

**AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
February 16, 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 Reflections at the Buttes Litigation**

**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

**CONSENT AGENDA
(Consideration and/or possible action)**

- A. Minutes - January 19, 2011
- B. Approval of Town Manager's Annual Performance Goals
- C. Re-appointment of Jeremy Christopher to the Oro Valley Board of Adjustment (BOA) with a term effective through December 31, 2013
- D. Police Department - December 2010 Statistics

- E. Amending the 2010 Town Council Liaison Assignments by changing the liaison to the Stormwater Utility Commission to Councilmember Bill Garner
- F. Fiscal Year 2010/11 Financial Update Through December 2010

REGULAR AGENDA

- 1. RESOLUTION NO. (R) 11-12 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT KNOWN AS ORO VALLEY ZONING CODE REVISED CHAPTER 26, SUBDIVISION AND DEVELOPMENT PLANS, SECTION 26.5, PROVISION OF RECREATIONAL AREA, AND CHAPTER 31, DEFINITIONS ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK
- 2. PUBLIC HEARING - ORDINANCE NO. (O) 11-05 ADOPTING A NEW ORO VALLEY ZONING CODE REVISED (OVZCR) CHAPTER 26, SUBDIVISION AND DEVELOPMENT PLANS, SECTION 26.5, PROVISION OF RECREATIONAL AREA AND REPEALING THE CURRENT CHAPTER 26, SUBDIVISION AND DEVELOPMENT PLANS, SECTION 26.5, PROVISION OF RECREATIONAL AREA, ATTACHED HERETO AS EXHIBIT "A"; AND AMENDING CHAPTER 31, DEFINITIONS; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER
- 3. 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
- 4. REVIEW OF PLANNING DIVISION WORK PLAN FOR FY 2010-12 WITH POSSIBLE ACTION TO AMEND OR RE-PRIORITIZE STAFF WORK EFFORTS
- 5. CONSIDERATION AND POSSIBLE ACTION REGARDING AMENDMENTS TO THE TOWN OF ORO VALLEY 2011 STRATEGIC PLAN

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: 2/4/11
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: 02/16/2011

Requested by: Julie K. Bower

Submitted By: Mike Standish, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Minutes - January 19, 2011

RECOMMENDATION:

Staff recommends approval of the January 19, 2011 minutes.

EXECUTIVE SUMMARY:

N/A

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to approve the January 19, 2011 minutes.

Attachments

Link: [1/19/11 minutes](#)

**DRAFT
MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
January 19, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE**

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER - at 5:02 PM

ROLL CALL

PRESENT: Satish Hiremath, Mayor
Mary Snider, Vice Mayor
Bill Garner, Councilmember
Barry Gillaspie, Councilmember
Joe Hornat, Councilmember
Steve Solomon, Councilmember
Lou Waters, Councilmember

EXECUTIVE SESSION

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Gillaspie to go into Executive Session at 5:02 p.m. for the purpose of receiving legal advice regarding annexation pursuant to ARS 38-431.03(A)(3).

MOTION carried, 7-0.

Mayor Hiremath stated that the following staff members would join Council in Executive Session: Town Manager Jerene Watson, Assistant Town Manager Greg Caton, Chief Civil Deputy Attorney Joe Andrews, Town Clerk Julie Bower, Finance Director Stacey Lemos, Assistant to the Town Manager Kevin Burke, and Finance Analyst Art Cuaron.

RESUME REGULAR SESSION

CALL TO ORDER - at 6:10 PM

ROLL CALL

PRESENT: Satish Hiremath, Mayor

Mary Snider, Vice Mayor
Bill Garner, Councilmember
Barry Gillaspie, Councilmember
Joe Hornat, Councilmember
Steve Solomon, Councilmember
Lou Waters, Councilmember

PLEDGE OF ALLEGIANCE

Mayor Hiremath led the audience in the Pledge of Allegiance.

Mayor Hiremath stated that Oro Valley resident Mr. Zev Cywan passed away Monday morning. Mayor Hiremath requested a moment of silence for Mr. Cywan and his family as well as for all of those affected by the events on January 8th at the Safeway Plaza.

UPCOMING MEETING ANNOUNCEMENTS

Assistant Town Manager Greg Caton announced the upcoming Town meetings.

COUNCIL REPORTS

Councilmember Hornat reported that the Planning and Zoning Commission now has a full seven member body and is looking forward to working with them.

DEPARTMENT REPORTS

There were no reports.

ORDER OF BUSINESS

Mayor Hiremath stated that the order will stand as is.

INFORMATIONAL ITEMS

There were no informational items.

CALL TO AUDIENCE

No comments were received.

PRESENTATIONS

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

Assistant Police Chief Larry Stevens recognized the Oro Valley Explorer Post 2011 for their participation in the Chandler Explorer Tactical competition held on January 14-16. Mr. Stevens stated that he was very impressed by the efforts of the Explorers and it was very clear that a large amount of effort and training went into preparing for the competition.

Assistant Police Chief Larry Stevens recognized the Explorer Advisors: Officer Mattocks, Officer Kleinberg, and Officer Benjamin.

Officer Mattocks introduced the Explorers Post 2011. Officer Mattocks stated that the Explorers took the training to heart and performed very well. The competition included a total of 700 Explorers and the Oro Valley Post competed in sixteen events over three days.

Mayor Hiremath stated that it was a phenomal event and it was great to see teams cheering on other teams as they competed. Mayor Hiremath thanked Chief Sharp and everyone else who was involved.

CONSENT AGENDA

Councilmember Solomon requested that item (G) be removed from the Consent Agenda so that it can be discussed and voted on separately.

- 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

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Hornat to approve the Consent Agenda with the exception of item (G).

MOTION carried, 7-0.

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

Discussion ensued amongst the Council regarding the purpose of a Strategic Plan, how it will be used by the Town and the reasoning why certain items are included and excluded from the Strategic Plan.

Town Manager Jerene Watson clarified that Strategic Plans are generally overarching documents that guide the community and that priority setting regarding specific items usually takes place during the budget process.

Mayor Hiremath stated that things that the Town is already doing well do not have to be included in the Strategic Plan. The Strategic Plan is for those things that the Town would like to see get done or focus on.

MOTION: A motion was made by Councilmember Waters and seconded by Vice Mayor Snider to adopt Resolution (R) 11-08 Adopting the Town of Oro Valley 2011 Strategic Plan.

MOTION carried, 7-0.

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**

Assistant Police Chief Larry Stevens stated that the Police Department completed a background investigation on the applicant and there is no objection to the issuance of the series 12 liquor license.

Mayor Hiremath opened the public hearing.

No comments were received.

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Gillaspie 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.

MOTION carried, 7-0.

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**

Assistant Police Chief Larry Stevens stated that the Police Department completed a background investigation on the applicant and there is no objection to the issuance of the series 12 liquor license.

Mayor Hiremath opened the public hearing.

No comments were received.

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Solomon 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.

MOTION carried, 7-0.

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

Economic Development Manager Amanda Jacobs gave an overview of the temporary sign waiver program. The Town Council approved a temporary sign waiver program from August 2, 2010 through February 1, 2011. To date, the Development and Infrastructure Services Department has received forty four (44) applications, of those, thirty five (35) have been issued. Of the thirty-five businesses that were approved under the temporary sign waiver program, seventeen (17) businesses were required to submit economic data. At this time, sixteen (16) businesses have submitted data.

Approximately 75% of the businesses showed an increase in business and 25% of the businesses showed a decrease in overall business.

Economic Development Manager Amanda Jacobs stated that it was difficult to make an accurate analysis of whether or not the sign code waiver worked for the following reasons:

- Temporary Sign relief occurred during the Holidays
- Large number of snowbirds were in Town
- Number of businesses still used other means of advertising
- No year over year comparison

Staff is recommending to let the temporary sign waiver program expire on February 1st as well as not allowing the use of A-frames.

Councilmember Solomon stated that he would like staff to bring back design guidelines for freestanding banners.

Discussion ensued amongst the Council regarding the temporary sign waiver program and the economic data that was submitted by the businesses that utilized the sign waiver program.

Mr. John Piccoli, owner of Ace Hardware, stated that he gave a large amount of data to the Council to review. Mr. Piccoli said that he was able to hire workers because the signs have brought in more business and he urged the Council to look over the sign waiver program and improve it.

Economic Development Manager Amanda Jacobs clarified that new businesses can display banners two times a year for a period of thirty days. Seasonal or Special Event banners can be utilized four times a year for a period of thirty days. Temporary signs on the day of the event are allowed four times a year for a one day period.

Oro Valley resident Mr. Bill Adler stated that the temporary sign waiver program is a good idea even though the results were inadequate and the abuse was excessive. There is evidence that the sign waiver program has helped. Mr. Adler stated that he would support the sign waiver program throughout the year.

Oro Valley resident Mr. Don Bristow said that sales were up before the sign waiver program started. The sign waiver program is difficult to analyze because of all of the variables. Tools are in place to help the businesses. Mr. Bristow said that the Town should look at ways to better educate the citizens and developers regarding the sign code.

Economic Development Manager Amanda Jacobs clarified that the temporary sign waiver program started August 2, 2010.

Mayor Hiremath recommended having the temporary sign code waiver program end once the sign code is adopted so that there is no gap.

Discussion ensued amongst the Council regarding the temporary sign waiver program and the suggested time frame to end the program.

Councilmember Garner stated that he would like to see standards for A-frames.

Councilmember Solomon stated that A-frames create less clutter than banners but there needs to be enforcement.

Councilmember Gillaspie stated that A-frames degregate the area and don't look as nice and don't draw in high end business.

Councilmember Garner stated that the Town should scutinize businesses who claim hardships in order to qualify for the temporary sign waiver program.

Vice Mayor Snider inquired as to the enforcement guidelines for the temporary sign waiver program.

Development and Infrastructure Services Director Suzanne Smith stated that the signs are inspected when they are first displayed to make sure that they do comply with what was approved on the plan. Code compliance has also re-initiated their bi-weekly - weekend sign compliance runs.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Vice Mayor Snider to sustain the temporary sign waiver for thirty (30) days after the adoption of the new sign code.

MOTION carried, 7-0.

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**

Planning Division Manager David Williams gave an overview of the Environmentally Sensitive Lands Ordinance (ESLO) and stated that the purpose of the ESLO is to implement the community vision of conserving natural, cultural and scenic resources within the community.

The ESL Ordinance will also bring requirements together in a cohesive manner so that it helps facilitate the planning process.

Mr. Williams outlined the ESL process and stated that the foundation of the process has been built on public input. Mr. Williams exclaimed that the basis for the science of the ESL came from the Sonoran Desert Conservation Plan (SDCP). The SDCP for Pima County was developed by over one hundred research scientists and cultural resource specialists. The Town of Oro Valley refined the county plan by performing on the ground mapping to clearly identify resources and to take growth expectations into account.

Planning Division Manager David Williams outlined the Resource Management Areas which consists of three tiers. These tiers represent the amount of open space that must be reserved.

- Tier I 66%
- Tier II 25%
- Tier III 0%

The proposed ESL Ordinance also addresses the hillside code in order to:

- Simplify Methods
- Target Specific Slopes
- Preserve Ridgelines
- Incentives

Mr. Williams discussed the inclusion of a Cultural Resources section which the code has been previously silent on and gave an overview of the Scenic Resource Category.

Mr. Williams stated that the Town of Oro Valley proposed ESL Ordinance has distinct benefits which include:

- Creates certainty of open space requirements
- Respect economic development objectives
- Approach respects current economic conditions
- Tools to develop in challenging terrain
- Comprehensive array of incentives
- Opportunities to decrease infrastructure costs

Discussion ensued amongst the Council regarding the proposed ESL Ordinance.

Mr. David Godlewski with the Southern AZ Homebuilders Association thanked the Council for their willingness to research the ESL Ordinance. Mr. Godlewski stated that this is a very significant land use regulation and urged the Council to move cautiously and listen to all of the input given.

Ms. Amber Smith with the Metropolitan Pima Alliance (MPA) stated that she was encouraged by the discussion tonight and thanked staff for working very diligently on the ESL Ordinance. Ms. Smith said that the MPA focuses on a collaborative process in order to create sustainable land use policy. A major issue for the MPA is that the Town asks for many things but doesn't guarantee that they will follow through if those criteria are met.

Mr. Richard Maes, representing Rancho Vistoso and the developer Vistoso Partners stated that he has worked with staff on this very complex issue. Mr. Maes stated that if the proposed regulations were in effect when Stone Canyon was developed, it wouldn't exist under the regulations proposed in the ESL Ordinance. It is not financially viable for developers to give up the majority of their property before they ever build the first roadway. Mr. Maes felt that the guideline that stated that a rooftop should not be seen from a park or a Pima County walking trail is extreme. Fifteen to twenty foot setbacks for fences, swimming pools, ramadas and buildings are extreme. Mr. Maes also stated that it is unrealistic to redo the Archeological-Cultural Resources guidelines every ten years.

Oro Valley resident Ms. Mary Walker, a retired environmental chemist, thanked the Council and staff for all of the work that they have done on the ESL Ordinance. Ms. Walker urged the Council to continue to preserve the Oro Valley land in order to protect the wildlife. The protection of ESL will enrich the life of present and future generations. Ms. Walker stated that she was concerned with the protection of property values.

Oro Valley resident Mr. Don Chatfield exclaimed that he was thrilled to be here and happy to have the Council bring the ESL forward. Mr. Chatfield stated that the time is right to bring the ESL forward because it is good for business. The Town should take advantage of its natural surroundings. Mr. Chatfield said that he believes that the document is ready to adopt.

Councilmember Gillaspie clarified that the ESL Ordinance is to streamline and make more efficient the regulations that will apply to the property once the rezoning is granted. The current codes will make it more difficult on pieces of property because the current General Plan talks about significant resource areas which are not defined.

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Mayor Hiremath and seconded by Councilmember Hornat to continue Ordinance (O) 11-01 to the February 16th Council meeting and any questions from Council will be submitted to Planning Manager David Williams or Assistant to the Town Manager Kevin Burke and then distributed to the rest of the Council and the Council sub-groups will continue to be briefed regarding the ESL matters.

MOTION carried, 4-3 with Garner, Gillaspie, and Solomon opposed.

FUTURE AGENDA ITEMS

No agenda items were requested.

CALL TO AUDIENCE

No comments were received.

ADJOURNMENT

MOTION: A motion was made by Councilmember Garner and seconded by Vice Mayor Snider to adjourn the meeting at 8:33 p.m.

MOTION carried, 7-0.

Prepared by:

Michael Standish, CMC
Deputy Town Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 19th day of January 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2011.

Julie K. Bower, MMC
Town Clerk



Item #: B.

Town Council Regular Session

Date: 02/16/2011

Requested by: Betty Dickens, Human Resources Director

Submitted By: Mike Standish, Town Clerk's Office

Department: Human Resources

Information

SUBJECT:

Approval of Town Manager's Annual Performance Goals

RECOMMENDATION:

On November 17, 2010, the Town Council and Town Manager met to discuss the Town Manager's annual performance goals, which include the fiscal year action steps from the Town's 2009 Strategic Plan. The performance goals and objectives were developed to reflect action steps and performance standards on organizational operations, financial management, Council relations, community relations, intergovernmental relations and professional development of the Town Manager.

EXECUTIVE SUMMARY:

NA

BACKGROUND OR DETAILED INFORMATION:

NA

FISCAL IMPACT:

Staff recommends approval of the FY2010/11 Town Manager's Performance Goals.

SUGGESTED MOTION:

I MOVE to approve the FY2010/11 Town Manager's Performance Goals.

Attachments

Link: [Watson Goal Setting 2011 Strategic Plan](#)

Link: [Watson Goal Setting Att 2](#)

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: 1/20/11

APPROVED AS TO FORM:


Tobin Rosen, Town Attorney

Date: 1/20/11

EXHIBIT "A"

Town of Oro Valley

2011 Strategic Plan



Community of Excellence

Acknowledgements

Town Council

Dr. Satish I. Hiremath, Mayor

Mary Snider, Vice Mayor

William Garner, Councilmember

Barry Gillaspie, Councilmember

Joe Hornat, Councilmember

Steve Solomon, Councilmember

Lou Waters, Councilmember

Management

Jerene Watson, Town Manager

Greg Caton, Assistant Town Manager

Kevin Burke, Assistant to the Town Manager

Craig Civalier, Town Engineer

Julie Bower, Town Clerk

Betty Dickens, Human Resources Director

George Dunscomb, Town Magistrate

Brian Garrity, Procurement Administrator

Amanda Jacobs, Economic Development Manager

Ainsley Legner, Parks, Recreation, Library & Cultural Resources Director

Stacey Lemos, Finance Director

Jane Peterson, Library Services Administrator

Tobin Rosen, Town Attorney

Philip Saletta, Water Utility Director

Daniel Sharp, Chief of Police

Suzanne Smith, Development and Infrastructure Services Director

Kevin Verville, Information Technology Director

David Williams, Planning Manager

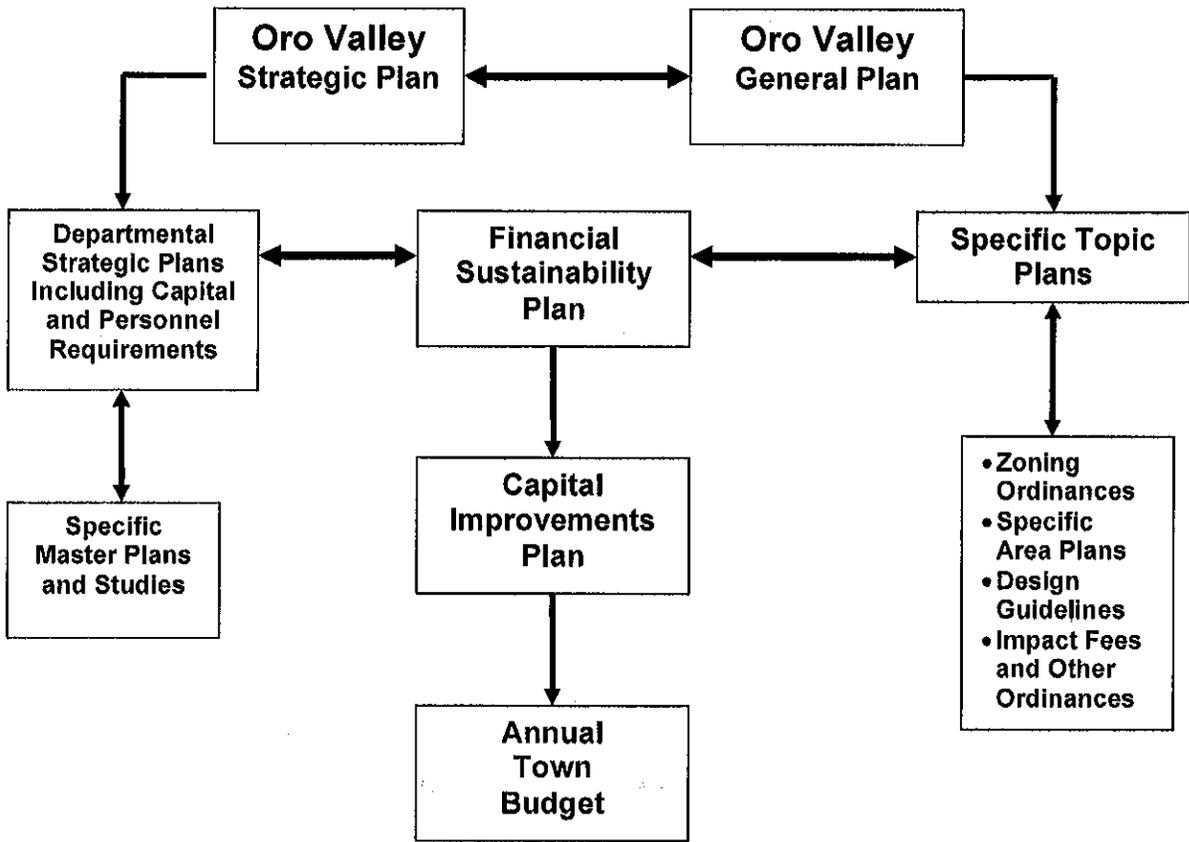
Overview

The Strategic Plan is a living document that guides Town decision-making and resource management in pursuit of organizational goals. It is purposely "strategic" in terms of its timeframe (2 to 5 years) because a successful organization must be flexible enough to respond to dynamic changes at the local, regional and national levels. The strategic plan will be reviewed and updated periodically by the Town Council and management to ensure that the goals, strategies and actions outlined herein remain relevant.

The strategic plan is grounded in the "vision" expressed in the Council-adopted and voter-ratified Oro Valley General Plan. The General Plan provides the long-term (up to 20 years) vision for community growth, development and redevelopment. The following diagram presents the relationship between the Oro Valley Strategic Plan, the General Plan, and other Town documents.

"Leaders need to understand how profoundly they affect people, how their optimism and pessimism are equally infectious, how directly they set the tone and spirit of everyone around them."

-- Michael Abrashoff, "It's Your Ship"



Community Vision

The Community Vision is a description of the desired future state of the community. Oro Valley citizens drafted a vision statement that served as the foundation for the adopted General Plan.

Oro Valley is a community defined by the highest standards of environmental integrity, education, infrastructure, services and public safety. It is a community of people working together to create a shared future with a government that is responsive to residents, businesses and changing conditions to ensure the long-term financial stability of the Town.

This vision is reflected in the Town's motto:

Caring for our heritage, our community, our future.

Organizational Mission & Values

The Town of Oro Valley is a "mission-driven" organization. The mission statement expresses the fundamental purpose of local government. It focuses on what is most important and sets in motion an organizational culture that encourages innovation and strives for excellence.

Mission

Govern efficiently, inclusively and responsively to promote community health, safety and a sustainable quality of life for residents, businesses, and visitors.

Organizational Values

We are strongly committed to:

Honesty and Integrity
Openness and Transparent Government
Fairness and Trust Worthiness
Respect for Diversity
Creativity, Teamwork and Continuous Improvement
Excellent Customer Service

Focus Areas

The Oro Valley Strategic Plan outlines the goals, strategies and actions required for the municipal government to successfully attain the community vision. Three focus areas provide the framework for the Strategic Plan. These focus areas indicate where Oro Valley must direct its attention in order to address community needs and desires. The focus areas are:

- Leadership & Communication
- Finance & Economic Development
- Community Infrastructure

Within each Focus Area are goals, strategies and actions designed to produce desired outcomes.

Goals describe a fundamental direction or broad course of action.

Strategies describe the manner in which the resources of the organization will be employed to accomplish each goal.

Actions are specific tasks that will be accomplished to assist in implementing each goal.

Implementing these goals, strategies and actions will require leadership, financial commitment, effective management and continual evaluation.

Focus Area: Leadership & Communication

Leadership and communication are interrelated principles; you cannot have one without the other. Leadership is the ability to communicate a vision, motivating people to transform great ideas into action. Leadership and communication from the Town Council and the Town Manager enable the organization to achieve its goals in service to the community. The overarching goal of the organization is to uphold the highest standards of trust, respect and accountability in municipal government.

GOAL	1	Build trust through effective public outreach and communication
STRATEGY	1.1	Communicate information to residents and help promote community pride and a feeling of accessibility to local government information and activities
ACTION	1.1.1	Respond to community issues and concerns through the Constituent Services office
ACTION	1.1.2	Use non-traditional media sources such as social media Twitter and Facebook to provide public education and outreach
ACTION	1.1.3	Publish the <i>Oro Valley VISTA</i> , our monthly community magazine
STRATEGY	1.2	Provide opportunities for residents to become involved in, engaged in and knowledgeable about the role of local government
ACTION	1.2.1	Continue to foster relationships with volunteers and appointed Advisory Board members
ACTION	1.2.2	Conduct Council on Your Corner and Speakers Bureau events for officials and staff monthly throughout the year, as well as an annual HOA forum each October
ACTION	1.2.3	Use the "Peek Behind the Curtain" program to provide citizen-friendly presentations on programs and departmental service delivery
GOAL	2	Create an environment conducive to effective dialogue among the Council and staff
STRATEGY	2.1	Implement a comprehensive internal communications program
ACTION	2.1.1	Provide appropriate tools and guidelines to ensure adherence to organizational standards regarding brand management and communication
ACTION	2.1.2	Use the Council Report and Council Foreword to communicate important issues to the Town Council and management
ACTION	2.1.3	Use the internal Communications Roundtable to engage representatives from each department in communications planning for internal news, events and opportunities
ACTION	2.1.4	Use the employee Brown Bag forums with the Manager and the "Talk of the Town" monthly newsletter to promote internal communication

STRATEGY	2.2	Encourage and develop leadership skills and opportunities
ACTION	2.2.1	Attract, develop and retain talented employees
ACTION	2.2.2	Maintain consistency in personnel codes and policy implementation
ACTION	2.2.3	Empower employees to develop innovative solutions to operational and service challenges
GOAL	3	Maintain strong intergovernmental relationships
STRATEGY	3.1	Implement an aggressive annual legislative program that strengthens intergovernmental relations at the federal, state and county levels, and includes neighboring municipalities and governing districts
ACTION	3.1.1	Adopt a state and federal legislative agenda for the Town in January of each year
ACTION	3.1.2	Empower the intergovernmental liaison to seek legislative solutions that benefit the Town and the region
ACTION	3.1.3	Promote regionalism and partnerships to facilitate Council policy direction

Focus Area: Finance & Economic Development

The Town will continue to implement sound financial management policies and uphold our fiduciary duty to the residents of Oro Valley. Beyond fiscal responsibility, the Town is also committed to facilitating the expansion of the local economy. Commercial business growth, and the Town's continued success in attracting high-tech and bio-science industry, point the way toward a sustainable model for economic development.

GOAL	1	Maintain a balanced budget
STRATEGY	1.1	Analyze programmatic, service delivery and personnel strategies across the organization for cost-savings and reductions
ACTION	1.1.1	Manage and operate departments within approved funding limits with contingency plans drafted in the event state shared revenues are swept from our budget Update departmental work plans to ensure compatability with budget constraints
ACTION	1.1.2	Use the 5-year financial forecast model to continuously monitor the Town's short-term and long-term financial forecast
ACTION	1.1.3	Develop monthly reports to Council on the status of revenues and expenditures with analysis of trends and projections for end of year budget picture; communicate this data to internal and external customers
ACTION	1.1.4	Maintain contingency reserves in accordance with adopted policies
ACTION	1.1.5	Maintain intent of the hiring freeze assumption and delay hiring into positions where feasible
ACTION	1.1.6	Capitalize on potential funding resulting from 2010 decennial census population figures
ACTION	1.1.7	Use program-based budgeting to communicate the cost of projects and services
ACTION	1.1.8	Develop benchmark performance measures for each department that allow for analysis of the effectiveness of programs and services; use these performance measures to link the budget and organizational strategic plan documents
GOAL	2	Develop diverse sources of revenue
STRATEGY	2.1	Present additional revenue source options for Council consideration during the annual budget process
ACTION	2.1.1	Conduct continuous evaluation of Town user fee policies
ACTION	2.1.2	Use the cost allocation study to determine appropriate levels of General Fund support from Town enterprise funds
ACTION	2.1.3	Continue to work with federal, state and regional agencies to secure funding for Town projects

ACTION	2.1.4	Implement systems that will enhance the ability of the organization to pursue and manage grant funding
ACTION	2.1.5	Pursue public-private partnerships involving the lease of Town owned property
STRATEGY	2.2	Expand the constituency of the Town through annexation
ACTION	2.2.1	Pursue annexation opportunities that provide a long-term benefit to the Town
ACTION	2.2.2	Perform fiscal impact analysis of potential annexation scenarios; initiate annexation of Council-directed areas
GOAL	3	Cultivate relationships with the business community and create a business-friendly environment
STRATEGY	3.1	Encourage the attraction, expansion and retention of diverse employment, retail and tourism opportunities
ACTION	3.1.1	Expand marketing efforts to attract primary employers in the high-tech and bio-science fields
ACTION	3.1.2	Promote local businesses through programs such as Shop Oro Valley, Business Navigator, Buy Local, coupon or promotional activities
ACTION	3.1.3	Adhere to procurement practices that provide Oro Valley businesses all opportunities to compete for Town business and that promote the ideals of the Shop Oro Valley campaign
ACTION	3.1.4	Continue business retention and expansion site visits; expand site visits to include a Councilmember as part of the team
STRATEGY	3.2	Seek out collaborative projects with the business community and regional economic development partners
ACTION	3.2.1	Facilitate the development of a Town Center, focused on retail services and hospitality, that serves as a "downtown" for Oro Valley
ACTION	3.2.2	Maintain membership and active participation in Tucson Regional Economic Opportunities (TREGO), Metropolitan Tucson Convention & Visitors Bureau (MTCVB), Metropolitan Pima Alliance (MPA), Northern Pima County Chamber of Commerce (NPCCC) and Arizona Association of Economic Developers (AAED) to keep abreast of developing needs and trends in economic development and marketing of the Town
ACTION	3.2.3	Collaborate with regional managers to reach out to large employers to ensure the corporate needs are understood and acted upon for the economic benefit of the region
ACTION	3.2.4	Use Town Council speaking engagements and presentations to reach out to business and civic leaders
ACTION	3.2.5	Use Economic Summits feedback to update the Community and Economic Development Strategy (CEDS)

Focus Area: Community Infrastructure

Community infrastructure encompasses both the social and physical factors that determine a community's strength. The Town's investment in both social and physical infrastructure creates the complex network of facilities, programs and services that we refer to as quality of life. The Town of Oro Valley strives for excellence in the provision of community services, the development of social relations, and the construction and maintenance of the built environment.

