Vella if he could summarize what the impact might be on the scenic corridor Tier 2.
Mr. Vella replied that if you have vegetation of substantial size and quality in the first fifty feet keep it in place. If you don't have it then there is no requirement. The second significant requirement is reduction of building heights against the road. The further you are from the road the higher you can build.

Commissioner Buette asked if the standards being imposed are lesser than those currently imposed by Pima County and if so, is that largely because of the

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Tier proposal.
Mr. Vella answered yes. Commission Buette went on to ask Mr. Vella where the described Tiers come from.
Mr. Vella said the Tiers are defined by the General Plan designation. The General Plan drives the ESL Map not the other way around. Commissioner Buette asked if landscaping, walk ways, and parking lots are apart of the twenty five percent or in addition to Tier 2 for commercial.
Mr. Vella said there is a mix, within the twenty five percent as well as the sixty six percent in allowances for landscape buffers, sidewalks, and recreation areas if it results in connectivity and sufficient width. Any zoning element that requires open space that results in connectivity can be counted toward that percentage, but parking lots do not count.
Commissioner Buette asked how the code amendment affects current projects.
Mr. Vella said an existing platted area will not be impacted. An area that is a PAD, open space requirements apply only when a PAD amendment results in a change to use or the intensity.
Commissioner Buette asked if what staff's opinion on economic impacts.
Mr. Vella said staff's opinion is subjective with an argument either way. We are trying to marry 2 different objectives which are conservation and the economic vitality of the Town.
Mr. Williams, OV Planning Division Manager, explained what the ESL allows opportunity for land owners to increase property values by reducing lot size and maximizing a hundred percent yield from their property.
Chairman Reddin asked Mr. Williams to define slightly decrease in lot size.
Mr. Williams clarified that open space can be a reduced up to forty percent. It is not a slight decrease but substantial.

Mr. Andrews, OV Attorney, said the proportion of how much open space determines how much you can reduce your lot size.
Mr. Vella said other codes and ordinances were looked at and found incentives and some didn't go far enough.
Chairman Reddin asked if this applies to all zoning categories.
Mr. Williams responded yes.
Mr. Vella said it represents all residential zoning categories.

Commissioner Swope asked where the new Tier 3 guidelines came from.
Mr. Vella said the Tier 1 design guidelines that exist today were applied to Tier 3.
Commissioner Swope asked what has happened since July that has led to some of the changes that we are seeing in the current draft.
Mr. Vella said what you are seeing is the result of a focused public outreach efforts. An example is a change to the flexible design standards, we changed some of the flexibility opportunities to incorporate Southern Arizona Home Builders Association (SABHA) and Metropolitan Pima Alliance (MPA) input.
Commissioner Swope asked how things were left between the Town, staff and SABHA.

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Mr. Vella said there were some philosophic differences, but we came together on key technical issues. In no way did we want to impart that everyone was entirely happy, but everybody's focus was to optimize.

Chairman Reddin asked Mr. Vella about the inclusion of so many diverse elements under "ESL" and if he could provide feedback from the groups involved on cultural resources, scenic resources and hillside areas.
Mr. Vella said the directive from the very beginning of ESL was to take a holistic approach, look for those areas that overlap to make sure these things are working together, folding into one document with defined chapters, that all work together.
Commissioner Buette asked what the working group's impression on this matter.
Mr. Vella said it is fair to say that some had questions but the credit system is working together to work through the categories.
Commissioner Caine commented that what attracts people to OV is the environment.
Commissioner Swope commented that this is not a unique issue, if you look at the National Environmental Policy Act it states where they have Environmental Policy Acts that require environmental reviews. They look at the broad definition of the environment which includes cultural resources and visual equality.
Commissioner Buette asked if you go through a 404 wash is credit given for that work or does it take precedence over the ESL.
Mr. Vella said our existing riparian requirements have been in place since 1999. If you want to do a wash crossing and it is a 404 issue, the issues are dealt with separtely by each entity. The riparian current code and ESL allow you to make a wash crossing, but in a less intrusive place.
Commissioner Buette asked Mr. Vella how he would deal if a conflict arose between a 404 and ESL.
Mr. Andrews advised that it is a conflict of laws and you would have to comply with both 404 and the Town.
Mr. Williams said the ESL allows washes to be crossed where our current code really doesn't recognize that. This ordinance acknowledges the need to make crossings and disturbing up to five percent without penalty.

David Godlewski, OV resident and government liaison for the SAHBA, said he would like to be a part of that radical middle. From a broad conceptual perspective it sounds good, but we need to look at the words on paper and the way they are interpreted. We have to focus on the economic conditions we are facing as a town and those that we are likely to face in the future. SABHA still has a number of significant philosophical big picture issues as well as additional technical issues. SABHA's recommendation would be to take the appropriate amount of time to vet all these issues and evaluate some of these big picture issues.

Bill Adler, OV resident, said he was speaking as a member of the group that worked on this ordinance. The General Plan indicates the Town encourages

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economic growth, as well as preserving the fragile Sonoran Desert. Matching property rights with preservation of desert land is like a clash of civilization. You create zoning codes in response to community values, we can't consider a market based zoning code which fluctuates and vacillates with regards to whether the market is up or down. We have crafted an ordinance which creates a balanced frame work, but is delicate because it depends on the judgment of our planning administrator who has more authority in this code than in any other code. He believes we have been successful in reaching to incorporate the incentives and the flexibility that is necessary.

MOTION: A motion was made by Commissioner Caine and seconded by Commissioner Buette recommend approval of the proposed Environmentally Sensitive Lands (ESL) Zoning Code Amendments as presented.

MOTION carried, 5-0.

Commissioner Buette recognized we had some blue card elegance today and said he was really impressed by both sides. He agreed with Mr. Adler regarding mixed use.
Commissioner Swope said he was struck by the comment that no one was particularly happy which tells him that this is a good compromise and therefore something that the community should have in place. It provides flexibility, incentives to the business community as well as providing the environmental community the kind of protection they have been looking for with our valuable resources here in the Town.

Chairman Reddin called for a recess at 7:22 p.m.
The regular session was resumed at 7:28 p.m.

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