GOAL	1	Plan for and provide the necessary infrastructure to support community growth and preservation
STRATEGY	1.1	Develop and implement comprehensive strategic and operational plans for municipal facilities and physical infrastructure
ACTION	1.1.1	Update 5-year Capital Improvement Plan (CIP) to include all facility and infrastructure projects and available funding sources
ACTION	1.1.2	Assess future needs by tracking maintenance history and Town growth
ACTION	1.1.3	Use existing/new technology, develop innovative processes and procedures for continuous improvement of Development and Infrastructure Services (DIS) department service provision
STRATEGY	1.2	Preserve open space and protect environmentally sensitive lands
ACTION	1.2.1	Adopt and enforce development regulations that preserve open space and protect environmentally sensitive lands
ACTION	1.2.2	Communicate the importance of preserving open space and environmentally sensitive lands to residents, business, and interest groups through public outreach campaigns
ACTION	1.2.3	Coordinate and secure funding, either solely or in concert with other public or private entities, to identify and protect environmentally sensitive lands and open space
STRATEGY	1.3	Partner with regional jurisdictions to develop and maintain physical infrastructure
ACTION	1.3.1	Participate in the Pima Association of Governments (PAG) / Regional Transportation Authority (RTA) Transportation Improvement Program (TIP) process
ACTION	1.3.2	Continue to work with federal, state and regional agencies to secure funding for Town projects
ACTION	1.3.3	Actively represent the Town's interests in the development of future county bond packages, reporting on and tracking expenditures of existing county bond funds
GOAL	2	Provide diverse recreational, educational and cultural opportunities

STRATEGY	2.1	Develop and maintain parks, recreation, library and cultural resource assets
ACTION	2.1.1	Initiate development of a parks and recreation Master Plan
ACTION	2.1.2	Initiate the process for national accreditation of the PRL&CR department through the Commission for Accreditation of Parks and Recreation Agencies (CAPRA)
ACTION	2.1.3	Continue implementation of the Steam Pump Ranch Master Plan
ACTION	2.1.4	Utilize volunteers as applicable to provide educational, informational and recreational opportunities
STRATEGY	2.2	Coordinate and secure funding, either solely or in concert with other public or private entities
ACTION	2.2.1	Renegotiate the Library Intergovernmental Agreement (IGA) with Pima County Library District to the benefit of the Town
ACTION	2.2.2	Seek public and private sources of funding for the acquisition and management of cultural resources
STRATEGY	2.3	Support cultural opportunities and events
ACTION	2.3.1	Facilitate the development of a Community Center, focused on arts, culture and recreation
ACTION	2.3.2	Collaborate with local and regional performing and visual arts groups
ACTION	2.3.3	Explore event opportunities with local and national special event coordinators and the Metropolitan Tucson Convention and Visitors Bureau (MTCVB)
GOAL	3	Maintain a safe community where residents and visitors feel secure
STRATEGY	3.1	Maintain public-safety citizen and community-involvement and educational programs
ACTION	3.1.1	Provide an annual report on the effectiveness of the Citizen Volunteer Assistance Patrol (CVAP) program
ACTION	3.1.2	Conduct at least one Citizen Police Academy annually to promote understanding and confidence in the Police Department
ACTION	3.1.3	Hold community awareness events such as National Night Out and Investigate OVPD
ACTION	3.1.4	Use the Adopt-a-Business Program to promote safety and develop positive business relationships
STRATEGY	3.2	Maintain emergency response and business continuity plans
ACTION	3.2.1	Integrate the multi-department business continuity plans into a master emergency response plan for the organization in FY 2010/11
ACTION	3.2.2	Partner with regional emergency managers to plan and train for large scale emergencies

ACTION	3.2.3	Develop a proposal for implementation of a Town Office of Emergency Management/ Homeland Security initiative
ACTION	3.2.4	Conduct multiple, annual training opportunities for employees in the discipline of emergency management and incident command systems per federal mandates; orient elected officials to their roles through training sessions and exercises
STRATEGY	3.3	Maintain an efficient and effective local criminal justice system
ACTION	3.3.1	Ensure that prosecutions are undertaken based upon the underlying merits of the case
ACTION	3.3.2	Revisit plea standards annually to ensure that cases may be disposed of within acceptable guidelines
ACTION	3.3.3	Maintain the professional integrity and continuing education of prosecutors and staff
ACTION	3.3.4	Coordinate with the Magistrate Court and Police Department on code changes and matters that inter-relate with the Prosecutor's office
GOAL	4	Provide a safe and reliable water supply to Water Utility customers
STRATEGY	4.1	Provide a high quality potable water supply
ACTION	4.1.1	Continuously sample and monitor the water system for water quality, flow and pressure in order to meet or exceed all regulatory requirements
ACTION	4.1.2	Respond to customer questions and concerns
STRATEGY	4.2	Maintain an assured water supply designation by planning and developing renewable water supplies
ACTION	4.2.1	Meet all regulatory requirements for Assured Water Supply designation
ACTION	4.2.2	Operate and continue to expand the reclaimed water system to reduce groundwater usage
ACTION	4.2.3	Update plans for interim delivery of CAP water through the Tucson Water System
ACTION	4.2.4	Develop a plan for permanent delivery of our CAP water
STRATEGY	4.3	Promote water conservation and foster regional cooperation for water development
ACTION	4.3.1	Promote the water conservation program, provide water audits and assist with enforcement of the landscape code
ACTION	4.3.2	Work cooperatively with the Northwest Water Providers, Tucson Water and other regional and statewide water agencies and providers
ACTION	4.3.3	Establish long-term GPF rates including annual increases

Oro Valley Analysis

It was agreed that growing Oro Valley geographically offers many opportunities because of the following:

- ✓ Opportunity to control our destiny and quality of life
- ✓ Ability to be creative in planning
- ✓ Ability to increase revenues

Oro Valley will have become too big when we grow beyond our ability to maintain our community values and quality of life.

The term “**Bedroom Community**” was used and defined. A bedroom community is one that allows a person to live here but they have to work somewhere else. As a result, the roadways become more congested as people have to leave for work and services. The voter ratified Oro Valley General Plan states that Oro Valley is a diverse community where people can live, work and play. It is a “Planned Community” that has services and employment. It was agreed that Oro Valley is not or should not become a bedroom community and the vision is to become a well-rounded community.

Facts About the Future

The participants identified the following “facts about the future” that will impact Oro Valley. These facts need to be addressed when discussing the community’s vision and strategic direction.

- ✓ Cost of services will continue to go up.
- ✓ Town must find a way to fund citizen desired amenities.
- ✓ Need to provide or continue to provide quality services.
- ✓ The majority of the Town’s sales tax revenues fund the general fund.
- ✓ Sales taxes are cyclical.
- ✓ Impact fees are one-time fees.
- ✓ Taxes impact people.
- ✓ User fees are directly related to use.
- ✓ Need to explore different revenue sources.
- ✓ Build out is coming and construction-related revenues will diminish.
- ✓ Increased public safety needs as population grows.

The Town of Oro Valley completed the following analysis by examining the community’s “Strengths, Weaknesses, Opportunities and Threats.” The purpose of this exercise was to understand a “snap-shot” of the organization and community today.

Strengths	Weaknesses
Leadership position in regional issues	Lack of diverse and sustainable funding sources
Excellent Public Safety	Lack of demographic diversity
Excellent Schools	Lack of employment opportunities
Excellent Library	Lack of community identity
Financially sound and fiscally responsive	Lack of retail and dining options
Excellent Communications	Lack of cultural opportunities
Codes and Standards maintain a well-planned community	Lack of sensitivity to environmental protection areas
Boards, committees and volunteerism	Lack of recreational facilities
Engaged citizenry and staff	Lack of public transportation
Excellent roads	Lack of a downtown
Expanding Bio-tech corridor	Lack of willing citizen participants
Expanding retail base	Segmented community
Clean environment	Appearance of being developer friendly
Scenic Beauty	The NIMBY mindset
Natural resources	Trying to do too much
Quality recreation and leisure activities	
Sound infrastructure	
High water quality	
Attractive to development community	
People	

Opportunities/Hot Issues	Threats
Funding	Regional growth
Sustainability	NIMBYs
Naranja Townsite	State legislature making decisions that impact state-shared revenue
Arroyo Grande	Influence of the minority
Water supply	Service expectations without funding
Economic development	Economy
High paying jobs	Apathy
Roadways	Terrorists
Bio-tech	
Retail opportunities (OV Marketplace)	
Open Space	
Regionalism	
Communication	
Taxes	
Annexation	

**TOWN OF ORO VALLEY GOAL SETTING
TOWN MANAGER GOAL AND PERFORMANCE OBJECTIVES
FY 2010/11**

November 17, 2010

GOAL 1: PROVIDES EFFECTIVE LEADERSHIP OF THE ORGANIZATION'S OPERATIONAL AND FINANCIAL MANAGEMENT (Productivity/ Accomplishments of the Organization)

Organizational & Financial Management will be considered effective when a majority of the conditions have been successfully met.

Rating	RESPONSIBILITY	PERFORMANCE STANDARD
<p>Exceeds Standards <i>(performance above reasonable expectations)</i></p> <input type="checkbox"/>	<ul style="list-style-type: none"> • Leads the organization in developing and implementing policies, services and programs established by past and current decisions of the Council • Initiates and reports on long planning to maintain fiscal health and long-term sustainability of town resources in accordance with set policies • Plans and organizes the preparation of an annual budget with documentation that conforms to guidelines adopted by the Council. • Facilitates responses to public requests and complaints or areas of concerns brought to the attention of the Council and staff • Encourages innovation and initiates productivity and process improvements • Recruits, leads, directs and coaches staff members into high-performing team • Designs processes, provides leadership on big issues or crises, and maintains order, professionalism and confidence during difficult lifecycles of the organization 	<p><i>a. A long-range, strategic plan is currently in operation and is reviewed biennially with the Council and management team for affirmation or adjustment</i></p> <p><i>b. Annual operational plans are carried out by staff with responsibilities assigned for execution (see Attachment 1)</i></p> <p><i>c. Budget preparation and management is fiscally sound, thorough and effective</i></p> <p><i>d. Financial analysis is continuous with cost-effective measures persistently pursued and reporting timely and understandable</i></p> <p><i>e. Well-qualified, promising persons are recruited and appropriately placed, contributing to a high retention rate</i></p> <p><i>f. Personnel and program evaluations are inter-related with the strategic planning process and designed to hold staff accountable for results</i></p> <p><i>g. Manager is strategic in crisis management and displays maturity and judgment in effective leadership</i></p>
<p>Satisfactory <i>(performance rates a level of reasonable expectations)</i></p> <input type="checkbox"/>		
<p>Needs Improvement <i>(performance has areas that are below general expectations)</i></p> <input type="checkbox"/>		

Comments, Observations, Commendations or Suggestions for Improvements:

**TOWN MANAGER GOAL SETTING & PERFORMANCE OBJECTIVES
FY2010/11**

GOAL 2: PROVIDES OVERALL POSITIVE INTERPERSONAL COMMUNICATION AND SUPPORTIVE RELATIONSHIPS WITH THE COUNCIL

Mayor/Council relations will be considered effective when a majority of the conditions have been successfully met.

Rating	RESPONSIBILITY	PERFORMANCE STANDARD
<p>Exceeds Standards <i>(performance above reasonable expectations)</i> <input type="checkbox"/></p> <p>Satisfactory <i>(performance rates a level of reasonable expectations)</i> <input type="checkbox"/></p> <p>Needs Improvement <i>(performance has areas that are below general expectations)</i> <input type="checkbox"/></p>	<ul style="list-style-type: none"> • Is equally available and accessible to all members of the Council and doesn't play favorites and takes direction from the Council as a whole • Maintains a high level of communication and personal relationship with Council with an openness to feedback • Values honesty, is trustworthy and respects confidences in dealing with all elected officials • Establishes and maintains a system of reporting to Council of current plans and activities of the organization and staff • Assists Council in fielding issues and concerns of the public or media • Provides complete staff work that includes planning and organizing with recommendations and options 	<p><i>a. Adequate information is provided to Council to make decisions through written and verbal reports and presentations that state options and recommendations clearly in the most comprehensive manner possible</i></p> <p><i>b. Communications are timely and made in a forthright and open manner to all Council weekly or (text and phone contact available 24/7, biweekly meetings, Town Council Reports, broadcast email, Council Communications, white papers, summits, retreats, etc.)</i></p> <p><i>c. Responses to requests are made promptly</i></p> <p><i>d. Communications on organizational and staff activities occur weekly to all Council via email (Council Foreword)</i></p> <p><i>e. Council is offered the assistance of staff to write and review remarks, Power Points, rehearse presentations and interview questions</i></p> <p><i>f. A system is in place to report constituent concerns, inquiries and resolutions (bi-weekly Const. Serv. Office report)</i></p>

Comments, Observations, Commendations or Suggestions for Improvements:

**TOWN MANAGER GOAL SETTING & PERFORMANCE OBJECTIVES
FY2010/11**

**GOAL 3: PROMOTES POSITIVE PUBLIC AND PERSONAL COMMUNITY RELATIONS IN THE
ROLE OF A LEADER IN THE TOWN**

Community and public relations will be considered effective when a majority of the conditions have been successfully met.

Rating	RESPONSIBILITY	PERFORMANCE STANDARD
<p>Exceeds Standards <i>(performance above reasonable expectations)</i></p> <input type="checkbox"/> <p>Satisfactory <i>(performance rates a level of reasonable expectations)</i></p> <input type="checkbox"/> <p>Needs Improvement <i>(performance has areas that are below general expectations)</i></p> <input type="checkbox"/>	<ul style="list-style-type: none"> • Engenders customer satisfaction as a core value of the organization, models an attitude of helpfulness, courtesy, respect and sensitivity to public perception as a foundation to the customer service delivery standard for employees • Establishes a network of community relationships and maintains an image of the Town with the community that represents service, partnership, vitality and professionalism • Establishes and maintains a liaison with private, non-governmental agencies, organizations and groups involved in the life of the Town and areas that relate to services or activities of the Town • Plans, organizes and maintains training of employees in interpersonal and customer service skills for use by phone, internet or in person • Employs cutting edge technology to maximize public information dissemination on city programs and services 	<p><i>a. Town communications and publications are varied and well-received by residents and employees</i></p> <p><i>b. Feedback solicited and received from community leadership, stakeholders and the public is generally positive</i></p> <p><i>c. The Town's image is one of a positive leadership force among its peers in the region and the credibility of the manager is seen as an asset</i></p> <p><i>d. Media relations are timely and credible and include meetings with local print journalists</i></p> <p><i>e. The Manager is seen as responsive and accessible to the public and values the citizen voice, ideas or concerns</i></p> <p><i>f. The community is aware of key messages and Council's vision through continuous education and public outreach efforts</i></p> <p><i>g. Reaches out to restore the Town's reputation when community relationships have been broken</i></p>

Comments, Observations, Commendations or Suggestions for Improvements:

**TOWN MANAGER GOAL SETTING & PERFORMANCE OBJECTIVES
FY2010/11**

GOAL 4: PROMOTES EFFECTIVE INTERGOVERNMENTAL RELATIONSHIPS

Intergovernmental relations will be considered effective when a majority of the conditions have been successfully met.

Rating	RESPONSIBILITY	PERFORMANCE STANDARD
<p>Exceeds Standards <i>(performance above reasonable expectations)</i></p> <input type="checkbox"/>	<ul style="list-style-type: none"> • Effectively represents the town with outside agencies, serving on regional boards, committees and working groups • Maintains effective and cooperative relationships with Pima County, city of Tucson, towns of Marana and Sahuarita and the Amphitheater School District • Provides leadership and experience in coordination of the state and federal legislative agendas and lobbying efforts • Promotes exchanging ideas and partnerships that will strengthen the business and intergovernmental outcomes in the region. • Creates forums for exchange among elected officials and other entities to discuss intergovernmental strategies and needs 	<p><i>a. Active with municipal and professional organizations such as the Northern Pima County Chamber, TREO, MTCVB, OV Business Club, ICS, Holiday Parade Committee, representing the interests of the Town</i></p> <p><i>b. Is knowledgeable of regional and statewide issues and contributes to solutions and cooperative efforts, called upon to participate as a leader</i></p> <p><i>c. Opinion of the Town is positive from leadership in surrounding jurisdictions, statewide officials and congressional members</i></p> <p><i>d. Manager includes other employees in opportunities to learn the art of intergovernmental relations, coaching and training staff on intergovernmental milieu and effective strategies and protocols</i></p> <p><i>e. Involved in guiding strategies on important intergovernmental efforts like State Land annexation, federal appropriation requests and regional transportation needs</i></p>
<p>Satisfactory <i>(performance rates a level of reasonable expectations)</i></p> <input type="checkbox"/>		
<p>Needs Improvement <i>(performance has areas that are below general expectations)</i></p> <input type="checkbox"/>		

Comments, Observations, Commendations or Suggestions for Improvements:

**TOWN MANAGER GOAL SETTING & PERFORMANCE OBJECTIVES
FY2010/11**

GOAL 5: MAINTAINS EFFORTS FOR PROFESSIONAL AND PERSONAL DEVELOPMENT

Professional and personal competencies will be considered effective when a majority of the conditions have been successfully met.

Rating

RESPONSIBILITY

PERFORMANCE STANDARD

Exceeds Standards
(performance above reasonable expectations)

Satisfactory
(performance rates a level of reasonable expectations)

Needs Improvement
(performance has areas that are below general expectations)

- Maintains awareness of the value of professional and personal development and actively pursues growth opportunities
- Demonstrates imaginative or new leadership initiatives within the organization, in community settings and the regional partnerships
- Exhibits desire and ability to build a cohesive management team
- Effective in verbal communication and decisive leadership with a philosophy of collaboration and inclusion
- Maintain the standards of ethics and credentialing for the city management profession

- a. Management techniques show evidence of change, challenging the way things have been done, valuing innovation, teamwork, integrity, courage and ethics*
- b. Operational objectives throughout the organization are interspersed with challenges to grow into the next level of a high-performing organization and move toward a learning culture*
- c. Employees find the manager is approachable and the organization has been introduced to tools for self-directed teams and change management to garner trust and high morale*
- d. Seeks learning opportunities at annual national and state conferences and forums to keep abreast of trends and innovations in local government*

Comments, Observations, Commendations or Suggestions for Improvements:



Item #: C.

Town Council Regular Session

Date: 02/16/2011

Requested by:

David Williams, Planning Division Manager

Submitted By:

David Williams, Development Infrastructure Services

Department:

Development Infrastructure Services

Information

SUBJECT:

Re-appointment of Jeremy Christopher to the Oro Valley Board of Adjustment (BOA) with a term effective through December 31, 2013

RECOMMENDATION:

Staff recommends re-appointment of Jeremy Christopher to the Board of Adjustment for a term effective through December 31, 2013.

EXECUTIVE SUMMARY:

The purpose of this agenda item is to re-appoint Jeremy Christopher to the Oro Valley Board of Adjustment (BOA). Mr. Christopher's current term expired June 30, 2010, and like all Board and Commission appointments, his term was extended until December 31, 2010 by the Town Council.

If appointed, this will be Mr. Christopher's second term on the BOA. He was originally appointed November 1, 2008. A copy of Mr. Christopher's request for reappointment is included as Attachment 1.

BACKGROUND OR DETAILED INFORMATION:

As outlined in the Town Code and Zoning Code, the BOA hears and makes decisions on variance requests to the standards in the Zoning Code and appeals from administrative decisions regarding the provisions of the Zoning Code. The BOA is a quasi-judicial body with the only appeal process being to Pima County Superior Court. The BOA is enabled by Arizona Revised Statutes.

The BOA is composed of five members appointed by the Town Council and meets, as necessary, the fourth Tuesday of the month at 3:00 pm in Council Chambers.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to appoint Jeremy Christopher to the Board of Adjustment to serve a three year term ending December 31, 2013.

Attachments

Link: [Att 1 Jeremy Christopher ltr](#)

-----Original Message-----

From: Christopher, Jeremy CIV [mailto:jeremy.christopher1@us.army.mil]
Sent: Tuesday, December 14, 2010 3:28 PM
To: Flores, Roseanne
Subject: Christopher - BOA Reappointment Request (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Ms. Flores / Mr. Miller:

Please consider this e-mail my formal request for re-appointment to the TOV Board of Adjustment.

As a recent graduate of the Citizen's Academy, as well as the recipient of my Master of Administration degree with an emphasis in Public Management in August, I feel that I can continue to add value to the Board of Adjustment through an additional term. As part of my Master's program of study, I completed two in-depth projects on TOV activities, including e-Governance and the Town's budget, specifically that of the Police Department. I have also attached my unofficial transcript from Northern Arizona University and can forward the reports listed above if you desire.

Additionally, I also served on the City of Flagstaff's Board of Adjustment prior to moving to Flagstaff. Further, my previous experience as an economic developer for both Flagstaff and Coconino County allow me to bring a unique perspective to the work of the Board.

Thank you, as always, for your consideration.

V/R,

Jeremy J. Christopher



Item #: D.

Town Council Regular Session

Date: 02/16/2011

Requested by:

Catherine Hendrix, Office **Submitted By:**
Specialist

Catherine Hendrix,
Police Department

Information

SUBJECT:

Police Department - December 2010 Statistics

Attachments

Link: [December 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	17186	1366	1344	1492	1345	1635	1371	1393	1527	1468	1463	1362	1420
Commercial Veh Enforcement	169	11	6	30	22	5	1	1	3	57	7	10	16
Residential Burglaries****	56	3	8	2	7	2	4	4	6	8	5	4	3
Non-Residential Burglaries****	21	3	1	3	2	2	3	0	1	0	2	2	2
All Burglary Attempts****	16	1	0	0	0	2	1	0	0	3	2	6	1
Thefts	652	32	45	42	62	69	38	61	70	64	43	48	78
Vehicle Thefts****	26	3	2	1	2	4	0	4	4	1	2	1	2
Recovered Stolen Vehicles****	9	1	1	0	0	1	0	1	1	0	4	0	0
Attempted Vehicle Thefts****	5	1	0	1	0	2	0	1	0	0	0	0	0
DUI	218	28	14	20	22	22	16	10	17	28	9	12	20
Liquor Laws	45	4	4	1	8	7	1	2	5	3	5	3	2
Drug Offenses	176	17	13	20	12	22	11	9	12	18	16	11	15
Homicides	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	10	0	1	0	0	1	0	1	2	3	0	0	2
Assault	134	12	7	8	11	13	5	10	16	12	14	17	9
Total Arrests***	1905	174	193	164	179	217	144	118	175	168	135	126	112
Assigned Cases	709	60	66	70	50	64	53	56	71	67	58	52	42
Alarms (Residential)	904	56	68	69	61	69	104	100	81	66	74	74	82
Alarms (Business)	517	28	44	49	50	46	41	55	43	38	41	38	44
K9 Searches	261	26	10	33	18	18	24	30	20	35	7	16	24
First Aid Calls	2381	177	184	207	208	212	197	190	209	185	222	210	180
Accidents	490	48	41	41	42	43	38	23	39	50	46	36	43
Citations (Traffic)**	6164	683	650	536	351	609	477	588	623	548	565	534	**
Warnings	6312	723	612	531	426	491	492	614	590	539	442	446	406
Repair Orders	1338	127	156	150	107	78	59	67	96	242	98	50	108
Public Assists*	2197	175	201	264	228	196	95	141	250	167	134	165	181
Reserve Man Hours	1126.5	133.5	132.5	140	176.5	140	46	67	81.5	42	51.5	83	33
Dark House Checks*	16625	846	462	641	1215	1729	1219	2219	2684	1735	1504	1231	1140
Drug Task Force Arrest	101	6	1	28	25	5	11	2	8	5	1	7	2
CVAP Dark House Cks	9827	413	145	204	767	1354	767	1474	1925	988	864	525	401
CVAP Public Assists	853	81	66	97	104	96	39	59	90	40	39	70	72
CVAP Total Hours	16966.5	1435	1448.5	1417	1544	1468	1186	1497	1727.5	1205.5	1438	1269	1331

(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	222	18	17	7	1	13	19	15	18	10	37	67	
TITLE 28 VIOLATIONS													
SIZE, WEIGHT, LOAD	2	0	1	1	0	0	0	0	0	0	0	0	
INSURANCE VIOLATION	1347	168	149	112	83	112	103	141	139	105	120	115	
REGISTRATION VIOLATION	714	116	72	51	33	66	55	57	63	65	86	50	
DRIVERS LICENSE VIOLATION	504	65	53	50	35	66	46	40	52	42	9	46	
DUI	203	28	15	20	23	22	16	10	17	28	12	12	
RECKLESS/AGGRESSIVE DRIVING	18	1	1	1	3	1	3	1	2	3	2	0	
SPEEDING	1805	151	163	130	98	123	177	210	235	137	180	201	
LANE VIOLATIONS	220	20	21	17	11	26	23	19	22	23	21	17	
RED LIGHT	120	10	19	10	5	13	11	7	11	9	13	12	
STOP SIGN	97	18	13	8	11	5	2	2	22	4	6	6	
FAILURE TO YIELD	105	12	18	8	9	12	7	7	8	7	10	7	
SEATBELT VIOLATION	428	26	44	53	2	77	19	42	14	71	61	19	
CHILD RESTRAINT	14	1	1	1	1	2	1	0	1	2	1	3	
EQUIPMENT VIOLATIONS	258	29	37	36	9	38	9	31	16	17	18	18	
PARKING	20	2	0	1	1	2	3	1	2	0	3	5	
LITTERING	18	1	0	2	2	4	2	3	0	0	1	3	
ALL OTHER CITATIONS	319	49	38	33	25	40	21	17	19	35	22	20	
Total Citations	6171	697	645	534	351	609	477	588	623	548	565	534	

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

	Jan-Dec 2008	Jan-Dec 2009	Jan-Dec 2010		December 2008	December 2009	December 2010
Total Calls	16757	16742	17186		1446	1440	1420
Commercial Veh Enforcement	##	##	169		##	##	16
Residential Burglaries	79	90	56		3	8	3
Non-Residential Burglaries****	42	17	21		2	1	2
All Burglary Attempts****	16	17	16		0	4	1
Thefts	563	537	652		46	59	78
Vehicle Thefts	39	33	26		2	4	2
Recovered Stolen Vehicles****	10	14	9		1	0	0
Attempted Vehicle Theft****	9	5	5		1	0	0
DUI	237	252	218		23	22	20
Liquor Laws	65	71	45		3	4	2
Drug Offenses	189	187	176		14	14	15
Homicides	1	0	0		0	0	0
Robbery	7	3	10		0	1	2
Assault	139	126	134		10	11	9
Total Arrests***	1883	2357	1905		190	158	112
Assigned Cases	1102	774	709		96	77	42
Alarms (Residential)	870	926	904		91	72	82
Alarms (Business)	459	428	517		49	42	44
K9 Searches	208	267	261		32	25	24
First Aid Calls	2404	2397	2381		207	179	180
Accidents	617	534	490		61	38	43
Citations (Traffic)**	9273	7821	**		821	530	**
Warnings	3440	6851	6312		343	444	406
Repair Orders	1157	1087	1338		143	112	108
Public Assists*	2072	2097	2197		156	147	181
Reserve Man Hours	653.3	2287.8	1126.5		264.8	135.3	33
Dark House Checks*	9313	13092	16625		693	853	1140
Drug Task Force Arrest	68	334	101		10	9	2
CVAP Dark House Cks	7320	6945	9827		419	397	401
CVAP Public Assists	876	743	853		66	36	72
CVAP Total Hours	15144	13723.5	16966.5		1336	1093	1331

*Totals include 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. The "Total Arrests" line has been updated through this Spillman database method for previous years for comparison. *Burglary Attempts and Non-Residential Burglaries/Vehicle Theft Attempts have and Stolen Vehicle Recoveries have been separated from total counts as of August, 2010

New Category as of 01/01/10

**ORO VALLEY POLICE DEPARTMENT
DECEMBER 2010**

Priority 1			# of calls	%
Dispatch Time < 1 minute	16	94%		
> 1 minute	1	6%		
Travel Time < 4 minutes	12	71%		
> 4 minutes	5	29%		
Total Response Time				
< 5 minutes	12	71%		
> 5 minutes	5	29%		
Total Calls	17			

Priority 2			# of calls	%
Dispatch Time < 2 minute	48	100%		
> 2 minute	0	0%		
Travel Time < 6 minutes	40	83%		
> 6 minutes	8	17%		
Total Response Time				
< 8 minutes	44	92%		
> 8 minutes	4	8%		
Total Calls	48			

Priority 3			# of calls	%
Dispatch Time < 5 minute	291	98%		
> 5 minute	6	2%		
Travel Time < 10 minutes	271	91%		
> 10 minutes	26	9%		
Total Response Time				
< 15 minutes	290	98%		
> 15 minutes	7	2%		
Total Calls	297			

Priority 4			# of calls	%
Dispatch Time < 10 minute	793	97%		
> 10 minute	28	3%		
Travel Time < 20 minutes	803	98%		
> 20 minutes	18	2%		
Total Response Time				
< 30 minutes	802	98%		
> 30 minutes	19	2%		
Total Calls	821			



Item #: E.

Town Council Regular Session

Date: 02/16/2011

Requested by: Julie K. Bower, Town Clerk

Submitted By: Julie Bower, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Amending the 2010 Town Council Liaison Assignments by changing the liaison to the Stormwater Utility Commission to Councilmember Bill Garner

RECOMMENDATION:

Councilmember Garner has agreed to replace Mayor Hiremath as the Council Liaison to the Stormwater Utility Commission. It is necessary for the Mayor and Council to formally approve this change.

EXECUTIVE SUMMARY:

The Council Liaison Assignments were updated on July 7, 2010, and amended on October 20, 2010 and December 1, 2010.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to amend the Council Liaison Assignments by changing the liaison to the Stormwater Utility Commission to Councilmember Bill Garner effective February 16, 2011 to June 30, 2011.



Item #: F.

Town Council Regular Session

Date: 02/16/2011

Requested by: Wendy Gomez, Budget and Management Analyst

Submitted By: Wendy Gomez, Finance

Department: Finance

Information

SUBJECT:

Fiscal Year 2010/11 Financial Update Through December 2010

RECOMMENDATION:

This report is for information only.

EXECUTIVE SUMMARY:

General Fund

Attachment B shows General Fund revenues and expenditures through December as well as year-end estimates for each category. Through December, revenue collections totaled \$11,897,880 and expenditures totaled \$11,712,410.

The estimated **year-end** projections in the General Fund are as follows:

Revenues	\$24,376,373
Expenditures	<u>25,653,901</u>

Estimated Operating Deficit (\$1,277,529)

General Fund Revenues

- Revenues through December total \$11,897,880, which represents 45.4% of the budgeted FY 2010/11 revenues
- Revenues are estimated to come in under budget by about \$1,840,000, or by about 7%, primarily due to the continued slowdown in construction activity and lagging construction sales taxes
- Although the distribution by revenue category has changed, the total amount of General Fund revenues projected for this fiscal year are less than what was collected in FY 2005-2006

General Fund Major Revenue Categories

Local Sales Tax

- Fiscal year to date General Fund collections are \$5,563,492 (roughly 5% higher than FY 2009/10 through December)
- Estimated to come in 9.8% below budget due to reduced construction sales tax collections

State-Shared Revenues

- Income Tax - fiscal year to date is \$1,917,456 (25% decrease from FY 2009/10 through December)
- Sales Tax - fiscal year to date is \$1,418,199 (roughly flat to FY 2009/10 through December)

- Vehicle License Tax - fiscal year to date is \$762,232 (8% decrease from FY 2009/10 through December)

General Fund Expenditures

- Expenditures through December total \$11,712,410, which represents 44.1% of the budgeted FY 2010/11 expenditures
- Expenditures are estimated to come in under budget by about \$900,000, or by about 3.4%

See attachment B for additional detail on the General Fund, and attachments C through E for the Highway, Bed Tax, and Public Transportation Funds. See Attachment F for the monthly financial dashboard.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

This report is for information only.

Attachments

Link: [Attachment A - Summary](#)

Link: [Attachment B - General Fund](#)

Link: [Attachment C - Highway Fund](#)

Link: [Attachment D - Bed Tax Fund](#)

Link: [Attachment E - Transit Fund](#)

Link: [Attachment F - Dashboard 1 of 2](#)

Link: [Attachment F - Dashboard 2 of 2](#)



December 2010 Monthly Financial Report

Revenues

Fund	Actuals thru 12/2010	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
General	\$ 11,897,880	\$ 26,215,984	45.4%	\$ 24,376,373	-7.0%
Highway	\$ 1,593,686	\$ 3,797,842	42.0%	\$ 3,523,095	-7.2%
Bed Tax	\$ 102,526	\$ 270,569	37.9%	\$ 263,701	-2.5%
Transit	\$ 125,787	\$ 454,845	27.7%	\$ 425,983	-6.3%

Expenditures

Fund	Actuals thru 12/2010	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
General	\$ 11,712,410	\$ 26,560,334	44.1%	\$ 25,653,901	-3.4%
Highway	\$ 1,380,794	\$ 4,105,231	33.6%	\$ 3,975,872	-3.2%
Bed Tax	\$ 120,575	\$ 358,869	33.6%	\$ 390,146	8.7%
Transit	\$ 216,841	\$ 482,320	45.0%	\$ 535,074	10.9%

Surplus/(Deficit)

Fund Balance

Fund	YTD	Budgeted	Year End Estimate	Budgeted	Year End Estimate
General	\$ 185,470	\$ (344,350)	\$ (1,277,529)	\$ 10,620,363	\$ 9,057,321 *
Highway	\$ 212,891	\$ (307,389)	\$ (452,777)	\$ 3,772,144	\$ 3,586,125
Bed Tax	\$ (18,049)	\$ (88,300)	\$ (126,445)	\$ 987,870	\$ 863,100
Transit	\$ (91,054)	\$ (27,475)	\$ (109,091)	\$ 54,532	\$ 26,945

* Represents 35.3% of General Fund year-end estimated expenditures



Bed Tax Fund

% Budget Completion through December --- 50%

FINANCING SOURCES	Actuals thru 12/2010	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
REVENUE:					
BED TAXES	358,620	861,569	41.6%	861,569	0.0%
less allocation to General Fund	(257,160)	(600,000)	42.9%	(600,000)	0.0%
INTEREST INCOME	1,066	9,000	11.8%	2,132	-76.3%
TOTAL FINANCING SOURCES	102,526	270,569	37.9%	263,701	-2.5%

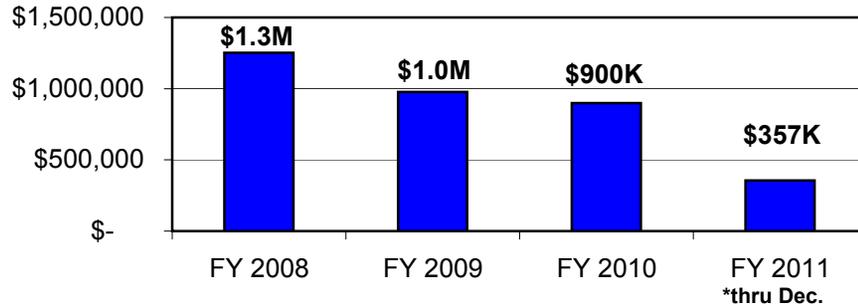
FINANCING USES	Actuals thru 12/2010	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
EXPENDITURES:					
ECONOMIC DEVELOPMENT	120,575	358,869	33.6%	390,146	8.7%
TOTAL FINANCING USES	120,575	358,869	33.6%	390,146	8.7%

SURPLUS/(DEFICIT)	(18,049)	(88,300)	(126,445)
--------------------------	-----------------	-----------------	------------------

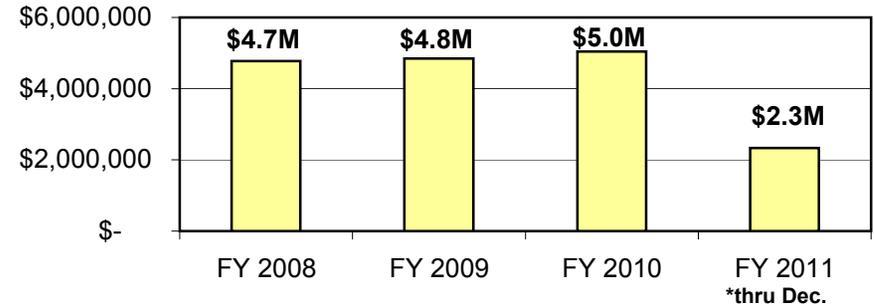


Town of Oro Valley Financial Dashboard Historical Annual Totals

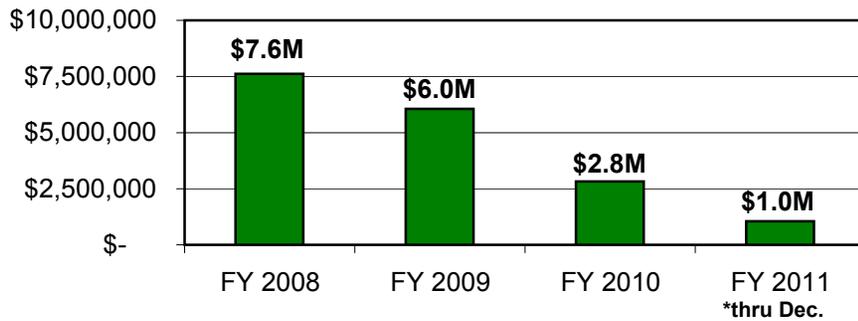
Hotel/Motel Sales Tax Collections



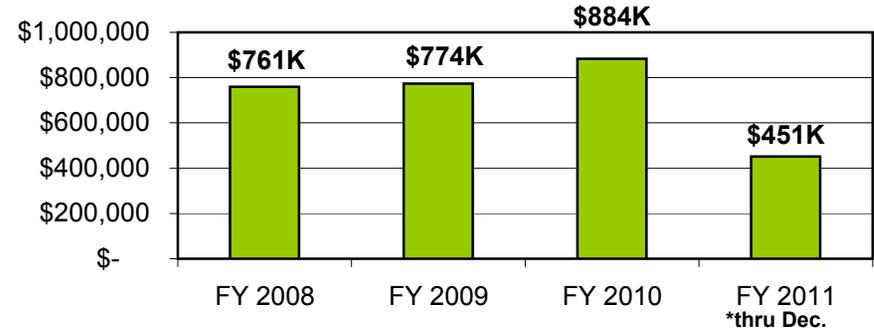
Retail Sales Tax Collections



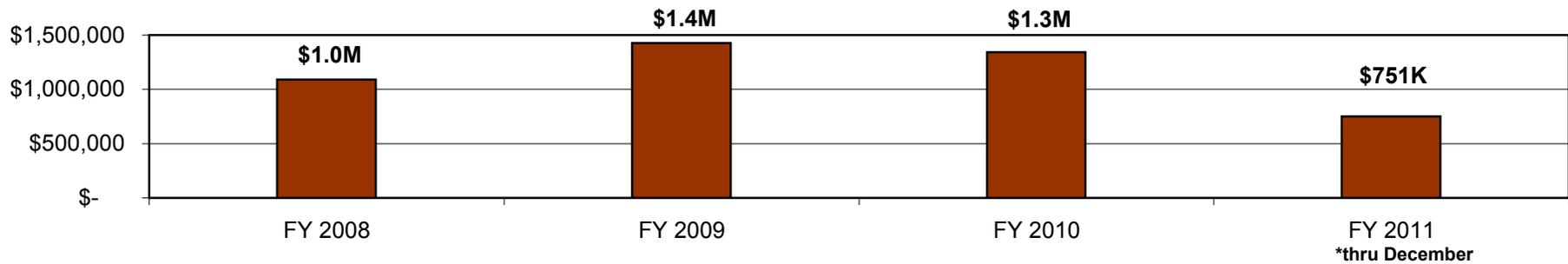
Construction Sales Tax Collections



Restaurant/Bar Sales Tax Collections



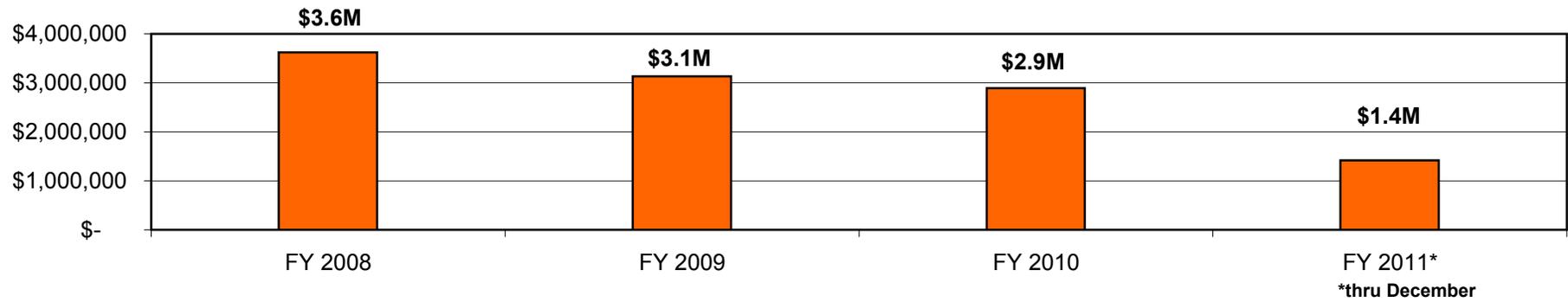
Utility Sales Tax Collections



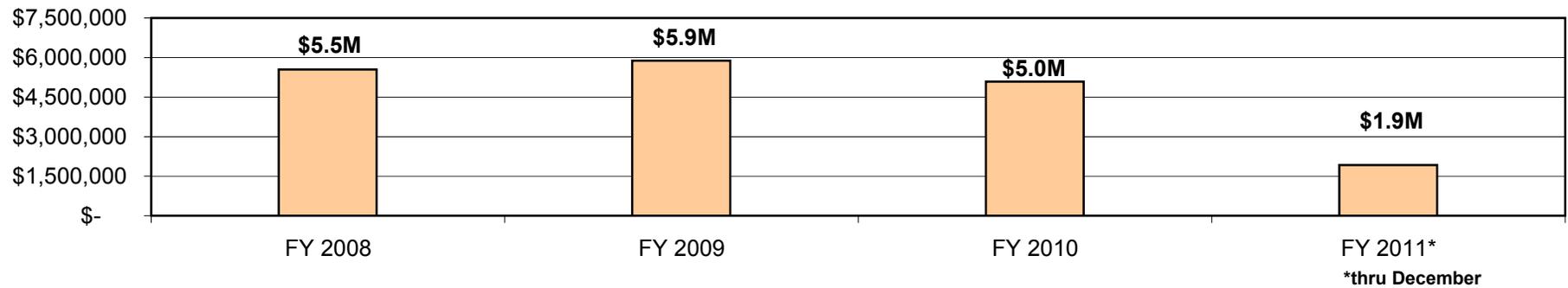


Town of Oro Valley Financial Dashboard Historical Annual Totals

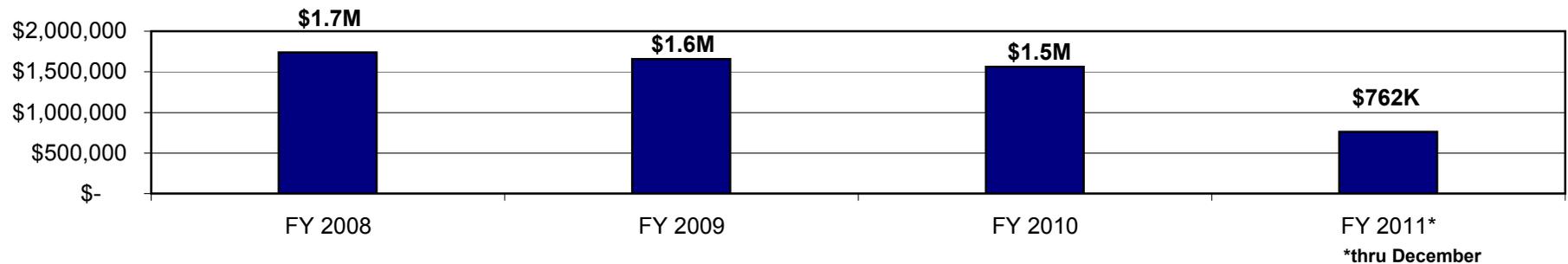
State Shared Sales Tax Collections



State Shared Income Tax Collections



State Shared County Auto Lieu Collections





Town of Oro Valley Financial Dashboard Historical Annual Totals

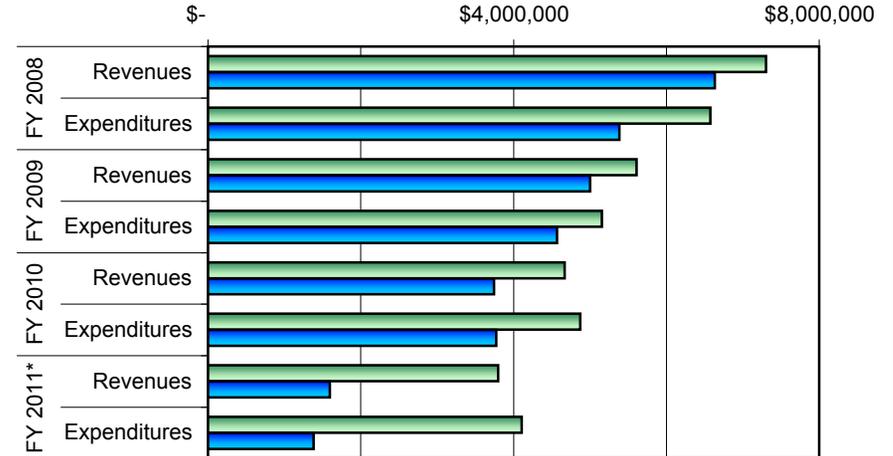
General Fund



*thru December

■ Budget ■ Actual

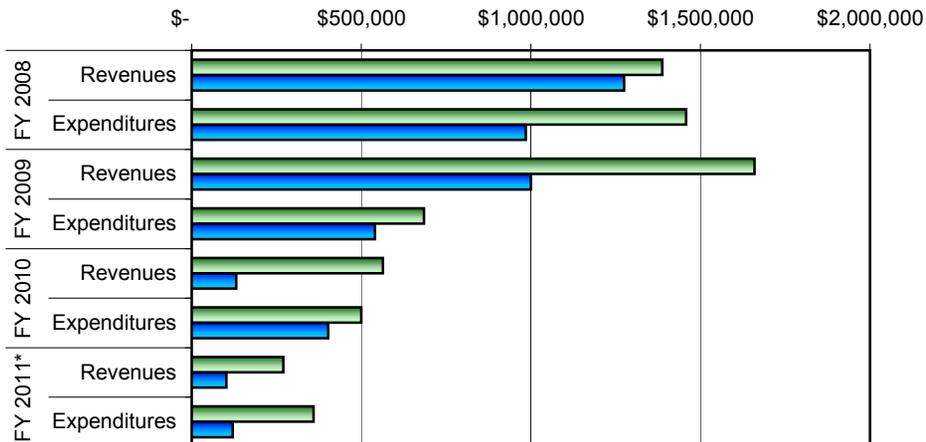
Highway Fund



*thru December

■ Budget ■ Actual

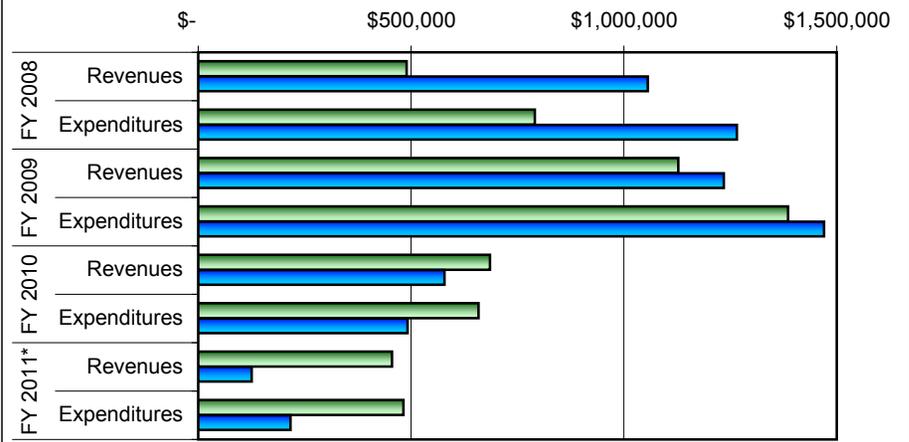
Bed Tax Fund



*thru December

■ Budget ■ Actual

Transit Fund



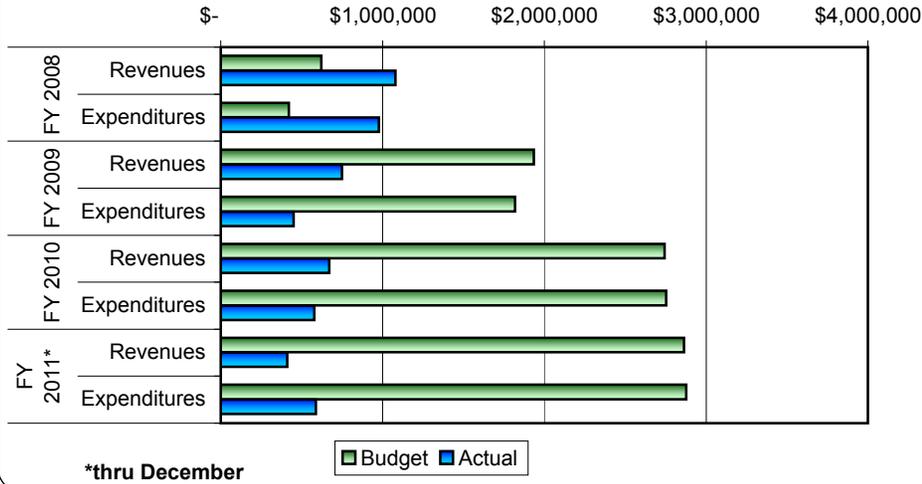
*thru December

■ Budget ■ Actual

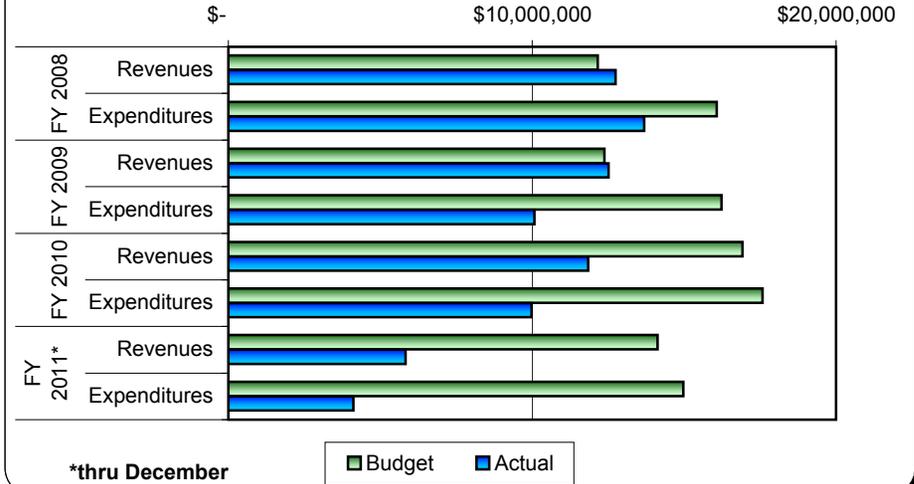


Town of Oro Valley Financial Dashboard Historical Annual Totals

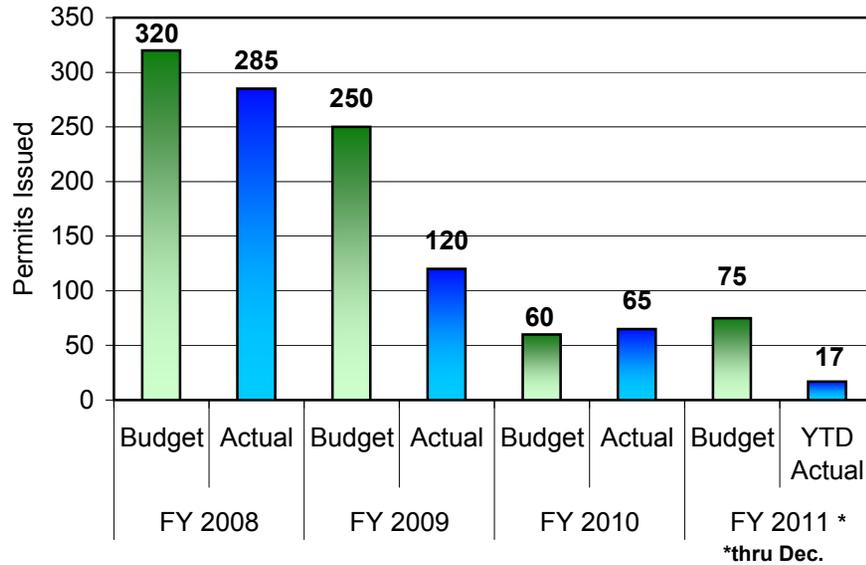
Stormwater Fund



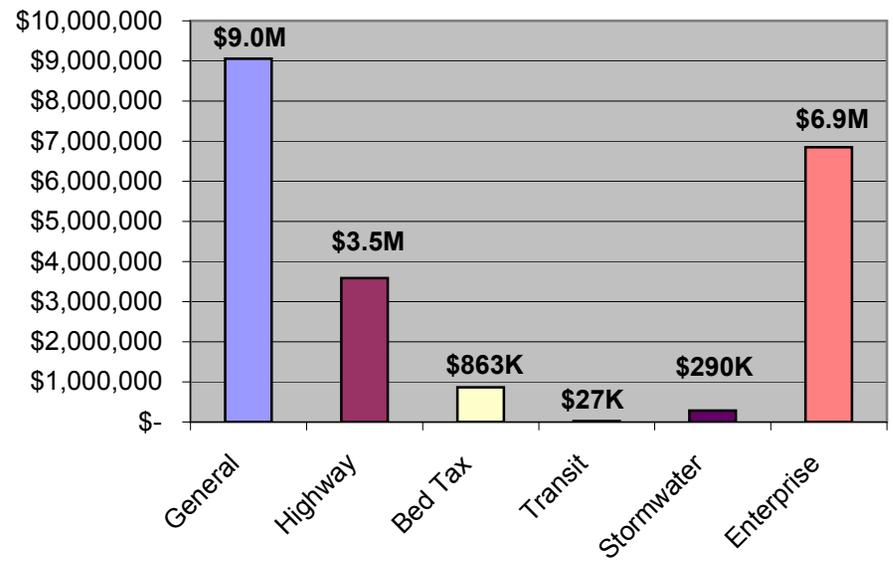
Water Utility Enterprise Fund



Single Family Residential Permits



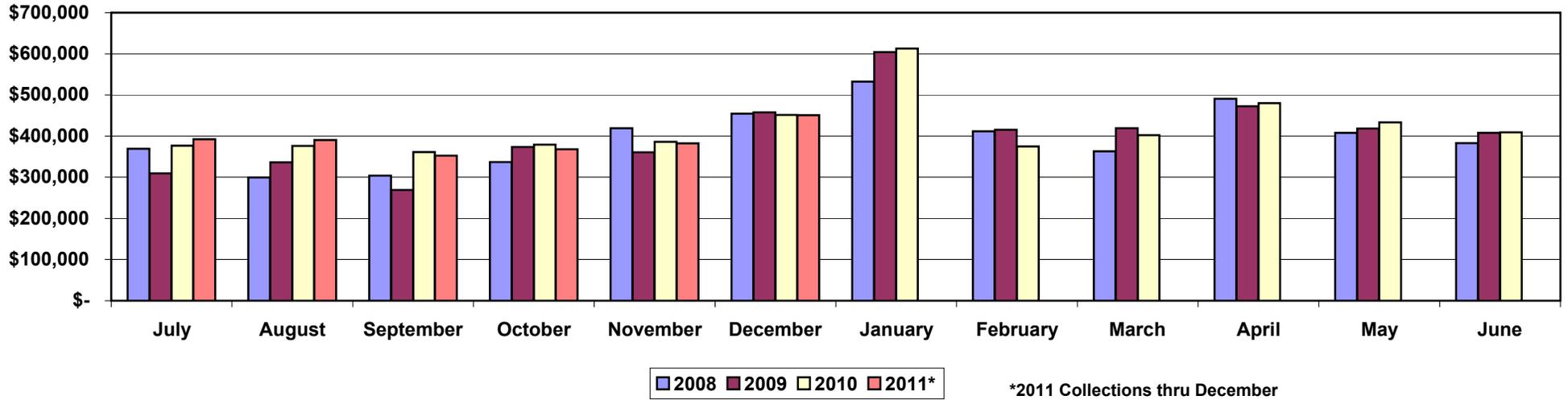
Projected YE Fund Balances Fiscal Year 2011



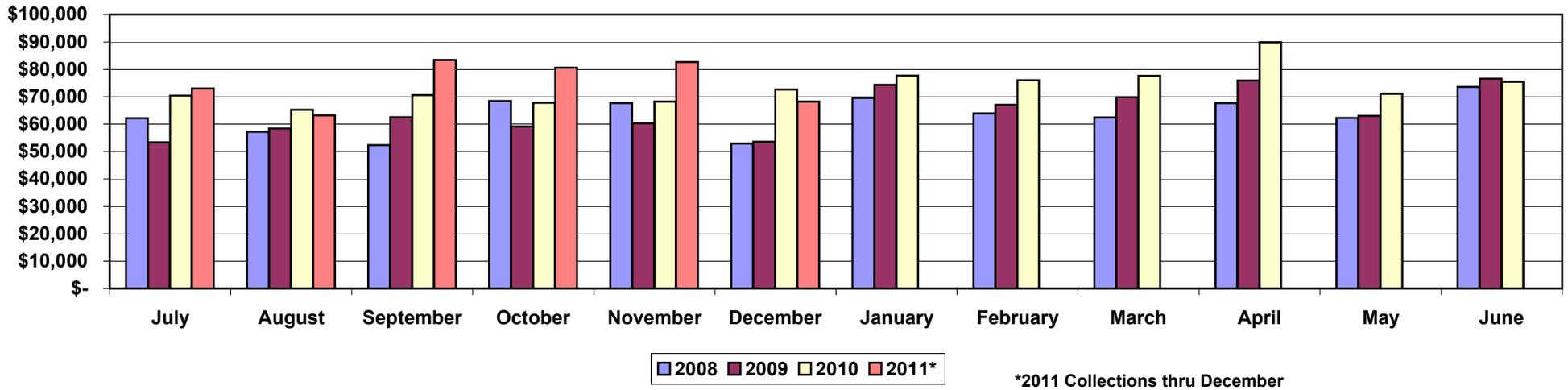


**Town of Oro Valley
Financial Dashboard
Month-By-Month History
FY 2008 - 2011**

Retail Sales Tax Collections



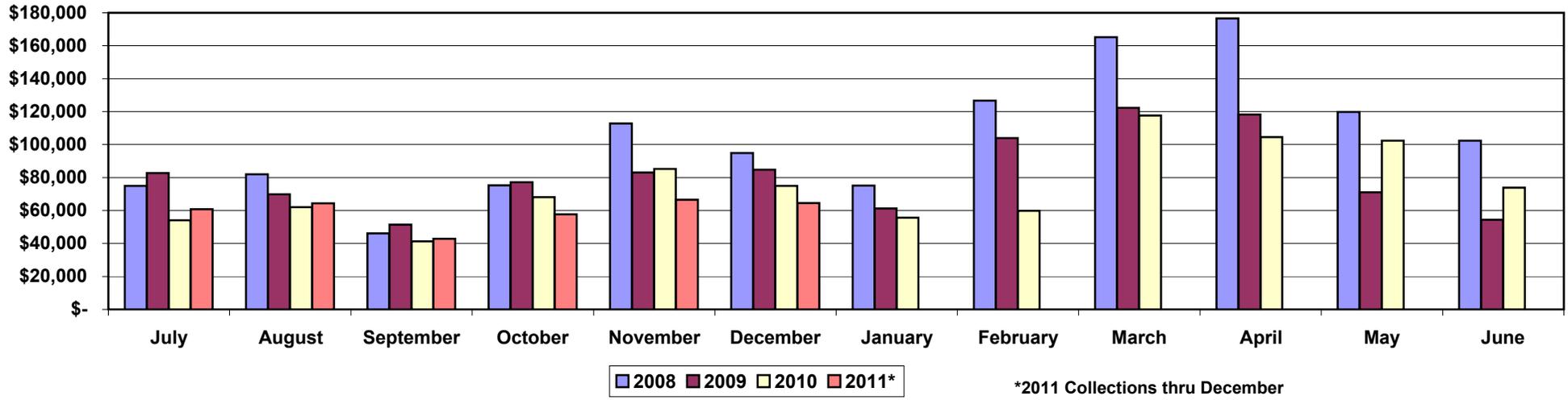
Restaurant and Bar Sales Tax Collections



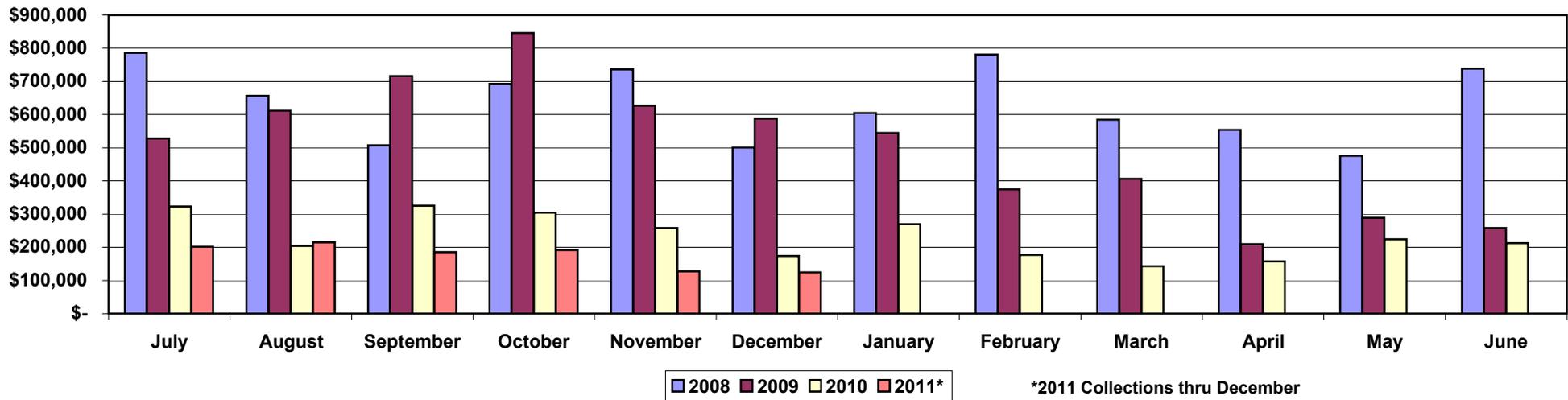


**Town of Oro Valley
Financial Dashboard
Month-By-Month History
FY 2008 - 2011**

Hotel Bed Tax Collections



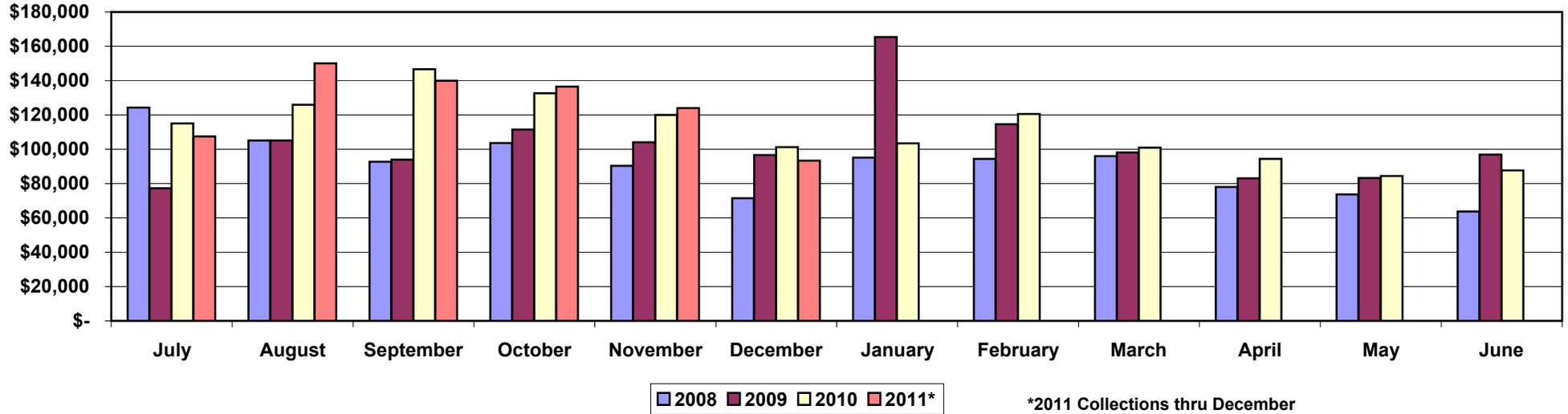
Construction Sales Tax Collections



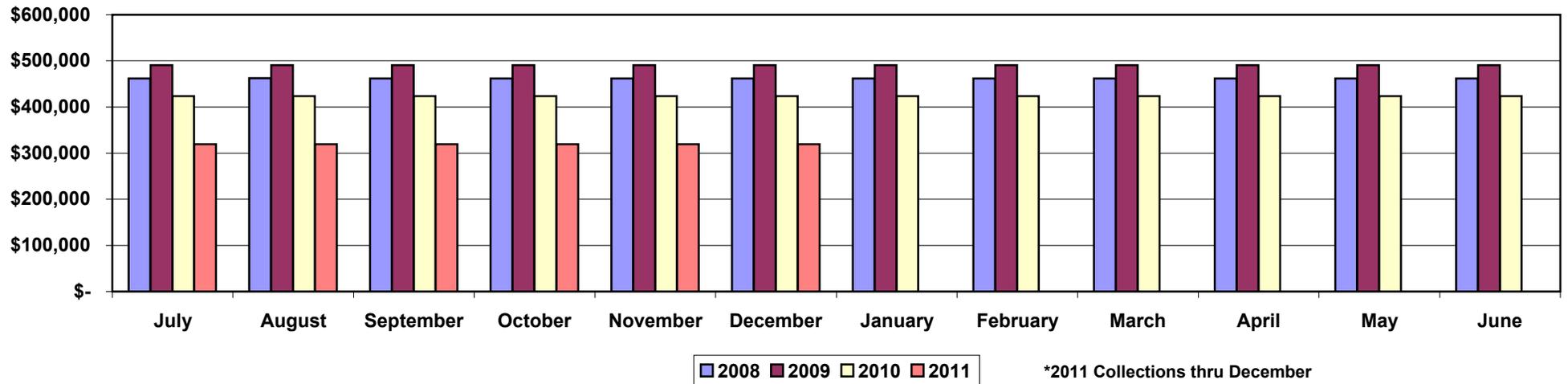


**Town of Oro Valley
Financial Dashboard
Month-By-Month History
FY 2008 - 2011**

Utility Tax Collections



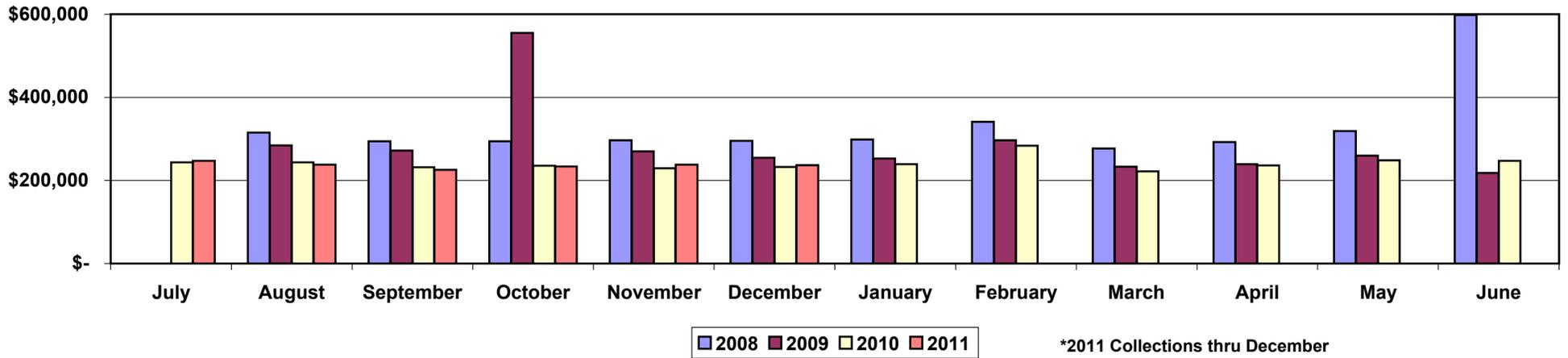
State Income Tax Collections



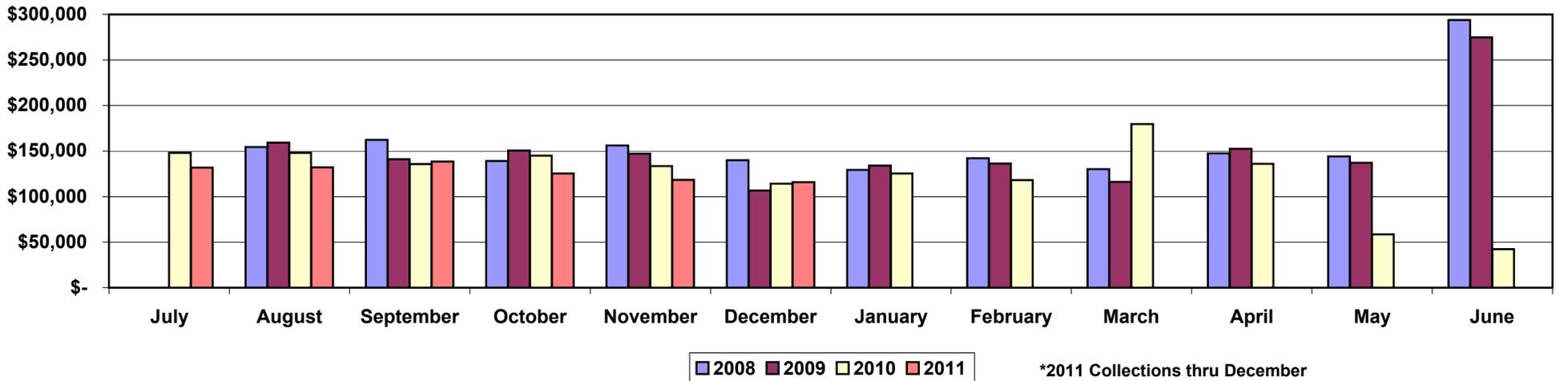


Town of Oro Valley
Financial Dashboard
Month-By-Month History
FY 2008 - 2011

State Sales Tax Collections



Vehicle License Tax Collections





Item #: 1.

Town Council Regular Session

Date: 02/16/2011

Requested by: David Williams, Planning Division Manager
Submitted By: Matt Michels, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

RESOLUTION NO. (R) 11-12 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT KNOWN AS ORO VALLEY ZONING CODE REVISED CHAPTER 26, SUBDIVISION AND DEVELOPMENT PLANS, SECTION 26.5, PROVISION OF RECREATIONAL AREA, AND CHAPTER 31, DEFINITIONS ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK

RECOMMENDATION:

Staff recommends adoption of Resolution No. (R) 11-12, so that the amendments become an official public record.

EXECUTIVE SUMMARY:

This is a procedural item to declare the Recreation Areas in residential subdivisions code a matter of public record. The draft ordinance has been posted on line 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.

BACKGROUND OR DETAILED INFORMATION:

This proposed resolution will become a public record upon adoption by Town Council. 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 forgo 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 on line 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 No. (R) 11-12, declaring as a public record that a certain document known as Oro Valley Zoning Code Revised, Chapter 26.5, and Chapter 31, Definitions, relating to provision of recreation area in residential subdivisions, attached hereto as Exhibit "A" and filed with the Town Clerk.

Attachments

Link: [Resolution R11-12 Chapter 26](#)

Link: [Exhibit A Chapter 26.5 Rec Area Code](#)

RESOLUTION NO. (R) 11-12

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT CHAPTER 26, SUBDIVISION AND DEVELOPMENT PLANS, SECTION 26.5, PROVISION OF RECREATIONAL AREA, ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, that certain document entitled "Section 26.5, Provision of Recreational Area", attached hereto as Exhibit "A", 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.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 16th day of February, 2011.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____

EXHIBIT “A”

Exhibit "A"

**Chapter 26
Subdivision and Development Plans**

...

Section 26.5 Provision of Recreational Area

A. Applicability

1. The provision of recreational facilities shall be required of all residential subdivisions, except those located within the R1-36, R1-43, R1-144, and R1-300 zoning districts.

B. Recreational Area Plan Submittal and Approval

1. The developer shall submit a Recreational Area Plan as part of the preliminary plat. This recreational plan shall include minimum improvements for recreational purposes as required by Section D.
2. The recreational area plan shall be submitted at the time of preliminary plat submittal and shall be reviewed by Town Council concurrent with the preliminary plat.
3. Approval of the plan by the Town Council, after review and recommendations by the Parks and Recreation Advisory Board (for public recreational areas) and the conceptual Development Review Board (for private recreational areas), shall be a prerequisite to approval of the final plat.
4. All recreational area plans shall be reviewed by the Oro Valley Police Department (OVPD) for conformance to CPTED design elements contained in Section D.5.
5. Modification of facilities and amenities depicted on the approved recreational area plan.
 - a. Modifications deemed necessary and beneficial to provide for the recreational needs based on the demographic profile of residents are subject to approval by the Parks Recreation Library and Cultural Resources (PRLCR) Director and Planning Division Manager.
 - b. All modifications shall conform to the provisions of this code.

C. Minimum Recreation Area Standards

1. An area shall be devoted to and designated as “recreational area” on the preliminary and final subdivision plat which equals a ratio of one acre to every 85 dwelling units.
2. The recreational area shall be usable and accessible by all subdivision residents and shall provide amenities that best serve the needs of the anticipated demographic profile of the development.
3. Upon review and recommendations from the Parks and Recreation Advisory Board the Town Council may allow Environmentally Sensitive Open Space (ESOS) to be credited toward the recreation requirements of this section, subject to the provisions of Section 27.10.F.2.c of the code. The applicant may receive a credit for this property at a 1:1 ratio for a maximum of one hundred percent (100%) of the required recreational area.
4. Credit may be obtained only when the following criteria are met:
 - a. The area shall be determined to contain significant, unique and desirable environmental, scenic or cultural features for the Town and the public good.
 - b. The anticipated demographic profile of the subdivision includes greater than 66% households without children.
 - c. The area shall be delineated as Common Area, designated with a Conservation Easement, with ownership to be held in common by the Homeowners Association or the Town.
 - d. The area shall be accessible via sidewalk, walking path, trail, and/or bicycle or shared use path by all residents within the project.

D. Recreational Area Plan Standards

1. Site Location
 - a. Recreational areas shall be a focal point for passive and active recreational activities, and provide a meaningful place for neighborhood gatherings and activities. Recreation areas shall be placed in a highly visible area of the subdivision that is accessible via sidewalk, walking path, trail, and/or bicycle or shared use path by all residents within the project.
 - b. Linear parks, as defined by this code and described in Section D.2.H, are acceptable when they serve to improve access to recreational amenities and open space networks.

- c. Passive recreation areas should be located in proximity to natural open space areas and conserved, environmentally sensitive lands.
- d. Recreational areas shall not include determined unusable for recreational purposes by the Planning Division Manager (PDM). the PDM shall consult with the Town Engineer and Parks, Recreation Library and Cultural Resources Department (PRLCR) Director prior to making a determination. shallow retention basins (flood prone areas) may be accepted for use as recreational areas subject to Town Engineer approval and acceptance by the Town Council.
- e. In cases where a recreational area lies adjacent to a trail identified within the Eastern Pima County Trails System Master Plan and/or the Oro Valley Trails Task Force report and their subsequent updates, a connection shall be provided between the recreational area and said trail.

2. Recreational Facilities Improvement Standards

- a. Recreational area improvements shall be appropriate to the anticipated demographic profile of the development. the applicant shall provide a statement documenting the anticipated demographic profile of residents.
- b. Equipment installed within the recreational areas shall comply with the provisions of the American with Disabilities Act (ADA).
- c. Provision of one active and one passive amenity for the first half-acre or portion thereof. For every additional half-acre (not fractions), an additional passive and active use shall be provided up to the maximum provided by the following sections:
 - i. A single park area may contain up to five amenities. Examples of passive amenities include turf areas, benches, picnic tables, shade structures, barbecue grills, pathways, etc.).
 - ii. A single park area may contain up to three amenities. Examples of active amenities include basketball courts, volleyball courts, bocce courts, horseshoe pits, par courses, etc.).
- d. Detailed schematics shall be provided for each proposed amenity with the final plat.
- e. Credit for Enhanced Amenities

Credit for the additional cost of enhanced recreational amenities, including community swimming pools, splash pads, skate/BMX parks, fully improved sports fields, and other amenities approved by the planning division manager, may be obtained against the recreation area requirement in Section 26.5.c,1 based on the following criteria:

- i. The applicant shall submit a cost estimate summarizing the following:
 - A. Value of the land and cost of the improvements and amenities that would be required by this code
 - B. Value of the land and cost of the improvements and enhanced amenities proposed as alternative means of compliance.
 - ii. Credit for the additional cost of the enhanced amenities may be received in the form of a reduction to the required recreation land area.
 - iii. The extent of the credit shall be determined by the value of the enhanced amenity as determined by the Town. The maximum reduction of recreation area requirement is one half (1/2) acre.
- f. Credit for improved indoor recreational space may be obtained subject to the following criteria:
- i. Improved community recreation rooms, community centers, gymnasiums, performance space, or other recreation space accessible to all residents of a development shall receive credit at a ratio of 3:1 against the area requirement contained in Section b.1.
 - ii. Each active and passive amenity contained within an indoor recreational space shall receive a credit to the recreational amenity requirements contained in Section 2.b, 2.c, and 2.d at a 1:1 ratio.
- g. For subdivisions with an anticipated demographic profile that is project to include at least 33% households with young children, tot lot amenities are required, including at a minimum:
- i. Play equipment area
 - ii. Drinking fountain
 - iii. Seating area (may include benches or seat walls) oriented towards the play equipment
 - iv. Trash receptacle(s)
 - v. Bicycle parking with a 4-bicycle minimum capacity

- vi. Picnic table
 - vii. Limited turf area for activity areas only (<15% of total recreational area) may be provided
- h. Linear parks may be utilized to satisfy the recreational requirements of this section. required amenities including at a minimum:
- i. A shared use path for pedestrians and bicyclists
 - ii. Seating area
 - iii. Landscaping
 - iv. Drinking fountain, if located within 100 feet of a potable water line
 - v. Trash receptacle(s)
 - vi. Pet waste removal station(s).
 - vii. Exercise stations may be located within linear parks.
- i. The location of the amenities along a linear park is subject to the approval of the Planning Division Manager and PRLCR Director.

3. Play Equipment Standards

- a. Applicant shall submit evidence that play equipment complies with the current American Society for Testing and Materials (ASTM) safety standards for playground equipment
- b. Playground surface materials, including certified wood fiber, shredded rubber, poured-in-place surfacing, or other acceptable material approved by the PRLCR Director, shall be placed at a minimum depth of twelve inches under the equipment.
- c. No play equipment shall be located within 30 feet of any road right-of-way, driveway or alleyway, parking area, or single-family residential lot or single-family residential zone unless an acceptable barrier is provided.
- d. Play equipment or apparatus with a footprint of 250 square feet or less must be fully shaded with a uv-resistant sun shade or other appropriate shading material or structure as approved by the Planning Division Manager and permitting division.
- e. At least fifty (50%) of play equipment or apparatus be fully shaded with a UV-resistant sun shade or other appropriate shading material or structure as approved by the Planning Division Manager and permitting division. This requirement shall be applied only to play equipment or apparatus with a footprint of 250 square feet or greater.
- f. To maximize the safety of children, play spaces shall be located as to provide maximum visibility from surrounding homes.

10. All lighting shall be consistent with the standards of Section 27.5 of this code and must be turned off by 10:00 p.m.
11. If no lighting is provided, recreation area hours shall be limited to daylight hours only and shall be posted on the informational sign(s) at the park entrance(s) required by Section d.6.

E. Facilities Installation, Ownership and Maintenance

1. Private Recreational Facilities

- a. In cases where the recreational facility is to be privately owned, recreational facilities and parking improvements shall be completed and in place by the time thirty-five (35) percent of the building permits are issued. Prior to release of the required bond or assurance, the developer shall provide written documentation to the Town that all mechanisms are in place to protect the rights of the homeowners (i.e., liability insurance).
- b. Private recreational areas and improvements shall be owned and maintained by a mandatory membership Homeowner's Association (HOA) created by covenants. If the HOA fails to adequately maintain the required recreational facilities, the Town may cause the property to be maintained and may cause a lien to be placed on the property, subject to and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record.

2. Public Park Facilities

- a. In cases where the required recreational area is at least three (3) acres in size and is located adjacent to a public thoroughfare, dedication to the Town may be accepted. In this case, the park land shall be owned and maintained by the Town. The subdivider shall, without credit:
 - i. Provide full street improvements and utility connections including, but not limited to, curbs, gutters, street paving, traffic control devices, lighting, street trees, and sidewalks to land which is dedicated pursuant to this Section.
 - ii. Provide solid masonry fencing along the property line of that portion of the subdivided lots contiguous to the dedicated land.
 - iii. Provide improved drainage through the site.
 - iv. Provide other improvements and amenities that the Town Council determines to be essential to the acceptance of the land for recreational purposes. Subsequent improvements, if any, shall be developed and maintained by the Town.

- b. When park land is dedicated to and accepted by, the Town, the provisions of Subsection B.1. shall not apply.

F. In-Lieu Fee Option

1. In lieu of the required private recreational area or public park land dedication and required recreational facilities, the Town Council may approve an alternative proposal for an in-lieu fee that aids in the development or improvement of Town parks or recreational facilities. All subdivisions containing 43 lots or less may utilize the in-lieu fee option.
2. Subdivisions of 85 lots or more may elect to utilize the in-lieu fee option for up to fifty (50%) percent of the total cost of recreation area improvements as determined by the recreation area in-lieu fee calculation definition. The remaining portion of the recreation improvement obligation shall be applied to on-site recreation area(s) and amenities per the provisions of this code.
3. In-lieu fee proposals shall meet all of the following conditions:
 - a. The subdivision has or can provide legal and physically-constructed access to an existing Oro Valley public park, a park location identified in the Town parks, open space and trails master plan, or other located approved by the PRLCR Director.
 - b. The total amount of the in-lieu fee determined by the recreation area in-lieu fee calculation is, in the opinion of the Planning Division Manager (PDM) and PRLCR Director, sufficient to fund a specific park development or improvement project for an existing facility.
4. The proposal shall be prepared by the applicant and submitted to the PDM and PRLCR Director who shall forward their recommendations to the Town Council for its action after an advertised public hearing.
5. The terms of the agreement shall be made a matter of public record and a condition of approval of any final plat or issuance of any permits for the subdivision.
6. In evaluating a proposal under this Section, the Town Council shall consider the impact on the property resulting from a change in the standard requirements for recreational space, the advantages and disadvantages of the proposed alternatives, the benefits afforded to the subdivision from the alternative proposal and the relative values to the community afforded by the alternative proposal as compared with the standard requirements.
7. The agreement shall provide for the funding of equivalent of park land and/or recreational facilities to the Town as would have been provided by a recreational area in the subdivision.
8. If the subdivider objects to the determined fair market value, he/she may appeal to the Town Council, with the burden of proof lying with the subdivider.

9. The Town Council may waive requirements for an appraisal when the subdivider provides acceptable alternative information to the Planning Division Manager (PDM), PRLCR Director, and the Finance Director, as a means of determining the improved value that is presented and accepted at a Town Council public hearing.



Item #: 2.

Town Council Regular Session

Date: 02/16/2011

Requested by:

David Williams, Planning Division Manager

Submitted By:

Matt Michels, Development Infrastructure Services

Department:

Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING - ORDINANCE NO. (O) 11-05 ADOPTING A NEW ORO VALLEY ZONING CODE REVISED (OVZCR) CHAPTER 26, SUBDIVISION AND DEVELOPMENT PLANS, SECTION 26.5, PROVISION OF RECREATIONAL AREA AND REPEALING THE CURRENT CHAPTER 26, SUBDIVISION AND DEVELOPMENT PLANS, SECTION 26.5, PROVISION OF RECREATIONAL AREA, ATTACHED HERETO AS EXHIBIT "A"; AND AMENDING CHAPTER 31, DEFINITIONS; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

RECOMMENDATION:

Staff recommends approval of an amendment to recreation area requirements, Oro Valley Zoning Code Revised, Section 26.5 and Chapter 31, Definitions, OV710-001, with the unanimous concurrence of the Planning and Zoning Commission.

EXECUTIVE SUMMARY:

An update to Section 26.5, Provision of Recreational Area (see Attachment #2: Exhibit "A"), of the Zoning Code (Code) is an item on the Planning Division's 2010-2012 Work Plan. This code section applies only to private recreation areas within new residential subdivisions. These smaller parks and recreation areas represent an integral part of a larger system, or hierarchy, of parks and recreation facilities in the community. The General Plan identifies several shortcomings with the "small, dispersed system of recreation areas" created within subdivisions and provides a number of goals and policies to address these shortcomings. This code update does not attempt to address the need for larger public parks and recreation facilities, but serves to bolster standards for smaller, private recreation areas near residents' homes.

Planning Division staff has worked in cooperation with the Parks, Recreation, Library & Cultural Resources (PRL&CR) Department and the Parks and Recreation Advisory Board (PRAB) to identify deficiencies in the current code, develop a scope of work, and review the proposed code language. The attached draft code was created based on the approved scope of work summarized below and with the input of PRAB, other Town departments and stakeholders, including the Police Department, the Southern Arizona Home Builders Association (SAHBA), the Metropolitan Pima Alliance (MPA), and interested residents. The overall project timeline is attached (see Attachment #3) for your reference.

BACKGROUND OR DETAILED INFORMATION:

The attached draft addresses several deficiencies in the current code, including lack of consistent standards for recreational amenities, shortcomings in the in-lieu fee option, and safety considerations, with specific focus on the following:

1. Amending the definition of how in-lieu fees are calculated and utilized: The availability of the in-lieu fee option has been reduced in order to promote the creation of recreational open space in new subdivisions. The in-lieu fee option now requires the fee to cover the full cost of development, including land, improvements, and equipment, rather than just the land as the current code allows.

2. Specifying location parameters of recreational areas: The current code does not contain locational requirements for recreational areas. The proposed update includes requirements that the recreational area be located in a highly visible area of the subdivision that is easily accessible by all homes within the subdivision.

3. Addition of definitions of specific active and passive recreational amenities: The proposed Recreational Facilities Improvement Standards provide additional guidance on the type of amenities expected, including requirements for "tot lots" for subdivisions with an anticipated demographic profile of families with young children. A definition of the term "tot lot" has been added to Chapter 31 of the code and "young children" is defined as age 8 and younger. In addition, specific criteria for linear parks have been added to the draft.

4. Specific requirements for recreational amenities (locations, type, specifications, etc.) have been added: The proposed Play Equipment Standards add several specific playground equipment specification requirements. Additional criteria, such as locational requirements and requirements for shade structures over play equipment have been added to enhance safety, convenience, and comfort for users.

5. Addition of Crime Prevention Through Environmental Design (CPTED) design considerations: This section is based on internationally-accepted standards and has been recommended for approval by the Police Department. The requirements include surveillance and access control considerations as well as signage requirements stating recreational area rules and regulations. The proposed code requires CPTED review by PD. These measures will allow the Police Department to more effectively monitor and respond to incidents in private recreational areas.

No changes are proposed to the amount of land required (one acre per 85 dwelling units) or to the number of passive and active amenities required. The changes proposed are intended to be primarily qualitative rather than quantitative and are intended to codify current practices found in existing subdivisions. In several instances the standards have been revised to provide more flexibility and options for developers.

Further, staff proposes to exempt larger-lot subdivisions (R1-36, which equates to 36,000 square feet, and larger) from this code since large "estate lots" typically have ample property for recreation on individual lots.

The PRAB was utilized as the primary advisory and reviewing body. Staff held four meetings with the PRAB and received a recommendation of approval at the November 16, 2010, meeting. See attached PRAB staff reports and meeting minutes (Attachments #4 through #11). In addition, staff has presented the draft to the SAHBA Technical Committee and MPA for review and comment. Letters from SAHBA and MPA outlining their positions are attached for your reference (see Attachments #12 and #13). As stated in these letters, we have worked "collaboratively to address issues" and "overall, the document appears to be well balanced and fair with in-lieu fees and design requirements." We have considered all input received and have incorporated many of the suggestions provided by SAHBA and MPA and numerous suggestions received from interested residents.

The Planning and Zoning Commission (P&ZC) held three public hearings regarding the proposed code amendment and recommended unanimous approval at the January 13, 2011, meeting. See attached P&ZC reports and meeting minutes (Attachments #14 through 19).

FISCAL IMPACT:

There is no fiscal impact associated with this amendment. If utilized, the proposed amendments to the recreation code may result in increased in-lieu fee generation. Administration of the new recreation code will not require additional Town staff resources.

SUGGESTED MOTION:

The Town Council may wish to consider one of the following motions:

I MOVE to [adopt, adopt with conditions, or deny] Ordinance (O) 11-05, an amendment to recreation area requirements, Oro Valley Zoning Code Revised, Section 26.5 and Chapter 31, Definitions, OV710-001, as shown in Exhibit "A".

Attachments

Link: [Ordinance 11-05 Section 26.5](#)

Link: [Attachment 2 - Exhibit "A"](#)

Link: [Attachment 3-Project Timeline](#)

Link: [Attachment 4-11/16/10 PRAB Report](#)

Link: [Attachment 5-11/16/10 Draft PRAB Minutes](#)

Link: [Attachment 6- 9/21/10 PRAB Report](#)

Link: [Attachment 7-9/21/10 PRAB Minutes](#)

Link: [Attachment 8-4/20/10 PRAB Report](#)

Link: [Attachment 9-4/20/10 PRAB Minutes](#)

Link: [Attachment 10- 3/16/10 PRAB Report](#)

Link: [Attachment 11-3/16/10 PRAB Minutes](#)

Link: [Attachment 12-SAHBA letter 1/12/11](#)

Link: [Attachment 13-MPA Letter 1/12/11](#)

Link: [Attachment 14-1/13/11 PZC Report](#)

Link: [Attachment 15-1/13/10 Draft PZC Minutes](#)

Link: [Attachment 16-12/7/10 PZC Report](#)

Link: [Attachment 17-12/7/10 Draft PZC Minutes](#)

Link: [Attachment 18-10/5/10 PZC Report](#)

Link: [Attachment 19-10/5/10 PZC Minutes](#)

ORDINANCE NO. (O) 11-05

AN ORDINANCE OF THE TOWN OF ORO VALLEY ARIZONA, ADOPTING A NEW ORO VALLEY ZONING CODE REVISED (OVZCR) CHAPTER 26, SUBDIVISION AND DEVELOPMENT PLANS, SECTION 26.5, PROVISION OF RECREATIONAL AREA AND REPEALING THE CURRENT CHAPTER 26, SUBDIVISION AND DEVELOPMENT PLANS, SECTION 26.5, PROVISION OF RECREATIONAL AREA, ATTACHED HERETO AS EXHIBIT “A”; AND AMENDING CHAPTER 31, DEFINITIONS; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

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, 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, updating the Oro Valley Zoning Code Revised (OVZCR) Chapter 26, Subdivision and Development Plans, Section 26.5, Provision of Recreational Area is on the Planning Division work plan; and

WHEREAS, the proposed OVZCR Section 26.5 addresses a portion of the larger goal of creating an integrated system of park facilities; and

WHEREAS, the proposed OVZCR Section 26.5 applies to private recreation areas within new residential subdivisions; and

WHEREAS, the Town desires to amend OVZCR Chapter 31, Definitions to reflect the proposed changes to OVZCR Section 26.5; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed Chapter 26, Subdivision and Development Plans, Section 26.5, Provision of Recreational Area and Chapter 31, Definitions at a duly noticed public hearing on December 7, 2010 in accordance with State Statutes and recommended approval of the proposed new OVZCR,

Section 26.5, Provision of Recreational Area and amendments to Chapter 31, Definitions, to the Town Council; and

WHEREAS, the Oro Valley Town Council has considered the proposed OVZCR, Section 26.5, Provision of Recreational Area and amendments to Chapter 31, Definitions, and the Planning and Zoning Commission's recommendation and finds it consistent with the Town's General Plan and other Town ordinances; and

WHEREAS, at a duly noticed Town Council Meeting on February 16, 2011, Chapter 26, Subdivisions and Development Plans, Section 26.5, Provision of Recreational Area and Chapter 31, Definitions, was declared a public record by Mayor and Council.

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

SECTION 1. The existing Chapter 26, Subdivision and Development Plans, Section 26.5, Provision of Recreational Area of the Oro Valley Zoning Code Revised, is hereby repealed.

SECTION 2. That certain document entitled Chapter 26, Subdivision and Development Plans, Section 26.5, Provision of Recreational Area, of the Oro Valley Zoning Code Revised, attached hereto as Exhibit "A" and incorporated herein by this reference and declared a public record on February 16, 2011 is hereby adopted.

SECTION 3. Chapter 31, Definitions of the Oro Valley Zoning Code Revised is hereby amended by adding new Definition Number 87.5, Crime Prevention through Environmental Design (CEPTED) and renumbering all definitions thereafter.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CEPTED): A MULTI-DISCIPLINARY APPROACH TO DETERRING CRIMINAL BEHAVIOR THROUGH ENVIRONMENTAL DESIGN. THE ENVIRONMENTAL DESIGN SHOULD ENCOURAGE DESIRABLE BEHAVIOR AND FUNCTIONALITY. CEPTED EMPHASIZES SURVEILLANCE, ACCESS CONTROL, AND DEFINITION OF OWNERSHIP.

SECTION 4. Chapter 31, Definitions of the Oro Valley Zoning Code Revised is hereby amended by adding new Definition Number 185.5, Linear Park and renumbering all definitions thereafter.

LINEAR PARK: A LINEAR PARK IS A PARK THAT HAS A MUCH GREATER LENGTH THAN WIDTH. A LINEAR PARK TYPICALLY INCLUDES A SHARED USE PATH FOR PEDESTRIANS AND BICYCLES, AS WELL AS SEATING AREAS AND OTHER

APPROPRIATE SUPPORTING AMENITIES TO PROVIDE ACTIVE AND PASSIVE RECREATIONAL OPPORTUNITIES.

SECTION 5. Chapter 31, Definitions of the Oro Valley Zoning Code Revised is hereby amended by adding new Definition Number 338.5, Tot Lot and renumbering all definitions thereafter.

TOT LOT: A SMALL (TYPICALLY <1/2 ACRE) RECREATIONAL AREA PRIMARILY INTENDED FOR YOUNG CHILDREN (AGES 8 AND UNDER), WITH A PRIMARY EMPHASIS ON PLAYGROUND EQUIPMENT AND SUPPORTING AMENITIES AND INFRASTRUCTURE.

SECTION 6. Amending Chapter 31, Definitions of the Oro Valley Zoning Code Revised, Definition Number 126, Fair Market Value, is hereby amended with additions in ALL CAPS and deletions in ~~strikethrough-text~~, and renumbering all definitions thereafter.

126. Fair Market Value RECREATION AREA IN-LIEU FEE CALCULATION

The ~~fair market value~~ RECREATION AREA IN-LIEU FEE shall be determined by the Town, with a written appraisal report prepared by an appraiser acceptable to the Town. For the purposes of the Chapter, the determination of the ~~fair market value~~ RECREATION AREA IN-LIEU FEE, shall consider, but not necessarily be limited to, the following:

- a. Approval of and conditions of the preliminary plat
- b. The general plan
- c. Conditional zoning
- d. Property location
- e. Off-site improvements facilitating use of the property
- f. Site characteristics of the property
- g. The fair market value shall be based on the improved value of the land, ~~without~~ INCLUDING structures AND FACILITIES REQUIRED BY SECTION 26.5 OF THE ORO VALLEY ZONING CODE REVISED, DESIGN AND CONSTRUCTION COSTS ~~but~~ AND having the applicable infrastructure (roadways, drainage, water, electric, telephone and sewer) installed to the property.

SECTION 7. All Oro Valley ordinances, resolutions, or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 8. 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 16th day of February, 2011.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____

EXHIBIT “A”

Exhibit "A"

OV710-01 Amendment to Section 26.5 Provision of Recreational Area/

Chapter 31, Definitions

1/13/10 DRAFT

NOTE: Language to be added is ALL CAPS. Language to be deleted is struck

A. Requirement ~~APPLICABILITY~~

1. The provision of recreational facilities shall be required of all residential subdivisions, EXCEPT THOSE LOCATED WITHIN THE R1-36, R1-43, R1-144, AND R1-300 ZONING DISTRICTS.

B. Recreational Area Plan Submittal and Approval

1. The developer shall submit a Recreational Area Plan as part of the preliminary plat. This recreational plan shall include minimum improvements for recreational purposes as required by ~~this~~ Section D.
2. THE RECREATIONAL AREA PLAN SHALL BE SUBMITTED AT THE TIME OF PRELIMINARY PLAT SUBMITTAL AND SHALL BE REVIEWED BY TOWN COUNCIL CONCURRENT WITH THE PRELIMINARY PLAT.
3. Approval of the plan by the Town Council, after review and recommendations by the Parks and Recreation Advisory Board (for public recreational areas) and the CONCEPTUAL Development Review Board (for private recreational areas), shall be a prerequisite to approval of the final plat.
4. ALL RECREATIONAL AREA PLANS SHALL BE REVIEWED BY THE ORO VALLEY POLICE DEPARTMENT (OVPD) FOR CONFORMANCE TO CPTD DESIGN ELEMENTS CONTAINED IN SECTION D.5.
5. MODIFICATION OF FACILITIES AND AMENITIES DEPICTED ON THE APPROVED RECREATIONAL AREA PLAN
 - A. MODIFICATIONS DEEMED NECESSARY AND BENEFICIAL TO PROVIDE FOR THE RECREATIONAL NEEDS BASED ON THE DEMOGRAPHIC PROFILE OF RESIDENTS ARE SUBJECT TO APPROVAL BY THE PARKS, RECREATION, LIBRARY AND CULTURAL RESOURCES (PRLCR) DIRECTOR AND PLANNING DIVISION MANAGER.
 - B. ALL MODIFICATIONS SHALL CONFORM TO THE PROVISIONS OF THIS CODE.

C. Minimum Recreation Area Standards

1. An area shall be devoted to and designated as “recreational area” on the PRELIMINARY AND final subdivision plat which equals a ratio of one acre to EVERY 85 dwelling units.
2. The recreational area shall be usable and accessible by all subdivision residents. ~~Consideration shall be given to providing~~ AND SHALL PROVIDE amenities that best serve the needs of THE ANTICIPATED DEMOGRAPHIC PROFILE OF THE DEVELOPMENT.
3. Upon review and recommendations from the Parks and Recreation Advisory Board the Town Council may allow Environmentally Sensitive Open Space (ESOS) to be credited toward the recreation requirements of this section, subject to the provisions of Section 27.10.F.2.c of the code. ~~such as peaks, steep slopes or floodprone areas, to be protected and dedicated to the Homeowners’ Association or the Town per the adopted Parks, Open Space and Trails Master Plan.~~ The applicant may receive a credit for this property at a ~~3:4~~ 1:1 ratio FOR A MAXIMUM OF ONE HUNDRED PERCENT (100%) of the required recreational area.
4. Credit may be obtained only when the following criteria ~~are~~ ARE met:
 - a. ~~The area is abutting a usable public park site FACILITY.~~
 - b. A. The area shall be determined a TO CONTAIN SIGNIFICANT, unique and desirable ENVIRONMENTAL, SCENIC OR CULTURAL featureS for the Town and the public good.
 - B. THE ANTICIPATED DEMOGRAPHIC PROFILE OF THE SUBDIVISION INCLUDES GREATER THAN 66% HOUSEHOLDS WITHOUT CHILDREN.
 - c. The area shall be delineated as Common Area, designated with a Conservation Easement, with ownership to be held in common by the Homeowners Association or the Town.
 - D. THE AREA SHALL BE ACCESSIBLE VIA SIDEWALK, WALKING PATH, TRAIL, AND/OR BICYCLE OR SHARED USE PATH BY ALL RESIDENTS WITHIN THE PROJECT.

D. RECREATIONAL AREA PLAN STANDARDS

1. SITE LOCATION
 - A. RECREATIONAL AREAS SHALL BE A FOCAL POINT FOR PASSIVE AND ACTIVE RECREATIONAL ACTIVITIES, AND PROVIDE A MEANINGFUL PLACE

FOR NEIGHBORHOOD GATHERINGS AND ACTIVITIES. RECREATION AREAS SHALL BE PLACED IN A HIGHLY VISIBLE AREA OF THE SUBDIVISION THAT IS ACCESSIBLE VIA SIDEWALK, WALKING PATH, TRAIL, AND/OR BICYCLE OR SHARED USE PATH BY ALL RESIDENTS WITHIN THE PROJECT.

- B. LINEAR PARKS, AS DEFINED BY THIS CODE AND DESCRIBED IN SECTION D.2.H, ARE ACCEPTABLE WHEN THEY SERVE TO IMPROVE ACCESS TO RECREATIONAL AMENITIES AND OPEN SPACE NETWORKS.
- C. PASSIVE RECREATION AREAS SHOULD BE LOCATED IN PROXIMITY TO NATURAL OPEN SPACE AREAS AND CONSERVED, ENVIRONMENTALLY SENSITIVE LANDS.

~~A. D. Recreational areas shall not include lands DESIGNATED AS ENVIRONMENTALLY SENSITIVE OR OTHERWISE determined unusable for recreational purposes by the Mayor and Town Council PLANNING DIVISION MANAGER (PDM). THE PDM SHALL CONSULT WITH THE TOWN ENGINEER AND PARKS, RECREATION, LIBRARY, AND CULTURAL RESOURCES DEPARTMENT (PRLCR) DIRECTOR PRIOR TO MAKING A DETERMINATION. Shallow retention basins (flood prone areas) may be accepted for use as recreational areas subject to recommendations TOWN ENGINEER APPROVAL and acceptance by the Town Council.~~

~~B. E. Upon review and recommendations from the Parks and Recreation Advisory Board PDB, TOWN ENGINEER, AND CONCEPTUAL DEVELOPMENT REVIEW BOARD, the Town Council may allow environmentally sensitive areas, such as peaks, RIDGES, steep slopes (GREATER THAN 15%) or flood prone areas, to be protected and dedicated to the Homeowners Association or the Town per the CURRENTLY adopted Parks, Open Space and Trails Master Plan. The applicant may receive a credit for this property at a 3:1 ratio for a maximum of fifty percent (50%) of the required recreational area.~~

- ~~E. If the recreational area is to be held in private ownership, The plan shall show all recreational improvements, including structures and facilities. Recreational improvements shall provide amenities appropriate to the neighborhood character including but not limited to the following: Projected Demographic profile of the projected~~

~~homeowners, accepted by the Planning and Zoning Administrator presented to the Conceptual Development Review Board for approval.~~

- D. In cases where a ~~subdivision~~ RECREATIONAL AREA lies adjacent to a trail identified within the Eastern Pima County Trails System Master Plan AND/OR THE ORO VALLEY TRAILS TASK FORCE REPORT AND THEIR SUBSEQUENT UPDATES, a connection shall be provided between the recreational area and said trail.

2. RECREATIONAL FACILITIES IMPROVEMENT STANDARDS

- A. RECREATIONAL AREA IMPROVEMENTS SHALL BE APPROPRIATE TO THE ANTICIPATED DEMOGRAPHIC PROFILE OF THE DEVELOPMENT. THE APPLICANT SHALL PROVIDE A STATEMENT DOCUMENTING THE ANTICIPATED DEMOGRAPHIC PROFILE OF RESIDENTS.
- B. Equipment installed within the recreational areas shall comply with the provisions of the American with Disabilities Act (ADA).
- C. Provision of one active and one passive ~~area~~ AMENITY for the first half-acre or portion thereof. For every additional half-acre (not fractions), an additional passive and active use shall be provided up to the maximum provided by the following Sections.
 - I. A SINGLE PARK AREA MAY CONTAIN UP TO FIVE AMENITIES. ~~Provision of one area for passive recreation for each half acre (i.e.,~~ EXAMPLES OF PASSIVE AMENITIES INCLUDE turf areaS, benches, picnic tables, shade structures, barbecue grills, pathways, etc.); ~~a maximum requirement of three areas per single park area.~~
 - i. II. A SINGLE PARK AREA MAY CONTAIN UP TO THREE AMENITIES. ~~Provision of one area for active sports for each half acre, (i.e.,~~ EXAMPLES OF ACTIVE AMENITIES INCLUDE basketball courtS, volleyball courtS, bocce courtS, horseshoe pitS, ~~softball field, swimming pool, par courseS, etc.); a maximum requirement of three areas per single park area.~~
- d. D. ~~Address site lighting, security, restrooms, and drinking fountains, if provided.~~ Detailed schematics shall be provided for each of these PROPOSED amenity ~~provided~~ WITH THE FINAL PLAT.
- E. CREDIT FOR ENHANCED AMENITIES

CREDIT FOR THE ADDITIONAL COST OF ENHANCED RECREATIONAL AMENITIES, INCLUDING COMMUNITY

SWIMMING POOLS, SPLASH PADS, SKATE/BMX PARKS, FULLY IMPROVED SPORTS FIELDS, AND OTHER AMENITIES APPROVED BY THE PLANNING DIVISION MANAGER, MAY BE OBTAINED AGAINST THE RECREATION AREA REQUIREMENT IN SECTION 26.5.C,1 BASED ON THE FOLLOWING CRITERIA:

- I. THE APPLICANT SHALL SUBMIT A COST ESTIMATE SUMMARIZING THE FOLLOWING:
 - A. VALUE OF THE LAND AND COST OF THE IMPROVEMENTS AND AMENITIES THAT WOULD BE REQUIRED BY THIS CODE
 - B. VALUE OF THE LAND AND COST OF THE IMPROVEMENTS AND ENHANCED AMENITIES PROPOSED AS ALTERNATIVE MEANS OF COMPLIANCE.
- II. CREDIT FOR THE ADDITIONAL COST OF THE ENHANCED AMENITIES MAY BE RECEIVED IN THE FORM OF A REDUCTION TO THE REQUIRED RECREATION LAND AREA.
- III. THE EXTENT OF THE CREDIT SHALL BE DETERMINED BY THE VALUE OF THE ENHANCED AMENITY AS DETERMINED BY THE TOWN. THE MAXIMUM REDUCTION OF RECREATION AREA REQUIREMENT IS ONE HALF (1/2) ACRE.

F. CREDIT FOR IMPROVED INDOOR RECREATIONAL SPACE MAY BE OBTAINED SUBJECT TO THE FOLLOWING CRITERIA:

- I. IMPROVED COMMUNITY RECREATION ROOMS, COMMUNITY CENTERS, GYMNASIUMS, PERFORMANCE SPACE, OR OTHER RECREATION SPACE ACCESSIBLE TO ALL RESIDENTS OF A DEVELOPMENT SHALL RECEIVE CREDIT AT A RATIO OF 3:1 AGAINST THE AREA REQUIREMENT CONTAINED IN SECTION B.1.
- II. EACH ACTIVE AND PASSIVE AMENITY CONTAINED WITHIN AN INDOOR RECREATIONAL SPACE SHALL RECEIVE A CREDIT TO THE RECREATIONAL AMENITY

REQUIREMENTS CONTAINED IN SECTION 2.B,
2.C, AND 2.D AT A 1:1 RATIO.

G. FOR SUBDIVISIONS WITH AN ANTICIPATED DEMOGRAPHIC PROFILE THAT IS PROJECT TO INCLUDE AT LEAST 33% HOUSEHOLDS WITH YOUNG CHILDREN, TOT LOT AMENITIES ARE REQUIRED, INCLUDING AT A MINIMUM:

- I. PLAY EQUIPMENT AREA
- II. DRINKING FOUNTAIN
- III. SEATING AREA (MAY INCLUDE BENCHES OR SEAT WALLS) ORIENTED TOWARDS THE PLAY EQUIPMENT
- IV. TRASH RECEPTICLE(S)
- V. BICYCLE PARKING WITH A 4-BICYCLE MINIMUM CAPACITY
- VI. PICNIC TABLE
- VII. LIMITED TURF AREA FOR ACTIVITY AREAS ONLY (<15% OF TOTAL RECREATIONAL AREA) MAY BE PROVIDED

H. LINEAR PARKS MAY BE UTILIZED TO SATISFY THE RECREATIONAL REQUIREMENTS OF THIS SECTION. REQUIRED AMENITIES INCLUDING AT A MINIMUM:

- I. A SHARED USE PATH FOR PEDESTRIANS AND BICYCLISTS
- II. SEATING AREA
- III. LANDSCAPING
- IV. DRINKING FOUNTAIN, IF LOCATED WITHIN 100 FEET OF A POTABLE WATER LINE
- V. TRASH RECEPTACLE(S)
- VI. PET WASTE REMOVAL STATION(S).
- VII. EXERCISE STATIONS MAY BE LOCATED WITHIN LINEAR PARKS.

I. THE LOCATION OF THE AMENITIES ALONG A LINEAR PARK IS SUBJECT TO THE APPROVAL OF THE PLANNING DIVISION MANAGER AND PRLCR DIRECTOR.

3. PLAY EQUIPMENT STANDARDS

- A. APPLICANT SHALL SUBMIT EVIDENCE THAT PLAY EQUIPMENT COMPLIES WITH THE CURRENT AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) SAFETY STANDARDS FOR PLAYGROUND EQUIPMENT
- B. PLAYGROUND SURFACE MATERIALS, INCLUDING CERTIFIED WOOD FIBER, SHREDDED RUBBER, POURED-IN-PLACE SURFACING, OR OTHER ACCEPTABLE MATERIAL

APPROVED BY THE PRLCR DIRECTOR, SHALL BE PLACED AT A MINIMUM DEPTH OF TWELVE INCHES UNDER THE EQUIPMENT.

- C. NO PLAY EQUIPMENT SHALL BE LOCATED WITHIN 30 FEET OF ANY ROAD RIGHT-OF-WAY, DRIVEWAY OR ALLEYWAY, PARKING AREA, OR SINGLE-FAMILY RESIDENTIAL LOT OR SINGLE-FAMILY RESIDENTIAL ZONE UNLESS AN ACCEPTABLE BARRIER IS PROVIDED.
- D. PLAY EQUIPMENT OR APPARATUS WITH A FOOTPRINT OF 250 SQUARE FEET OR LESS MUST BE FULLY SHADED WITH A UV-RESISTANT SUN SHADE OR OTHER APPROPRIATE SHADING MATERIAL OR STRUCTURE AS APPROVED BY THE PLANNING DIVISION MANAGER AND PERMITTING DIVISION.
- E. AT LEAST FIFTY (50%) OF PLAY EQUIPMENT OR APPARATUS BE FULLY SHADED WITH A UV-RESISTANT SUN SHADE OR OTHER APPROPRIATE SHADING MATERIAL OR STRUCTURE AS APPROVED BY THE PLANNING DIVISION MANAGER AND PERMITTING DIVISION. THIS REQUIREMENT SHALL BE APPLIED ONLY TO PLAY EQUIPMENT OR APPARATUS WITH A FOOTPRINT OF 250 SQUARE FEET OR GREATER.
- F. TO MAXIMIZE THE SAFETY OF CHILDREN, PLAY SPACES SHALL BE LOCATED AS TO PROVIDE MAXIMUM VISIBILITY FROM SURROUNDING HOMES.
- G. PLAY EQUIPMENT SHALL NOT BE LOCATED ON A SLOPE GREATER THAN FOUR PERCENT.

2. 4. ~~One Paved on-site OR ON-STREET parking space~~ ADJACENT TO THE RECREATION AREA ~~shall be installed by the developer~~ SHALL BE PROVIDED AS FOLLOWS:

- A. FOR DEVELOPMENTS OF 100 DWELLING UNITS OR LESS: ONE PARKING SPACE for every twenty (20) dwelling units or portion thereof.
- B. FOR DEVELOPMENTS WITH MORE THAN 100 UNITS: ONE PARKING SPACE FOR EVERY FORTY (40) DWELLING UNITS OR PORTION THEREOF.
- C. MOBILITY-IMPAIRED ACCESSIBLE SPACES SHALL BE PROVIDED AS REQUIRED IN SECTION 27.7.E OF THIS CODE.
- e. ~~Provision of adequate off-street parking per the provisions of this Code.~~

5. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED) ELEMENTS
 - A. RECREATIONAL AREA DESIGN SHALL CONSIDER THE FOLLOWING CPTED ELEMENTS:
 - I. NATURAL SURVEILLANCE: EMPHASIS ON VISIBILITY OF THE RECREATIONAL FACILITIES ,ALSO KNOWN AS “EYES ON THE STREET”, TO DETER UNAUTHORIZED USERS AND ACTIVITIES.
 - II. ACCESS CONTROL: USE OF DESIGN ELEMENTS TO DENY ENTRANCE TO RECREATIONAL FACILITIES TO UNAUTHORIZED USERS AND ACTIVITIES.
6. ALL RECREATIONAL AREAS SHALL POST AT LEAST ONE SIGN AT THE PRIMARY ENTRANCE(S) STATING:
 - A. HOURS OF OPERATION
 - B. PARK/RECREATIONAL AREA RULES.
 - C. TRESPASSING NOTICE FOR UNAUTHORIZED USERS, INCLUDING CITATION OF APPLICABLE ORDINANCES/STATUTES.
 - D. NOTICE THAT ALL DOGS MUST BE KEPT ON A LEASH (UNLESS AN APPROVED OFF-LEASH AREA HAS BEEN DESIGNATED).
 - E. EMERGENCY (911) CONTACT INFORMATION TO REPORT SUSPICIOUS OR CRIMINAL ACTIVITY.
 - F. IF RECREATIONAL AREA IS PRIVATELY OPERATED, HOMEOWNERS ASSOCIATION CONTACT INFORMATION TO REPORT MAINTENANCE OR SAFETY ISSUES.
7. IF A NEIGHBORHOOD WATCH EXISTS, A SIGN SHALL BE POSTED AT THE PRIMARY ENTRANCE(S) TO THE RECREATIONAL AREA.
8. IF THE RECREATIONAL AREA ABUTS AN ENVIRONMENTALLY SENSITIVE LANDS (ESL) AREA, A SIGN SHALL BE POSTED EVERY 100 FEET AT THE BORDER OF THE ESL AREA. THE SIGN SHALL CONFORM TO THE ESL SIGN REQUIREMENTS PER SECTION 27.10 OF THIS CODE.
9. IF PROVIDED, RESTROOM FACILITIES SHALL BE LOCATED IN A HIGHLY VISIBLE AREA AND SHALL BE FREE OF SHRUBS THAT REACH A MATURE HEIGHT GREATER THAN THREE (3) FEET.
10. ALL LIGHTING SHALL BE CONSISTENT WITH THE STANDARDS OF SECTION 27.5 OF THE THIS CODE AND MUST BE TURNED OFF BY 10PM.
11. IF NO LIGHTING IS PROVIDED, RECREATION AREA HOURS SHALL BE LIMITED TO DAYLIGHT HOURS ONLY AND SHALL BE POSTED ON THE

INFORMATIONAL SIGN(S) AT THE PARK ENTRANCE(S) REQUIRED BY SECTION D.6.

E. Facilities Installation, Ownership and Maintenance

1. Private Recreational Facilities

- a. In cases where the recreational facility is to be privately owned, recreational facilities and parking improvements shall be completed and in place by the time thirty-five (35) percent of the building permits are issued. Prior to release of the required bond or assurance, the developer shall provide written documentation to the Town that all mechanisms are in place to protect the rights of the homeowners (i.e., liability insurance).
- b. Private recreational areas and improvements shall be owned and maintained by a mandatory membership Homeowner's Association (HOA) created by covenants. If the HOA association fails to adequately maintain the required recreational facilities, the Town may cause the property to be maintained and may cause a lien to be placed on the property, subject to and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record.

2. Public Park Facilities

- a. In cases where the required recreational area is at least three (3) acres in size and is located adjacent to a public thoroughfare, dedication to the Town may be accepted. In this case, the park land shall be owned and maintained by the Town. The subdivider shall, without credit:
 1. Provide full street improvements and utility connections including, but not limited to, curbs, gutters, street paving, traffic control devices, LIGHTING, street trees, and sidewalks to land which is dedicated pursuant to this Section
 2. Provide solid masonry fencing along the property line of that portion of the subdivided lots contiguous to the dedicated land
 3. Provide improved drainage through the site; and
 4. Provide other improvements AND AMENITIES THAT which the Town Council determines to be essential to the acceptance of the land for recreational purposes. Subsequent improvements, if any, shall be developed and maintained by the Town.
- b. When park land is dedicated to, and accepted by, the Town, the provisions of subsection B.2.1 shall not apply.

E. F. ~~Optional Method~~ IN-LIEU FEE OPTION

1. In lieu of the required private recreational area or public park land dedication AND REQUIRED RECREATIONAL FACILITIES, the Town Council may approve an alternative proposal FOR AN IN-LIEU FEE that aids in the development OR IMPROVEMENT of Town parks or recreational facilities. ALL SUBDIVISIONS CONTAINING 43 LOTS OR LESS MAY UTILIZE THE IN-LIEU FEE OPTION.
2. SUBDIVISIONS OF 85 LOTS OR MORE MAY ELECT TO UTILIZE THE IN-LIEU FEE OPTION FOR UP TO FIFTY (50%) PERCENT OF THE TOTAL COST OF RECREATION AREA IMPROVEMENTS AS DETERMINED BY THE RECREATION AREA IN-LIEU FEE CALCULATION DEFINITION. THE REMAINING PORTION OF THE RECREATION IMPROVEMENT OBLIGATION SHALL BE APPLIED TO ON-SITE RECREATION AREA(S) AND AMENITIES PER THE PROVISIONS OF THIS CODE.
3. IN-LIEU FEE PROPOSALS SHALL MEET ALL OF THE FOLLOWING CONDITIONS:
 - A. The subdivision ~~is adjacent to~~ HAS OR CAN PROVIDE LEGAL AND PHYSICALLY-CONSTRUCTED ACCESS TO an existing Oro Valley public park, A PARK LOCATION IDENTIFIED IN THE TOWN PARKS, OPEN SPACE AND TRAILS MASTER PLAN, OR OTHER LOCATED APPROVED BY THE PRLCR DIRECTOR.
 - B. THE TOTAL AMOUNT OF THE IN-LIEU FEE DETERMINED BY THE RECREATION AREA IN-LIEU FEE CALCULATION IS, IN THE OPINION OF THE PLANNING DIVISION MANAGER (PDM) AND PRLCR DIRECTOR, SUFFICIENT TO FUND A SPECIFIC PARK DEVELOPMENT OR IMPROVEMENT PROJECT FOR AN EXISTING FACILITY.
4. The proposal shall be prepared by the applicant and submitted to the ~~Planning and Zoning Administrator~~ PDM AND PRLCR DIRECTOR who shall forward ~~his~~ THEIR recommendations to the Town Council for its action after an advertised public hearing.
5. The terms of the agreement shall be made a matter of public record and a condition of approval of any final plat or issuance of any permits for the subdivision.
6. In evaluating a proposal under this Section, the Town Council shall consider the impact on the property resulting from a change in the standard requirements for recreational space, the advantages and disadvantages of the proposed alternatives, the benefits afforded to the ~~housing project~~ SUBDIVISION from the alternative proposal and the relative values to the community afforded by the alternative proposal, as compared with the standard requirements.
7. The agreement shall provide for the FUNDING OF equivalent of park land and/or recreational facilities to the Town as would have been provided by ~~the provision of a recreational area in the subdivision.~~

6. ~~The in-lieu fee option shall only be available if there is no park or recreation facility designated in the Town, Parks, Open Space, and Trails Master Plan, to be located in whole or part within the proposed subdivision. To serve the immediate and future needs of the residents of the subdivision, the subdivider may, in lieu of dedicating land, pay a fee equal to the Fair Market Value definition. The fees shall be used for a local park that bears a relationship to serve the present and future residents of the area being subdivided.~~
7. ~~If the proposed subdivision contains twenty (20) parcels or less the subdivider should pay a fee equal to the land value, as determined by the Fair Market Value.~~
8. 7. If the subdivider objects to the determined fair market value, he/she may appeal to the Town Council ~~who shall hear the appeal~~, with the burden of proof lying with the subdivider.
9. 8. For required recreation areas less than one (1) acre in size, ~~the Town Council may waive the requirements for an appraisal when the subdivider provides acceptable alternative information to the Planning & Planning and Zoning Administrator~~ DIVISION MANAGER (PDM), PRLCR DIRECTOR, and the Finance Director, as a means of determining the improved value and THAT is presented and accepted at a Town Council public hearing.
9. ~~If the proposed subdivision contains 85 or more lots, the subdivider shall provide the required recreational facility.~~

CHAPTER 31 DEFINITIONS

TOT LOT: A SMALL (TYPICALLY <1/2 ACRE) RECREATIONAL AREA PRIMARILY INTENDED FOR YOUNG CHILDREN (AGES 8 AND UNDER), WITH A PRIMARY EMPHASIS ON PLAYGROUND EQUIPMENT AND SUPPORTING AMENITIES AND INFRASTRUCTURE.

LINEAR PARK: A LINEAR PARK IS A PARK THAT HAS A MUCH GREATER LENGTH THAN WIDTH. A LINEAR PARK TYPICALLY INCLUDES A SHARED USE PATH FOR PEDESTRIANS AND BICYCLES, AS WELL AS SEATING AREAS AND OTHER APPROPRIATE SUPPORTING AMENITIES TO PROVIDE ACTIVE AND PASSIVE RECREATIONAL OPPORTUNITIES.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CEPTED): A MULTI-DISCIPLINARY APPROACH TO DETERRING CRIMINAL BEHAVIOR THROUGH ENVIRONMENTAL DESIGN. THE ENVIRONMENTAL DESIGN SHOULD ENCOURAGE DESIRABLE BEHAVIOR AND FUNCTIONALITY. CEPTED EMPHASIZES SURVEILLANCE, ACCESS CONTROL, AND DEFINITION OF OWNERSHIP.

126. Fair Market Value RECREATION AREA IN-LIEU FEE CALCULATION

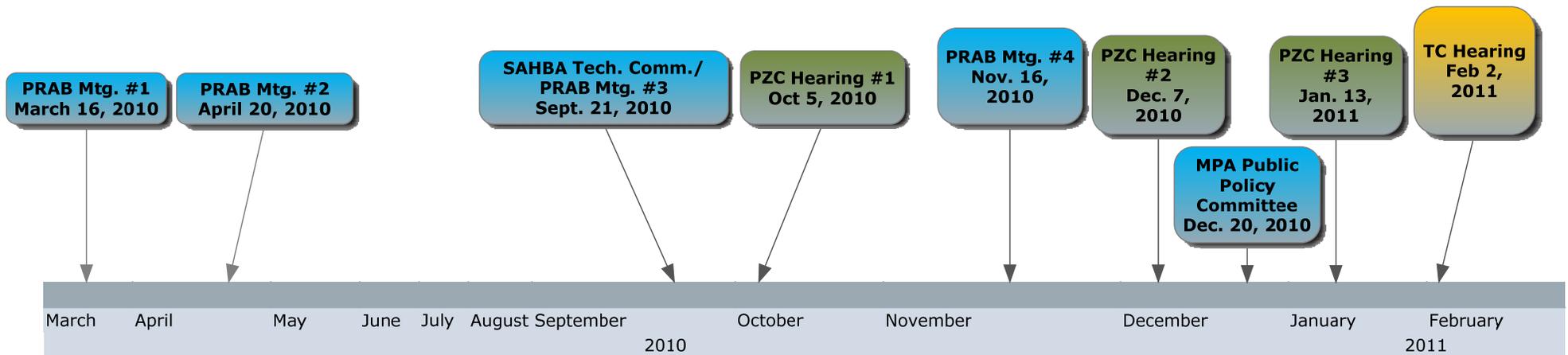
The fair market value RECREATION AREA IN-LIEU FEE shall be determined by the Town, with a written appraisal report prepared by an appraiser acceptable to the Town.

For the purposes of the Chapter, the determination of the ~~fair market value~~ RECREATION AREA IN-LIEU FEE, shall consider, but not necessarily be limited to, the following:

- a. Approval of and conditions of the preliminary plat
- b. The general plan
- c. Conditional zoning
- d. Property location
- e. Off-site improvements facilitating use of the property
- f. Site characteristics of the property
- g. The fair market value shall be based on the improved value of the land, ~~without~~ INCLUDING structures AND FACILITIES REQUIRED BY SECTION 26.5 OF THE ORO VALLEY ZONING CODE REVISED, DESIGN AND CONSTRUCTION COSTS ~~but~~ AND having the applicable infrastructure (roadways, drainage, water, electric, telephone and sewer) installed to the property.

DRAFT

Rec Code Update Project Timeline



TOWN OF ORO VALLEY

PARKS & RECREATION ADVISORY BOARD

MEETING DATE: November 16, 2010

TO: PARKS & RECREATION ADVISORY BOARD

FROM: Matt Michels, Senior Planner

SUBJECT: Draft amendment to Section 26.5 and Chapter 31 of the Oro Valley Zoning Code Revised (OVZCR) relating to provision of recreation area in residential subdivisions, **OV710-01**.

SUMMARY

Attached for your review is a revised draft update to the recreation area code (Exhibit "A"). The Planning and Zoning Commission (P&ZC) held a public hearing on October 5 and requested a recommendation from PRAB. The Commission's questions about the proposal focused primarily on the in-lieu fee option and how it might be utilized to provide meaningful recreational amenities for residents.

Currently, the recreation area requirement is an important tool in providing needed recreational facilities in a timely manner. The focus of the edits from the previous version presented to PRAB on September 21 is a modification to the in-lieu fee option (Section 26.5.F) and the definition of Fair Market Value contained in Chapter 31. The proposed modifications to these provisions are discussed in greater detail below.

Staff requests PRAB members to review the attached draft code prior to the November 16 meeting. If questions or concerns are communicated prior to the meeting staff can be prepared with additional information. Written comments are encouraged and Planning Division staff can be reached at:

Matt Michels, Senior Planner: tel. 229-4822, mmichels@orovalleyaz.gov

David Williams, AICP, Planning Division Manager: tel. 229-4807, dwilliams@orovalleyaz.gov

In-Lieu Fee and Analysis of Park Development Cost

Based on input received from the P&ZC and other stakeholders, we have been asked to evaluate how the in-lieu fee option in the recreation area code might be utilized to aid in the development of public parks or larger joint-use facilities rather than smaller recreation areas within subdivisions.

Element #8 of the General Plan, relating to parks and recreation, states that the number one goal is to develop an "open space system within the Town of Oro Valley that has as integral components, developed parks, natural open space areas, and connecting trails".

We have included an analysis of the cost of developing a one acre pocket park as an example to illustrate the costs involved in developing a new public park (Attachment #2). The cost estimate of approximately \$400,000 demonstrates that a large pool of resources is needed to construct new parks, especially when land costs are factored in.

Revised Definition of how in-lieu fees are calculated and utilized

Currently, the in-lieu option requires a fee that represents the fair market value of the land required for the recreation area per the Zoning Code. Currently, the in-lieu fee option is allowed for all subdivisions of 85 lots or less, which would equate to a one acre recreational area if built on site. Use of the in-lieu fee is optional. As proposed, the in-lieu fee would be allowed for all subdivisions of 43 lots or less, which equates of a one-half (1/2) acre recreational area if built on site.

Importantly, the definition of Fair Market Value has been amended to include the cost of structures, facilities, and design and construction costs required by the recreation code, representing the true value of the recreational facility, not solely the land. In this way, the in-lieu fee provides "apples to apples" by requiring a fee equal to the cost of developing a recreation area within the subdivision.

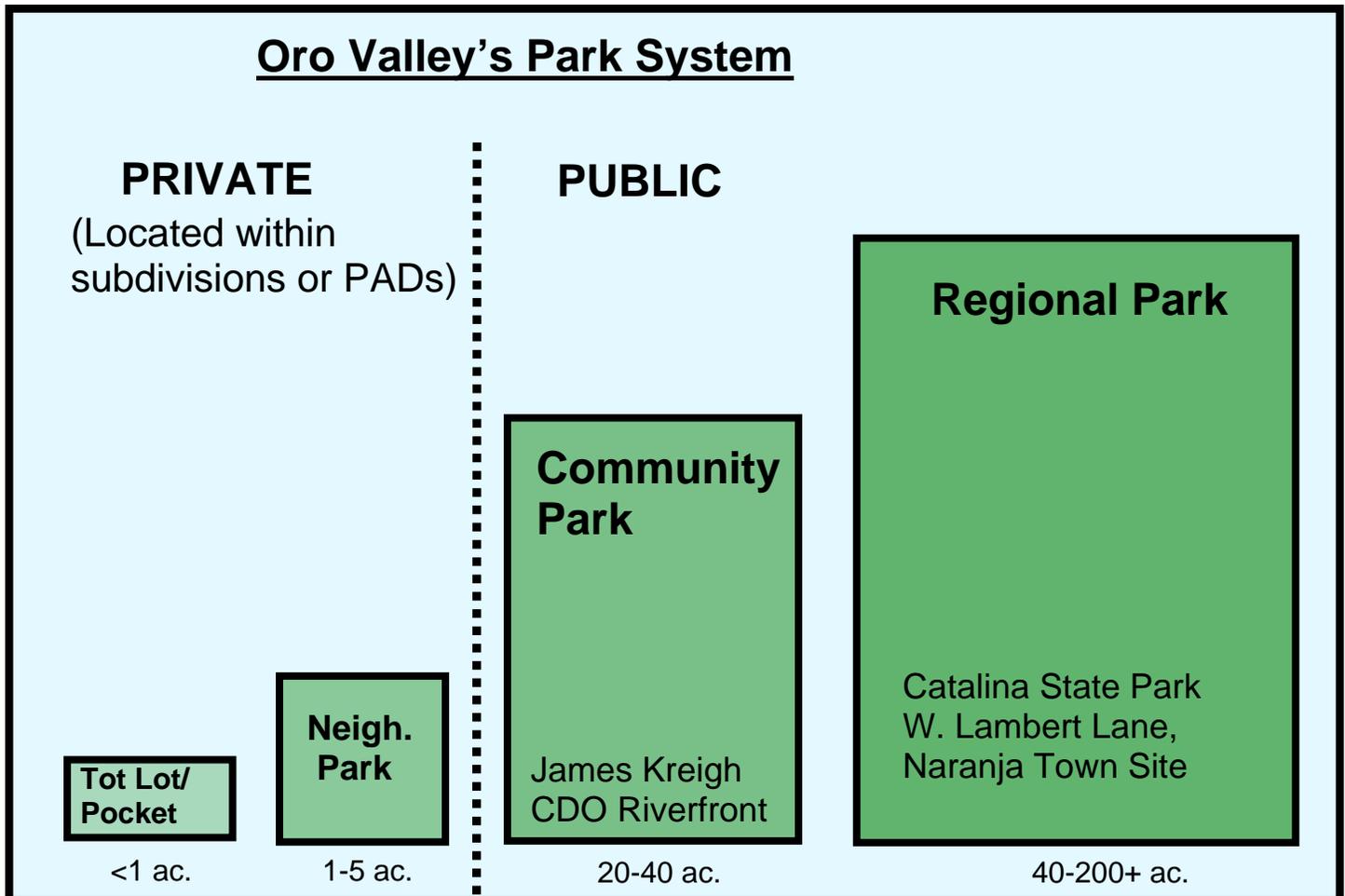
While the “apples to apples” in-lieu fee option may provide a potential method of generating sufficient funds for the Town to construct additional public parks, the following concerns remain:

1. In-lieu fees are generated from smaller subdivisions, and do not generate sufficient funds to construct a public park. As depicted in the attached Park Development Cost estimate, a small one acre park with two active amenities would cost approximately \$400,000 to design and construct.
2. It would take a substantial period of time to identify and acquire land appropriately located for a public park in addition to addressing infrastructure needs and construction time. Such delays would defeat the purpose of the in-lieu option, which is to provide meaningful recreational amenities for residents concurrent with the development of new subdivisions.

Oro Valley’s Parks System

As the following graphic depicts, smaller neighborhood parks and tot lots/pocket parks are all private in Oro Valley. The current recreational area ordinance was created to improve residents’ access to passive and active recreation in their own neighborhood. While the opportunities for recreation are often limited, in many cases these smaller neighborhood parks and pocket parks/tot lots are the only developed parks in reasonable proximity to residents. As such, they serve an important role in fulfilling the Town’s parks and recreation goals.

Parks needs are currently provided by a public/private system that includes a state park, two regional parks, two community parks, and a series of private parks, recreation areas and golf courses. Oro Valley currently operates four (4) public park facilities. James Kreigh and CDO Riverfront Parks are classified as community parks, while West Lambert Lane and Naranja Town Site serve as regional parks.



Conclusion

Park facilities are provided by the Town and by developers. In Oro Valley, neighborhood parks and recreation areas are best provided by the developer to insure timely provision of developed recreational facilities.

While the proposed recreational code update is limited in its ability to readily address the larger issue of increasing public park facilities, it contains provisions and options intended to improve the quality of smaller parks.

Please refer to Exhibit "C", Project Completion Timeline, for an overview of project milestones and anticipated P&Z Commission and Town Council public hearing dates.

SUMMARY OF FACTORS

Findings For

- The in-lieu fee option is limited to subdivisions of 43 lots or less (1/2 acre recreational area)
- The in-lieu fee option and definition of Fair Market Value have been modified to ensure the funds donated are equal to the cost of land, improvements, equipment and design/construction cost and that the funds are earmarked for a specific Town park project or improvement that serves the donating neighborhood
- Responds to known shortcomings and omissions in the existing recreational area code
- Proposed changes add standards that promote the welfare, safety, and enjoyment of recreational area users
- Focus is on qualitative characteristics of improvements and amenities and does not increase area requirements or number of amenities required.
- Provides credit for area and amenities for certain indoor recreational facilities, such as recreation rooms and community centers
- Proposed code encourages and provides development standards for linear parks

Factors Against

- None

RECOMMENDATION

Staff recommends approval of the proposed recreational code update as depicted in Exhibit "A".

SUGGESTED MOTIONS

The Parks and Recreation Advisory Board may wish to consider one of the following motions:

I move to recommend [adoption, adoption with modification, or denial] of an amendment to Oro Valley Zoning code Revised Section 26.5 and Chapter 31, relating to provision of recreation area in residential subdivisions, as shown in Exhibit "A", OV710-001.

ATTACHMENTS

1. Exhibit "A", Draft Code Revision
2. Exhibit "B", Park Development Cost Estimate
3. Exhibit "C", Project Completion Timeline

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David A. Williams, AICP, Planning Division Manager

MINUTES
ORO VALLEY PARKS & RECREATION ADVISORY BOARD
REGULAR SESSION
DEVELOPMENT SERVICES BUILDING
HOPI CONFERENCE ROOM
11000 NORTH LA CAÑADA DRIVE
ORO VALLEY, ARIZONA 85737
Tuesday, November 16, 2010

4. RECREATIONAL CODE AMENDMENT - DISCUSSION AND POSSIBLE ACTION

Senior Planner Matt Michels presented the changes made to the code amendment since the last time he was before this board.

He reviewed the changes:

- ~ In-lieu fee modification (previously there were no size limits):
 - Only smaller subdivisions eligible (<43 lots / 1/2 acre)
 - Remains optional
- ~ Expansion of requirements:
 - Would allow for an amendment to the Fair Market Value definition
 - Currently it is for land only, expansion is for the true cost of development
- ~ An overview of Town parks system was reviewed, illustrating that the larger parks are public parks and the smaller parks are private parks
- ~ In-lieu option includes the following requirements:
 - <43 lots (1/2 acre)
 - In-lieu amount would be calculated based on true cost of development
 - Utilized within 1 mile of the site for new or to expand existing park
 - Resident access provided
 - Earmarked for a project that serves new residents
 - It would measure "apples to apples"
- ~ Overview of in-lieu fee refinement illustrating elements of what goes into a park and a breakdown of the cost estimate of a 1 acre park. It assumes a 1 acre parcel with roadway and utility to the site. In the current process, money is collected for the land and under the proposal it would include the full cost of development included.
- ~ Summary of findings:
 - This update is to respond to shortcomings in the code
 - Lack of specificity and direction to the types of facilities and the standards
 - In lieu-fee would be limited to smaller subdivisions
 - Market value definition would reflect true cost of a recreation area development
 - The standards are intended to promote welfare, safety and enjoyment.
- ~ Summary:
 - It is a qualitative approach and there are no increases to area or number of amenities
 - There would be a credit for indoor amenities
 - Linear parks are specified as preferred with any standards

- ~ The project timeline was reviewed
- ~ Requested action includes:
 - Parks and Recreation Advisory Board provide a recommendation
 - Public Hearing with Planning and Zoning on December 7, 2010

Discussion followed regarding:

- ~ The in-lieu fees would only apply to small subdivisions.
- ~ The recreation area required for a subdivision in the 43 lots would be a 1/2 acre.
- ~ Member Chatterton asked about recreation for older kids. Mr. Michels replied that the code has a requirement that a demographic study be done.

Chair Done opened the floor for public comment.

Oro Valley resident Bill Adler stated that he is against in-lieu fees because the recreation code was established for parks and recreational space. Space should be used to move homes further away from natural space and roadways. He recommended that the board review the history of in-lieu funds accumulated in order for to assess the fee value.

Discussion followed regarding:

- ~ The updated code is good because the in-lieu choice used to be for developments with under 85 units and that has been reduced to 43 units.
- ~ Is there evidence that residents from subdivisions which paid instead of building have a diminished quality of life?
- ~ In some cases it is better to give in-lieu fees such as if developments across the street from a park.
- ~ Are developers taking advantage and paying the fees in order to add more houses onto the land.
- ~ The reduction from 83 to 46 lots is good. Instead of having to dedicate a whole acre, only 1/2 acre is necessary and linear park concepts illustrate how 1/2 acre goes a long way.
- ~ Currently, no subdivisions are exempt.
- ~ With this code change, the larger lot subdivisions would not have to provide the recreation area or in-lieu fee. This issue was brought up because larger lots may not need to provide a small recreational area because the homes are already on large spaces.
- ~ What does the codes determine regarding what people can do on their land?
 - ~ Large lot subdivisions have different needs for open space and that the facilities they seek will be in public parks.
- ~ This amendment was a give back to the development community.
- ~ What about passive land between the homes?

Ms. Legner suggested a large subdivision have the opportunity to do a in-lieu fee if it becomes not valuable to build a recreation space in the neighborhood.

Mr. Michels stated that the larger lot subdivisions do not have the extensive home owner associations and private recreation areas require an association to manage issues such as maintenance.

Member Scheuring asked if there is a provision in the code in the case a subdivision reclassifies and subdivides. Mr. Williams responded that if the developer wants to replat, they are required to file a new subdivision plat and meet a checklist of requirements.

Member Boelts asked if the developers that pay the fee are creating crammed subdivisions. Chair Done responded that the original planning code should protect against that. Member Chatterton pointed out that a subdivision can place the houses too close together and still meet the park requirement.

Ms. Legner stated that the Town keeps records of how many in-lieu fees have been collected, how much has been spent and what it was spent on. Over the last 12 years, the Town has only taken about 1 in-lieu fee per year and many times it involves a small quantity of homes in one subdivision. There have also been in-lieu fees given for trails.

Member Scheuring suggested if there is no reason that the 43 unit lots are granted the in-lieu option, that the board not adopt this provision for the 43 unit amount and abolish in-lieu fees.

Vice-Chair Myerson suggested that there be some number of houses because a park may not be needed for a small area.

Member Roberts stated recommended against giving anyone a free pass and feels that there should be no exemptions. Mr. Williams explained that there are two issues 1) the free pass for large lot subdivisions and 2) if the small subdivisions should have the option to pay instead of build. Member Roberts stated that he has no problem with the smaller subdivisions having that option but the larger lots should not have a free pass. Vice-Chair Myerson agreed and would recommend that the code be approved striking the exemptions for the large lots.

Mr. Michels explained that the more options we can create, the more we can allow developers to do right by their buyers. Also, when you offer the park areas onsite, there is an incentive to keep it onsite because it is a selling point.

The board discussed the following:

- ~ In some subdivisions, they could build amenities not knowing the demographics which would be a waste of money. It would be good if the 1/2 acre was drawn out to improve the quality life.
- ~ Community land that is present could be set aside.

MOTION: A motion was made by Vice-Chair Myerson and seconded by Member Boelts to recommend with the modification to strike the exemption for the larger lot homes adoption of an amendment to Oro Valley Zoning code Revised Section 26.5 and Chapter 31, relating to provision of recreational area in residential subdivisions, as shown in Exhibit "A", OV710-001.

Further discussion followed regarding:

- ~ If the exemption were passed, it may be interpreted that the board is favoring the wealthier developers.
- ~ A 1/2 acre is enough space to do something with and the exemption could have been reduced to 20 units instead of 43.

MOTION carried, 5-1 with Member Scheuring opposed.

TOWN OF ORO VALLEY

PARKS & RECREATION ADVISORY BOARD

MEETING DATE: September 21, 2010

TO: PARKS & RECREATION ADVISORY BOARD

FROM: Matt Michels, Senior Planner

SUBJECT: Draft amendment to Section 26.5 of the Oro Valley Zoning Code Revised (OVZCR) relating to provision of recreation area in residential subdivisions, **OV710-01**.

SUMMARY:

Attached for your review and comment is a draft update to the recreation area code. This draft was created based on the approved scope of work summarized below and with the input of PRAB and other stakeholders, including Town Parks, Recreation, Library, and Cultural Resources, the Oro Valley Police Department, and Planning Division. This draft has been also been distributed to the Southern Arizona Homebuilders Association (SAHBA) and the Metropolitan Pima Alliance (MPA).

Integration of Approved Scope of Work Elements into Draft Code Update:

While this code update is comprehensive in scope, emphasis has been given to the following scope of work items. Following is a list of scope items followed by an explanation of the approach taken to address them and code reference(s):

1. **Definition of how in-lieu fees are calculated and utilized.** A more specific set of criteria to qualify for the in-lieu fee option and the addition of specific requirements for how the funds are to be utilized have been added to the draft (proposed Section 26.5.E, Pages 8-10).
2. **Location parameters of recreational areas.** The current code does not contain locational requirements for recreational areas. The proposed update includes requirements that the recreational area be located in a "highly visible, centrally located area of the subdivision that is easily accessible via sidewalk, walking path, trail, and/or bicycle or shared use path by all homes within the subdivision" (proposed Section 26.5.D.1, page 2).
3. **Definition of specific active and passive recreational amenities.** Proposed Section 2, *Recreational Facilities Improvement Standards*, provides additional guidance on the type of amenities expected, including requirements for "tot lots" for subdivisions with an anticipated demographic profile of families with young children (note: a definition of the term "tot lot" has been added to Chapter 31 of the code (page 11 of the draft), and "young children" is defined as age 8 and younger). In addition, specific criteria for linear parks have been added to proposed Section 26.5.D.2.E on page 4.
4. **More specific requirements for recreational amenities (locations, type, specifications, etc.).** Proposed Section 3, *Play Equipment Standards*, adds several specific playground equipment specification requirements including International Play Equipment Manufacturers Association (IPEMA) standards for playground surface materials and American Society for Testing and Materials (ASTM) standards for playground equipment. Additional criteria, such as locational requirements and requirements for lighting of play areas and provision of shade structures over play equipment, have been added to enhance safety and comfort for users (proposed Section 26.5.D.3, pages 4-5)
5. **Crime Prevention Through Environmental Design (CPTED) design elements.** The CEPTED section is based on internationally-accepted standards and has been recommended for approval by the Oro Valley Police Department (OVPD). The requirements include surveillance and access control standards as well as signage requirements stating the rules and regulations. These measures will allow the OVPD to more effectively monitor and respond to incidents in private recreational areas. All recreation area plans will be reviewed by the OVPD.

6. **Changes to amount of land required for recreation areas may be limited due to Prop. 207 regulatory takings constraints.** This has been addressed by using a “tiered” system based on whether the property owner is seeking a change in development rights (i.e. rezoning or other actions that give additional development entitlements; proposed Section 26.5.B.1 & 2, Page 1). The “tiered” approach is also proposed in the Environmentally Sensitive Lands Ordinance, which allows properties with existing development rights to maintain the same standards for recreation area, but which requires subdividers asking for additional entitlements (including rezonings, plan amendments, etc.) to provide additional property. The rationale for this approach is based on the problem statement in the General Plan Parks and Recreation *Key Policy Issues: Small, Dispersed System of Recreation Areas/Parks and Open Space Funding* sections.

The small, fragmented, and disperse nature of recreation areas within private subdivisions is problematic in fulfilling the Town’s goals of pro. While this code update is limited in its ability to fully address these problems, a more robust requirement for recreation area of one (1) acre per 45 units for properties requiring an increase in entitlements (proposed Section 26.5.B.2 on page 1) allows for more extensive and meaningful passive and recreational facilities to serve the residents of the subdivision. This is important given the Town’s current lack of a dedicated funding mechanism for the purchase of land for park development.

General Plan Conformance:

While most of the goals and policies related to parks and recreation specifically address Town parks, this code update has been drafted with consideration to the applicable goals and policies contained in the General Plan, including the policy issues discussed under Scope of Work Item #6, above.

Project Completion Timeline:

- September 21, 2010 PRAB meeting to provide feedback on first draft
- September 24, 2010 Distribute second draft to PRAB and P&Z Commission for review
- October 5, 2010 P&Z Commission Hearing
- November 17, 2010 Town Council Hearing

Attachment: Draft Section 26.5 Revision

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Tuesday, September 21, 2010

5. RECREATIONAL CODE UPDATE - DISCUSSION AND POSSIBLE ACTION

Senior Planner Matt Michels presented information on the amendment to Section 26.5 on recreational standards. He discussed the six scope areas:

1. How In-lieu fees are calculated and utilized
2. Location parameters of recreational acres
3. Definition of specific active and passive amenities
4. More specific requirements for recreational amenities
5. Crime Prevention through environmental design
6. Changes to the amount of land required

Mr. Michels discussed the options and amenities.

Crime Prevention through Environmental Design (CPTED) includes the following:

- ~ Natural surveillance
- ~ Access control
- ~ Lighting
- ~ Signage

Where we stand:

- ~ The Town currently asks for 1 acre per 85 units
- ~ Marana is at 1 acre per 235.5 units
- ~ Pima County is at 1 acre per 100 units
- ~ Chandler has no requirement for single family residential
- ~ Gilbert is dependent on general plan goals at pre-app

A tiered idea would be for properties with hard zoning which would keep the 1 acre per 85 units. Tier two would be to have a higher standard if they are coming in for rezoning.

In-Lieu Fee Requirements:

- ~ <1 acre (85 units)
 - Within 1 mile of public park with physical and legal access
- ~ Fee based on fair market value
 - Prove sufficient for new development or project
 - Funds designated for specific development or project

- Is equal or better to facility that would have been required within subdivision

Discussion followed regarding:

- ~ Mr. Michels explained that the Town could not use these areas for events because open space is overlaid with a conservation easement so no disturbance is permitted.
- ~ Member Scheuring requested that the wording be altered in Section D, number 1, letter c; regarding the restriction of recreation areas because it may be allowing recreation in riparian areas with the current verbiage.
- ~ Member Scheuring expressed that he would like to work with Mr. Michels to find imaginative ways to encourage developers to build areas for kids to skateboard and do other activities.
- ~ Member Chatterton asked if a tot lot is a requirement. Mr. Michels stated that it is recommended for subdivisions with a large anticipated number of young children. Member Chatterton suggested more basketball courts. Mr. Michels proposed to add a section for a post-adolescent/teen demographic that is not included.
- ~ Chair Done discussed the amount of parking spots allotted considering that many of the subdivisions are within walking distance. Some parking spots could be used for additional recreational space.
- ~ Chair Done recommended that the board hold a special meeting to go over this topic and after the builders come in. Mr. Michels stated that for that reason, staff has made sure that the board is part of the next subsequent review which goes out next week and includes comments from developers. This issue will represent a body of input when it goes to Town Council on October 5, 2010.
- ~ Ms. Legner clarified that Mr. Michels will send staff the information to forward to the board for comments.
- ~ Chair Done recommended that the board members attend the October 5, 2010 Planning and Zoning Commission meeting.

Mr. Michels discussed the following:

- ~ Staff will reevaluate the concept of a greater land donation.
- ~ An environmentally sensitive land ordinance will be considered for adoption.
- ~ Suggestions are welcome.
- ~ Guidance will be taken from the General Plan.
- ~ Recreational areas enhance value but the extent needs to be reviewed.
- ~ As the code exists, it is for all residential subdivisions.

When the next draft is ready, the board may meet and formalize a recommendation.

TOWN OF ORO VALLEY

PARKS & RECREATION ADVISORY BOARD

MEETING DATE: April 20, 2010

TO: PARKS & RECREATION ADVISORY BOARD

FROM: Matt Michels, Senior Planner

SUBJECT: Update on amendment to Section 26.5 of the Oro Valley Zoning Code Revised (OVZCR) relating to provision of recreation area in residential subdivisions, **OV7-10-01**.

SUMMARY:

The purpose of this memo is to update the PRAB regarding our research for the recreation areas in residential subdivisions standards code update. We will utilize our findings, along with input from our project team members, to assist us in drafting the code update.

Staff has contacted several other jurisdictions regarding their code requirements. Following is a brief summary of some of the approaches and standards utilized in other jurisdictions:

- Certain jurisdictions have only an open space requirement without a requirement for improved recreational areas (Boulder, CO; Albuquerque, NM).
- Some jurisdictions make recreational standards discretionary under the purview of the Parks and Recreation Department or their development review board (Colorado Springs, CO; Burlington, VT).
- Certain jurisdictions view trails and other passive recreational elements as counting towards fulfilling their open space and recreational area requirements.
- The Town of Gilbert, Arizona has general plan goals for the number of acres of parks per 1,000 residents (for example, 5 acres of neighborhood parks and 3.5 park acres of district parks for every 1,000 residents). They also have a general plan goal of a one-half acre mini park/tot lot within 1/6 of a mile of all new housing.
- It would appear that the amount of recreation area we require (1 acre/85 dwelling units) is in line with other jurisdictions that prescribe a specific ratio. This is one area we will not likely amend since it also has regulatory takings (Proposition 207, also known as the "Private Property Rights Protection Act") implications.
- We are gathering data on existing parks within subdivisions in the Town and will be taking photos to demonstrate best practices. Some of this may be integrated into the code update.
- We will be meeting with project team members, including Parks and Recreation staff, OVPD staff, and citizen, HOA, and developer team members in the next couple of weeks further define our focus areas and to get input into specific standards that might be integrated into the code amendment.

As previously discussed, we would like PRAB to act as the primary reviewing body for the code drafts. We anticipate providing a draft for your review in May or June. Also, as discussed, while PRAB does not have purview over parks and recreational facilities within private subdivisions, the experience, expertise, and insights you can offer are invaluable in reviewing this code update. Further, the PRAB meetings provides a venue for stakeholders and other interested parties to speak on the matter prior to public hearing at the Planning and Zoning Commission.

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Tuesday, April 20, 2010

**4. RECREATION AREAS IN RESIDENTIAL ZONES ZONING CODE
UPDATE, OV7-10-001 TO REVIEW SCOPE OF WORK AND ROLE OF
THE PARKS AND RECREATION ADVISORY BOARD - DISCUSSION AND
POSSIBLE ACTION**

Senior Planner Matt Michels and Parks and Recreation Director Ainsley Legner assured the board that review of this item and providing feedback is within the purview of this board. Mr. Michels expressed gratitude for the board's feedback.

Discussion followed regarding:

- ~ Research and stake holder assistance is essential.
- ~ The project is in the information gathering and comparison stage.
- ~ The appropriate section of the General Plan was distributed for the board to review.
- ~ The General Plan lays out a framework for a hierarchy of parks, recreation, open space and trails. It is divided among Town provisioning facilities and the private sector.
- ~ The scope of work is subdivision private park facilities.
- ~ Town funding is limited in terms of acquisition of additional parks space.
- ~ There are certain areas without adequate proximity to parks. We can not change the exaction standards (1 acre of recreational area per 85 units) because of Private Property Protection Act of 2007 (Prop 207) but we can offer incentives and develop standards.
- ~ The Town has authority over applicant approval and may make requests.
- ~ The Town is 85% built-out and in the future we will plan for smaller subdivisions, so the key focus will be Arroyo Grande.
- ~ A draft should be prepared for the board's review by June and Mr. Michels will attend the June meeting and request feedback.
- ~ Chair Done requested that Miller Ranch be reviewed to see if the Town should have been a part of the development process.
- ~ Mr. Michels has reviewed the 300-page draft of Marana's Recreation Code and met with Acting Director Paul Popelka on the subject. Member Scheuring requested that Mr. Michels meet with Marana Parks and Recreation Director Tom Ellis.
- ~ Chair Done pointed out that Marana has an impact fee for parks so they have more money to put into their parks and they have less expensive land.
- ~ Private Property Protection Act states that any legislating action by a governing body that leads to a reduction in property value (or by reducing the number of units), would be a Prop 207 claim. Unless it is repealed from state law, this will remain in place.

Call to Audience:

Robert Evans, Oro Valley resident, discussed the need for new development standards because the present code is outdated. The Town should develop something contemporary which is not in competition with the other local jurisdictions.

Bill Adler, Oro Valley resident, commented on the following:

- ~ There is an area in Arroyo Grande which will need to be rezoned and the Town has the latitude to impose new legislative restrictions regarding recreational needs. The same principal goes for the Kai property.
- ~ Recreational open space in a recreational subdivision enhances value.
- ~ Review section 8.3.7 in the code to help develop a review process where larger recreational facilities are available to be shared by multiple subdivisions.
- ~ The present code includes an in-lieu fee which allows developers to pay money instead of setting aside space but the amount donated is not enough to purchase park space.

The board discussed the following:

- ~ If a developer agrees to donate more space and signs a waiver, they can not file a claim.
- ~ The intent of the in-lieu fee was to help the Town acquire land but in reality, the amounts are too low because the code was passed in 1994.
- ~ The qualitative value of the space should be reviewed.
- ~ Park space increases home values but it may be legally based on lot yield.
- ~ Chair Done asked about holding a brown bag study session in June.

TOWN OF ORO VALLEY

PARKS & RECREATION ADVISORY BOARD

MEETING DATE: March 16, 2010

TO: PARKS & RECREATION ADVISORY BOARD

FROM: Matt Michels, Senior Planner

SUBJECT: OV7-10-01, The Oro Valley Planning and Zoning Department requests approval of an amendment to Section 26.5 of the Oro Valley Zoning Code Revised (OVZCR) relating to provision of recreation area in residential subdivisions.

SUMMARY:

The Planning & Zoning Department has been tasked with updating the zoning code requirements for recreation areas in residential subdivisions. Staff has generated a proposed scope of work, project team, and timeline, and seeks the PRAB's input regarding this proposal. Staff would like to utilize the PRAB as the primary advisory and reviewing body for this project.

PROPOSED SCOPE OF WORK:

Update Section 26.5, Oro Valley Zoning Code Revised (OVZCR) to enhance and refine requirements, with specific focus on the following:

1. Definition of how in-lieu fees are calculated and utilized
2. Location parameters of recreational areas
3. Definition of specific active and passive recreational amenities
4. More specific requirements for recreational amenities (locations, type, specifications, etc.)
5. Crime Prevention Through Environmental Design (CPTED) design elements
6. Changes to amount of land required for recreation areas may be limited due to Proposition 207 regulatory takings constraints. Larger issue of what types of facilities are needed to satisfy community recreational needs (i.e. larger public community parks with ball fields, etc. vs. smaller private pocket parks and tot lots within subdivisions) should be discussed

PROJECT TEAM:

- P&Z Staff (Matt Michels, Paul Popelka, P&Z Intern Daiana Pensky)
- Parks and Recreation Staff (Ainsley Legner, Nancy Ellis)
- OVPD representative (Amy Sloane and/or Yolanda Hallberg)
- Parks & Recreation Advisory Board (PRAB) to be primary advisory and reviewing body
- Citizen, HOA, and development industry representative participation through attendance and participation at PRAB meetings (Bill Adler, Steve Solomon, Deb Lewis, Lewis Management)
- Draft review by SAHBA

TENTATIVE TIMELINE:

- March 16, 2010 PRAB meeting-review scope of work, role of PRAB
- April 20, 2010 PRAB meeting-review other jurisdictions requirements
- May 18, 2010 PRAB meeting-review of first draft
- June 15, 2010 PRAB meeting-review of second draft
- July 1, 2010 P&Z Commission Hearing
- August 4, 2010 Town Council Hearing

Attachment: Section 26.5, OVZCR

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ORO VALLEY, ARIZONA 85737**

Tuesday, March 16, 2010

**4. RECREATION AREAS IN RESIDENTIAL ZONES ZONING CODE
UPDATE, OV7-10-001 TO REVIEW SCOPE OF WORK AND ROLE OF
THE PARKS AND RECREATION ADVISORY BOARD - DISCUSSION AND
POSSIBLE ACTION**

Oro Valley Senior Planner Matt Michels presented the following:

- ~ The background on Section 26.5 of the Zoning Code.
- ~ There are several areas concentrating on enhancing and refining requirements with focus on the following:
 1. In lieu fee: to give money instead of land to be used by the Town for park land. They would like to determine if this is fulfilling the need to the end user.
 2. The parameters of recreational areas means where we want the areas.
 3. The specific active and passive recreational amenities for the demographic.
 4. More specific requirements for amenities.
 5. Crime prevention through environmental design.
 6. Amount of recreation area requested. This item is limited by 2008 propositions.

Mr. Michels asked for the board's opinion in order to better serve the community.

Further discussion followed regarding:

- ~ The project team members.
- ~ This zoning code lacks definition but there are standards for amenities.
- ~ This revision could assist with control of amenities.
- ~ The timeline was reviewed.
- ~ The Town of Marana has superb codes and Tom Ellis may be a good resource. ~ An addendum to this would be best practices to use as example.

CALL TO AUDIENCE: Bill Adler, resident, explained that it was reasonable at the time the code was created to allocate one acre of land per every 85 units but this is now out of date because most developments are smaller and space ends up being too small and usable. Developers instead donate money but the code is about parks space and it is not about money. He recommended the following:

- ~ The in lieu fee should be omitted.
- ~ Developers should have to pinpoint primary users and allocate the appropriate amount of space for that demographic.
- ~ The Town should require developers to put money into escrow so for home owner

associations to access once the development is established.
~ This should be in place before Arroyo Grande is annexed.
~ This group should participate in the process.

The board discussed the following:

~ It would be a mistake to get rid of in lieu fees because a park may not make sense in some areas.
~ It would be beneficial to build a park in Arroyo Grande. It would be better if the park was under the Town's control.
~ Chair Done requested that this item be a "radar" issue for the future.



**Southern Arizona
Home Builders
Association**

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SENT VIA ELECTRONIC MAIL

January 12, 2011

Mr. Matt Michaels
Senior Planner
Town of Oro Valley
11000 N. LaCanada Dr.
Oro Valley, AZ 85737

RE: Recreation Area Requirements

Dear Michaels:

Thank you for the opportunity to provide comments on the proposed code changes. I also appreciate the opportunity to work collaboratively to address the issues we've raised through this process. A number of our concerns have been alleviated or compromise has been reached.

I just have a few final issues that I would like to address for the record:

- 1) C.4.A – We ask that for the ability to receive credits to have Environmentally Sensitive Open Space credited towards our recreation area requirements for more subdivisions than just those that have a minimum of 66% of households without children.
- 2) F.1 – As we've previously stated, we would prefer the in-lieu option be allowed for projects of 85 lots or more.
- 3) F.3.A – I would like to make sure that this provision does not have the effect of requiring developer constructed bike paths from the subdivision to an existing or planned park.

If you have any questions, I can be reached at 795-5114.

Sincerely,

A handwritten signature in black ink that reads "David".

David Godlewski
Interim President/Government Liaison

Michels, Matthew

From: ambermooresmith@hotmail.com on behalf of Amber Smith
[amber@mpaaz.org]
Sent: Wednesday, January 12, 2011 8:42 PM
To: Michels, Matthew
Subject: Recreation Code
Importance: High

Matt- I apologize for the delay in receiving our comments. Overall, the document appears to be well-balanced and fair with in-lieu in fees and design requirements. With that said, we have a few items we would like to comment on:

PAGE 2

- "one acre to EVERY 85 dwelling units"

We request the Town use the County's standard of 436 sq.ft. per unit rather than 512 sq.ft. which is the equivalent of every 85 dwelling units

- "The anticipated demographic profile of the subdivision includes greater than least 66% households without children."

ESOS credit should be given up to a maximum % (TBD) even with <66% households with children. Children can benefit from ESOS lands as well.

PAGE 3

- "Passive recreation areas should be located in proximity to natural open space areas and conserved, environmentally sensitive lands."

This should be recommended, but not required. Some instances where this may be problematic include proximity to washes, creates low visibility or potentially disturbs wildlife.

PAGE 4

- Please clarify and define what is "a single park area"
- "The extent of the credit shall be determined by the value of the enhanced amenity as determined by the town. The maximum reduction of recreation area requirement is one half (1/2) acre."

In place of ½ acre limit, we suggest ½ of total area requirements of portion of overall cost requirement.

PAGE 6

- "drinking fountains, if located within 100 feet of a potable water line"

PAGE 8

- ADA requirement provisions should not fall under CPTED

PAGE 9

- "In cases where the recreational facility is to be privately owned, recreational facilities and parking improvements shall be completed and in place by the time thirty-five (35) percent of the building permits are issued."

We recommend fifty (50) percent

- "In cases where the required recreational area is at least three (3) acres in size and is located adjacent to a public thoroughfare, dedication to the Town may be accepted. In this case, the park land shall be owned and maintained by the Town. We suggest 2 acres and special exceptions for smaller area recreation facilities that the Town may except in the best interest of the public (for example, skate parks and splash pads)

Lighting in general seems to be vague and undefined in terms of allowable types throughout the document.

- In lieu of the required private recreational area or public park land dedication AND REQUIRED RECREATIONAL FACILITIES, the Town Council may approve an alternative proposal FOR AN IN-LIEU FEE that aids in the development OR IMPROVEMENT of Town parks or recreational facilities. ALL SUBDIVISIONS CONTAINING 43 LOTS OR LESS MAY UTILIZE THE IN-LIEU FEE OPTION.

This clause is unclear. Up to what percentage? What about subdivisions up to 85 lots?

PAGE 12

- The fair market value shall be based on the improved value of the land, INCLUDING structures AND FACILITIES REQUIRED BY SECTION 26.5 OF THE ORO VALLEY ZONING CODE REVISED, DESIGN AND CONSTRUCTION COSTS AND having the applicable infrastructure (roadways, drainage, water, electric, telephone and sewer) installed to the property.

Recommendation to add definition of "single park area" instead of "property"

Thanks so much,

Amber Smith, MPA

Executive Director

Metropolitan Pima Alliance

PO Box 2790

Tucson, AZ 85702

(c) 520.878.8811 PLEASE UPDATE PHONE NUMBER

01/13/2011

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION

MEETING DATE: January 13, 2011

TO: PLANNING & ZONING COMMISSION

FROM: David A. Williams, AICP, Planning Division Manager

SUBJECT: Public Hearing: Recreation Area Requirements Amendment to Oro Valley Zoning Code Revised Section 26.5 and Chapter 31, Definitions, OV710-001.

SUMMARY

An updated draft of the proposed zoning code amendment is attached as Exhibit "A". The Planning and Zoning Commission (P&ZC) held a public hearing on December 7, 2010, and identified several issues for staff to address. In addition, staff has met with Southern Arizona Homebuilders Association (SAHBA) officials to address their concerns and has presented the proposed code update to the Metropolitan Pima Alliance (MPA) Public Policy Committee. A summary of issues with staff response is provided below.

DISCUSSION

Following is a summary of the issues and questions raised at the December 7, 2010, P&ZC meeting by the Commission and SAHBA. Each question or comment is followed by staff response (*in italics*):

- The deletion of the proposed exemption of large lot subdivisions (within the R1-36, R1-43, R1-144, and R1-300 zoning districts, Section 26.5.A.1) was discussed and the Commission wished to reinstate the exemption.
Staff concurs that there are good reasons to exempt large lot subdivisions since the need for small recreation areas in subdivisions with one acre and greater lots is significantly reduced.
- Is 43 lot subdivision (1/2 acre recreation area required) or less an appropriate threshold for the in-lieu fee option?
The current threshold of 85 lots has been reduced to 43 lots, narrowing the availability of the in-lieu fee option. Since the primary purpose of the recreation code is to provide meaningful recreation space within subdivisions, the in-lieu fee option should be reserved for smaller developments that elect to contribute to off-site improvements rather than provide very small and possibly less usable recreation areas within the subdivision.
- The recreation code should be in sync with the Environmentally Sensitive Lands Ordinance (ESLO) and a credit should be provided for raw land, including Environmentally Sensitive Open Space (ESOS)
Staff has reviewed the recreation area credit provisions in the draft ESLO and has aligned the provisions with the recreation code to match (Section 26.5.C.3). The applicant may receive a credit for the property at a 1:1 ratio for a maximum of 100% of the required recreation area.
- The requirement for the recreation area to be centrally located (Section 26.5.D.1.a) is too restrictive and precludes locations adjacent to open space areas, which may be desirable.
The language has been modified to strike the term "centrally located" to allow for more flexibility in recreation area location, for instance, connected to an open space area on the periphery of the subdivision.
- Concern about cost implications of the proposed code requirements.
Specific items, including the proposed requirement to cover all play equipment (Section 26.5.D.3.d), picnic tables (Section 26.5.D.2.g.vi) and utilize specific playground surface materials (Section

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION STAFF REPORT, OV710-001

Page 2 of 3

26.5.D.3.b) have been modified to be more flexible and less costly for developers, which still maintaining the primary intent to promote the comfort, safety, and enjoyment of recreational facilities.

Since the commission meeting staff has met with SAHBA to review their concerns and has found mutually acceptable compromises to virtually all of their outstanding concerns, except:

1. The proposed narrowing of the in-lieu fee option from 85 to 43 lots and,
2. Including the full cost of park development in the in-lieu fee calculation rather than land only.

We have furnished them with a revised draft of the recreation code and anticipate a letter acknowledging that the bulk of their concerns have been satisfactorily addressed.

In addition, staff made a presentation to the Metropolitan Pima Alliance (MPA) Public Policy Committee on December 20 and solicited their comments and feedback. The following ideas were proposed and have been integrated into the draft code:

- Allowing a “hybrid” in-lieu fee option by providing a percentage of the recreation area requirement as an in-lieu fee toward public improvements and a portion towards on-site recreation area.

Staff has reviewed Section 18.69.090 of Pima County’s Zoning Code (Residential Recreation Areas) and has added a provision to the draft recreation code (Section 26.5.F.2) to allow subdivisions with 85 or more lots to utilize this approach by donating up to 50% of the require recreation area development costs, as determined by the Recreation Area In-Lieu Fee Calculation (formerly Fair Market Value) definition in Chapter 31, as in-lieu fees. An allowance would be made for a reduced recreation area based on the percentage of in-lieu fees donated. For example, a project with a one acre recreation area requirement that donates 50% as in-lieu fees would be required to provide one half acre of recreation.

- Allowing a smaller recreation area if the amenities provided are of higher value than typical facilities. For example, a splash pad or skate park cost much more than playground equipment or a half court basketball court and may provide enhanced recreational value compared to more typical recreational amenities.

Staff has added a provision to Section 26.5.D.2.f to provide a credit for “value added” amenities against the recreation area requirement of Section 26.5.C.1. The provision would allow a recreation area reduction based on the additional value of the enhanced amenity provided compared to the “base” requirement of a more typical amenity.

PUBLIC NOTICE AND COMMENT

This project was continued at the December 7, 2010, meeting to the January P&Z Commission meeting. The hearing notice has been posted at Town Hall and on the website.

SUMMARY OF FINDINGS

Park facilities are provided by the Town and by developers. In Oro Valley, with no dedicated funding source for recreational facilities, neighborhood parks and recreation areas are provided by the developer to insure timely provision of recreation facilities. While the proposed recreation code update is limited in its ability to readily

TOWN OF ORO VALLEY

address the larger issue of increasing public park facilities, it contains provisions and options intended to improve the quality of smaller parks. Improvements to the ordinance include:

- Responds to known shortcomings and omissions in the existing recreation area code, such as no standards for playground equipment safety or ability to modify the plan as needed to respond to the demographics of the subdivision.
- The in-lieu fee option has been modified to ensure the funds donated are equal to the cost of land, improvements, equipment and design/construction
- Provides locational parameters for recreational facilities to ensure convenient access for residents
- Adds standards for passive and active amenities that promote the welfare, safety, and enjoyment of recreation area users
- Focus is on qualitative characteristics of improvements and amenities and does not increase area requirements or number of amenities required.
- Provides credit for area and amenities for certain indoor recreational facilities, such as recreation rooms and community centers
- Encourages and provides development standards for linear parks
- Adds CPTED criteria

RECOMMENDATION

Based on review and input from stakeholders including the public, SAHBA and MPA and guidance from the Park and Recreation Advisory Board (PRAB), staff recommends approval of the revised recreation code update as depicted in Exhibit "A".

SUGGESTED MOTIONS

The Planning and Zoning Commission may wish to consider one of the following motions:

I move to recommend that the Town Council [approve, approve with conditions, continue, or deny] an amendment to Oro Valley Zoning Code Revised Section 26.5, relating to provision of recreation area in residential subdivisions, and Chapter 31, Definitions, as depicted in Exhibit "A", OV710-001.

ATTACHMENTS

1. Exhibit "A", Draft Code Revision
2. December 7, 2010, Planning and Zoning Commission Report

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David A. Williams, AICP, Planning Division Manager

MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
SPECIAL MEETING
January 13, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

[CALL TO ORDER AT OR AFTER 6:00 P.M.](#)

Special Chair Swope called the meeting to order at 6:00 P.M.

[ROLL CALL](#)

PRESENT: Robert Swope, Chair
Don Cox, Vice Chair
Alan Caine, Commissioner
John Buette, Commissioner
Robin Large, Commissioner
Mark Napier, Commissioner

ABSENT: Robert La Master, Commissioner

5. [Public Hearing: Amendment to Oro Valley Zoning Code Revised Section 26.5 and Chapter 31, definitions, Recreation area requirements in residential subdivisions, OV710-001.](#)

Matt Michels, Planning Division Senior Planner presented the following:

- Project Timeline
- SAHBA Concerns Addressed
- SAHBA Outstanding Issues
- Metropolitan Pima Alliance Policy Committee Ideas
- Findings
- Recommendation

Commissioner Caine asked Mr. Michels if he had a position on letter from the Southern Arizona Home Builders Association (SAHBA).

Mr. Michels responded with yes, with the following comments:

- 1 - Sixty-six percent is reasonable threshold.
- 2 - There was a recommendation for the Parks and Recreation Advisory Board to decrease the number of lots to 43 from the 85 lots proposed.
- 3 - Originally there was a stipulation of constructed or availability of bicycle/pediatrician access, it was staffs intent to just say access, strike out bicycle.

Mr. Williams added we are not recommending any changes based on these comments from SAHBA.

Commissioner Cox asked if large lots developments are exempted from in-lieu fees.

Mr. Michels responded with no, they would not exempt the large lots developments from in-lieu fees. As defined it would be parcels zoned on R1-36 or larger. A developer with 43 lots or less would be exempted from the on-site recreational requirements.

Mr. Williams added that large lots would be exempt from having to provide any recreation or in-lieu fee, our answer was incorrect. This does not apply to them, they would not be required to do a recreation area or pay any money.

Commissioner Cox asked if they are currently exempt for any in-lieu fee.

Mr. Michels responded with no, they are currently held to this code.

Commissioner Cox asked to explain the 43 lot development or less.

Mr. Michels said the in-lieu fee is one of the options within this recreation code.

Commissioner Cox asked if there is a development of large lots, are they exempt from in-lieu fees.

Mr. Michels said yes, they are exempt from in-lieu fees.

Commissioner Cox asked regardless of the number of lots.

Mr. Michels responded yes.

Mr. Williams added the commissioner might be talking about impact fees rather than in-lieu fees. The developers are not exempt from impact fees. This exemption would take large lot developers off the hook for providing recreation facilities in their subdivision.

Commissioner Cox asked if the developers are currently not required to pay any in-lieu fees.

Mr. Williams responded that currently nobody is required to pay in-lieu fees.

Chair Swope asked if shallow retention basins (flood prone areas) would be accepted as recreation land and if so is there liability issues associated with this.

Mr. Andrews said from a liability stand point no. This allows the developer like a dual use, it could not be a detention which holds water, but retention which kind of slows it down and let's water out.

Paul Keesler, Permitting Manager, commented there are specific safety requirements with respects to slide slopes basin and the depth of the ponding water in the basin, which is acceptable for entrance without safety barricading around the basin. It is not uncommon for parks to actually be built in the bottom of such basins that have adequate safety egress.

Bill Adler, OV resident, commented he was always opposed in-lieu fees.

Chair Swope asked staff if they could elaborate on in-lieu fees and generating adequate revenue.

Mr. Williams said we did a table and study since this has been in effect is \$140,000 - \$150,000.

Mr. Michels added one of the objectives for the code was to strengthen the requirements to utilize the in-lieu fees, one of the key elements of that was to require that it reflect the true cost of the development than the land only.

MOTION: A motion was made by Commissioner Caine and seconded by Commissioner Buette to recommend that the Town Council approve an amendment to Oro Valley Zoning Code Revised Section 26.5, relating to provision of recreation area in residential subdivisions, and Chapter 31, Definitions, as depicted in Exhibit "A", OV710-001

MOTION carried, 6-0.

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION

MEETING DATE: December 7, 2010

TO: PLANNING & ZONING COMMISSION

FROM: David A. Williams, AICP, Planning Division Manager

SUBJECT: Public Hearing: Recreation Area Requirements Amendment to Oro Valley Zoning Code Revised Section 26.5 and Chapter 31, Definitions, OV710-001.

SUMMARY

The Planning and Zoning Commission (P&ZC) held a public hearing on October 5, 2010, and requested a recommendation from the Parks and Recreation Advisory Board (PRAB). The PRAB discussed the code amendment and recommended approval at their November 16 meeting. A summary of the issues discussed by the P&ZC and the PRAB are provided below.

Please refer to the attached October 5 staff report for project background and a more detailed discussion of the specific elements of the amendment.

Summary of P&ZC Input and Response

The focus of the discussion at the October 5, 2010, P&ZC meeting related to the in-lieu fee option (Section 26.5.F). There was concern regarding the ability of in-lieu fees to adequately fund meaningful projects and questions as to how they would be utilized. Based on these questions and comments, staff has researched the issue further, including a "big picture" analysis of the Town's park system and the role of small recreation areas within subdivisions, an analysis of in-lieu fees collected (Exhibit "B"), and a development cost estimate for a one acre park including land, design, and improvements.

Planning staff's conclusion is that the preferred option should be on-site recreation in order to provide neighborhood recreation facilities in a timely and efficient manner. A comprehensive in-lieu fee option that reflects the true cost of park development ensures it accomplishes its intended purpose of funding park sites and facilities. The proposed modifications to the in-lieu fee option are discussed in greater detail in the *Discussion* section detail below.

Summary of Parks and Recreation Advisory Board (PRAB) Input and Response

At their November 16, 2010, meeting the PRAB provided feedback and raised several questions related to the proposed code update.

- The proposed exemption of large lot subdivisions (within the R1-36, R1-43, R1-144, and R1-300 zoning districts, Section 26.5.A.1) may create an inequality that allows the larger, more expensive lots to get "off the hook" for providing amenities required for smaller lot subdivisions.
- Should the in-lieu fee option be limited to smaller subdivisions-perhaps 20 lots or fewer, or a recreation area of approximately one-quarter (1/4) acre in size) rather than the proposed 43 lots or fewer?
- Does the ordinance provide for recreational amenities for older youths?
- Does the use of the in-lieu fee option result in a more dense subdivision?
- Has the in-lieu fee option been used extensively in the past?

TOWN OF ORO VALLEY

The PRAB discussed the code amendment and recommended approval at the November 16 meeting. Also, since the last P&ZC meeting, the code has also been reviewed by Jason Hadley, Principal of Hadley Design Group, a highly experienced landscape architect and park designer. He offered a few suggestions for minor edits, including:

- The timing for submittal of detailed schematics at final plat stage (Sec. 26.5.D.2.e)
- Proximity of play space to rights-of-way, property lines, etc. The words play “space” were changed to play “equipment” to provide more opportunity to design small pocket parks in proximity to homes, etc. (Section 26.5.D.3.C)
- Allowance of on-street parking to count towards required parking (Sec. 26.5.D.4)

DISCUSSION

In-Lieu Fee and Analysis of Park Development Cost

Based on input received from the P&ZC and other stakeholders, we have evaluated how the in-lieu fee option in the recreation area code might be utilized to aid in the development of public parks or larger joint-use facilities rather than smaller recreation areas within subdivisions. Monies generated by the in-lieu fee option are utilized by the Parks, Recreation, Library, and Cultural Resources (PRLCR) Department to fund needed improvements to Town parks.

Element #8 of the General Plan, relating to parks and recreation, states that the number one goal is to develop an "open space system within the Town of Oro Valley that has as integral components, developed parks, natural open space areas, and connecting trails".

We have included an analysis of the cost of developing a one acre neighborhood park as an example to illustrate the costs involved in developing a new public park (Exhibit “C”). The example estimates the actual cost to acquire and construct a one acre neighborhood park at \$402,000.

Revised Definition of how in-lieu fees are calculated and utilized

Currently, the in-lieu option requires a fee that represents the fair market value of only the land required for the recreation area per the Zoning Code. Currently, the in-lieu fee option is allowed for all subdivisions of 85 lots or less, which would equate to a one acre recreation area if built on site. Use of the in-lieu fee is optional. As proposed, the scope of the in-lieu fee option would be narrowed to allow subdivisions of 43 lots or less, which equates of a one-half (1/2) acre recreation area if built on site.

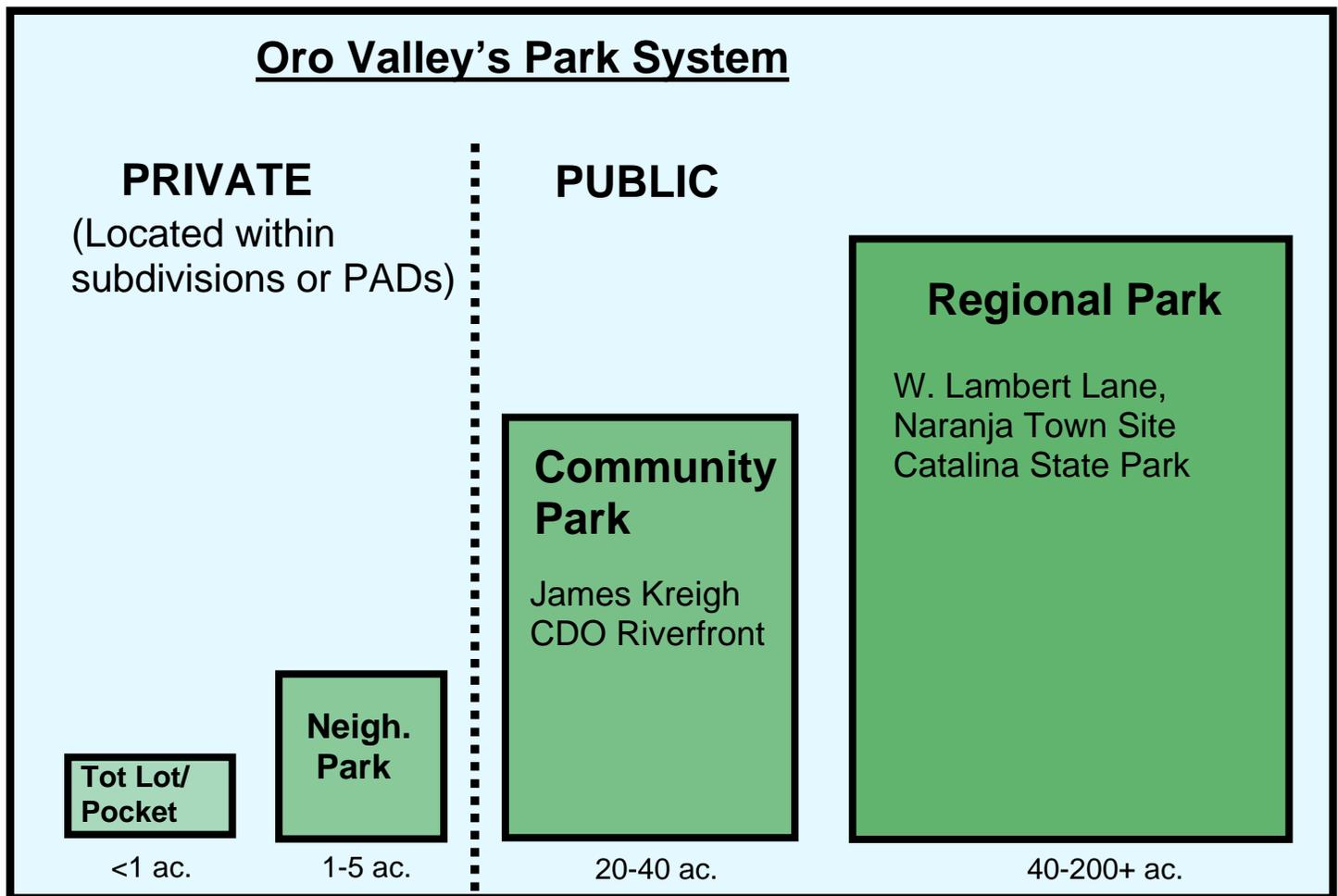
Importantly, the method of calculating the amount of the in-lieu fee has been amended to include the cost of structures, facilities, and design and construction costs required by the recreation code, representing the true value of the recreation facility, not solely the land. In this way, the in-lieu fee provides “apples to apples” by requiring a fee equal to the cost of developing a recreation area within the subdivision.

The in-lieu fee option generates funds the Town can use for park facilities and improvements. Planning staff notes that in-lieu fees do not translate into short term, nearby recreation facilities. However, use of in-lieu funds does provide additional recreational resources for Town residents.

Oro Valley's Parks System

As the graphic on the next page depicts, smaller neighborhood parks and tot lots/pocket parks are all private in Oro Valley. The current recreation area ordinance was created to improve residents' access to passive and active recreation in their own neighborhood. While the opportunities for recreation are often limited, in many cases these smaller neighborhood parks and pocket parks/tot lots are the only developed parks in reasonable proximity to residents. As such, they serve an important role in fulfilling the Town's parks and recreation needs.

Parks in Oro Valley include a state park, two regional parks, two community parks, and a series of private parks, recreation areas and golf courses. Oro Valley currently operates four (4) public park facilities. James Kreigh and CDO Riverfront Parks are classified as community parks, while West Lambert Lane and Naranja Town Site serve as regional parks.



Please refer to Exhibit "D", Project Completion Timeline, for an overview of project milestones and anticipated Town Council public hearing date.

PUBLIC NOTICE AND COMMENT

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION STAFF REPORT, OV710-001

Page 4 of 5

This project has been noticed in accordance with Town procedures, which includes the following:

- Homeowners Association mailing
- Notice in The Daily Territorial
- Post at Town Hall and on website

SUMMARY OF FINDINGS

Park facilities are provided by the Town and by developers. In Oro Valley, neighborhood parks and recreation areas are best provided by the developer to insure timely provision of recreation facilities. While the proposed recreation code update is limited in its ability to readily address the larger issue of increasing public park facilities, it contains provisions and options intended to improve the quality of smaller parks. Improvements to the ordinance include:

- Responds to known shortcomings and omissions in the existing recreation area code
- The in-lieu fee option is available for subdivisions of 43 lots or less (1/2 acre recreation area)
- The in-lieu fee option has been modified to ensure the funds donated are equal to the cost of land, improvements, equipment and design/construction
- Provides locational parameters for recreational facilities to ensure convenient access for residents
- Adds standards for passive and active amenities that promote the welfare, safety, and enjoyment of recreation area users
- Focus is on qualitative characteristics of improvements and amenities and does not increase area requirements or number of amenities required.
- Provides credit for area and amenities for certain indoor recreational facilities, such as recreation rooms and community centers
- Encourages and provides development standards for linear parks
- Adds CPTED criteria

RECOMMENDATION

Staff concurs with PRAB's recommendation to delete the exception for larger lots. Staff recommends approval of the proposed recreation code update as recommended by the PRAB and depicted in Exhibit "A".

SUGGESTED MOTIONS

The Planning and Zoning Commission may wish to consider one of the following motions:

I move to recommend that the Town Council [approve, approve with conditions, continue, or deny] an amendment to Oro Valley Zoning Code Revised Section 26.5, relating to provision of recreation area in residential subdivisions, OV710-001.

ATTACHMENTS

TOWN OF ORO VALLEY

1. October 5, 2010 P&ZC Report
2. Exhibit "A", Draft Code Revision
3. Exhibit "B", Table of In-Lieu Fees Collected
4. Exhibit "C", Park Development Cost Estimate
5. Exhibit "D", Project Completion Timeline

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David A. Williams, AICP, Planning Division Manager

MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
REGULAR MEETING
December 7, 2010
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

2. [Public Hearing: Zoning Code Amendment relating to provision of recreation area in residential subdivisions Section 26.5 and Chapter 31, definitions, OV710-001.](#)

Matt Michels, OV Senior Planner, presented the following:

- Parks & Recreation Advisory Board Action
- Oro Valley's Park System
- In-Lieu Fee Requirements
- In-Lieu Fee Option Refinement - One Acre Park Example
- Findings
- Project Timeline
- Recommendation

Commissioner Caine commented that the Parks and Recreation Advisory Board came up with a number of relevant questions which were never addressed, although the board approved the staff's current recommendation. Commissioner Caine went on to ask if there was any more discussion or intent to possible changes.

Mr. Michels said because of the amenity requirements, staff tried to build in some flexibility to respond to the demographics of the subdivision. Currently the focus within the code in terms of descriptive standards is limited to playground equipment and top off facilities for younger children. Once you get beyond the playground sets, the realm of potential recreational opportunities goes from basketball hoops to skate parks. Staff is required in a study of demographics to consider recreational facilities for older children, but determined it was cost prohibited. Thus staff elected to keep the current standards.

Commissioner Swope commented that he didn't understand calculations in regards to in-lieu fees.

Commissioner Swope asked if the approximate calculation of the cost to build a one acre park is \$400,000, is the cost to build a one-half acre recreational facility \$200,000, and the in-lieu fee calculation would be based on the cost of the \$200,000.

Mr. Williams, OV Planning Division Manager explained that it wouldn't be exactly half because some of the cost is fixed whether it is one acre or a one-half acre site. We are looking at maybe sixty or seventy percent of the one acre cost not based on the square footage of the park but on the market value of the land.

Commissioner Swope asked if a developer of a 43 lot development would pay

\$280,000.

Mr. Williams responded that the developer would pay the equivalent cost of installing the required park. If the developer had a 43 acre lot subdivision they are required to provide a one-half acre recreation area. Under that they are required to install one passive and one active amenity.

Commissioner Swope observed that it seems inconsistent with the numbers provided in Exhibit B, Town of Oro Valley Recreation In-Lieu Fees Inception through December 23, 2009. There are no developers, including Vestar paying anything close to these fees.

Mr. Williams responded that was correct and that is why the Town is proposing an amendment. The offsets have been based on the value of the land and there is no precise definition of how the fair market value is determined.

Commissioner Swope asked how the Town plans to deter unauthorized users and activities at these recreational facilities. Conceptually it sounds like a good idea, but how do you accomplish that other than fencing, security codes and what have you. Then does it become a public facility opposed to a private restricted facility.

Mr. Michels said this code is meant to be as flexible as possible and staff is trying not to prescribe fencing.

Commissioner Swope referred to pg 9 of 10, item 8, in-lieu funds shall be designated for development of improvement project(s) for a Town park(s) or recreational facilitie(s). In the previous draft of this ordinance there was a reference that these facilities need to be located no more than one mile from the original subdivision, why was that changed?

Mr. Michels said the Town is trying to transition from one way of doing business and trying to create a system that is more par-a-de from what they are providing. One approach would be to give discretion to the Parks and Recreation Department to make those determinations of appropriate improvements.

Mr. Williams added that there are some practical limitations. The in-lieu fee option is not perfect and has been criticized before this board and elsewhere. If a developer is going to build a park nearby, the time frame to find a site, acquire the site, build the site takes years and families are moving in right away. The Town feels that we are missing the demographics that would benefit from the use of this park when facility is not built for five, six or ten years. We believe that the practical limitations are a problem with the in-lieu fee option. We would rather have the money available immediately applied to improvements that benefit the community.

Commissioner Caine commented on a typo on page 2, section D1b, should read linear parks, as defined by this code and described in section D.2.H., not section D.2.E.

Commissioner Caine has observed that the larger neighborhood parks are well used, but the mini parks "the ones with top lots" don't seem to get much use. Commissioner Caine is not suggesting that we don't need neighborhood parks. It helps the aesthetics of the neighborhood to have an open space.

Commissioner Caine went on to ask whether staff or the Parks and Recreation Advisory Board has ever gone back to the public regarding the uses of these

parks to see if there is any way to make them more useful to the public. Mr. Michels said the Town met with developers and HOA's to receive input. They were kind enough to share with us what works and does not work. Commissioner Napier commented on being a new commissioner and staff pointed out a previous letter from SABHA indicating some concerns they had and asked Mr. Michels if he was able to share what was in the letter. Mr. Michels pointed out David Godlewski from SABHA was present and would share SABHA's concerns later on in the meeting. Commissioner Napier asked if a developer of 43 lots would be required to set aside one-half acre for a park facility or would in-lieu fees be assessed to the developer. Mr. Williams responded with yes, the developer can build a park or write a check. Commissioner Napier commented that a formula should be provided in the Zoning Ordinance identifies how in-lieu fees are assessed. Mr. Williams responded that the code provides for a calculation based on the land area required that varies per subdivision depending on their requirement for it's recreation area typically determined by the number of lots. Each subdivision will have a slightly different geographical area required, and then depending how many square feet the recreation area is, is how many facilities are required. Once you have the land area, you can do cost estimate for what facilities are required for each project. Commissioner Napier asked if there was any other consideration with respect to larger lots for the greater good rather than an equity issue. Mr. Williams said the developer has an acre or two and can put in play structure equipment, so the demand is less and those subdivisions are large lots. Staff recommendation would be to exempt those large lots. Commissioner Napier asked if the formula for 43 lots or less applies to the larger lot exemption. Mr. Michels said it would apply the same way. Commissioner Napier asked if there was a conflict in the requirements of the ordinance and what are we trying to accomplish with CPTED in regards to barriers. Mr. Michels said one of the concerns was that the proximity could preclude the development of a well developed park. Please keep in mind the CPTED and other requirements still apply.

Commissioner Buette asked if staff has received comments from developers as to how they perceive this.

Mr. Williams responded that there is not an increased cost and the Town has been careful not to increase cost in a down market, but have increased the in-lieu option.

David Godlewski, government liaison for SAHBA, addressed some the previous issues that were raised.

- Cost implications associated with compliance of this requirement
- The in-lieu fee and the cost associated with that option, there are likely some

additional cost com associated with the in-lieu requirements.

- The increase size requirement.
- The issue with parking requirements that SAHBA believed were excessive and that has been addressed.
- Ambiguity around the type of signage has been clearly addressed and SAHBA is comfortable with the recommendations.
- Although the play equipment standards that were addressed by SAHBA and covered areas have not been addressed, he believes these are not reason to oppose the new draft.
- Some general questions such as timing is very relevant and he does understand considering the current market condition it is often helpful to take a look at the code requirements and look at past developments. With the significance, severity and the potential for increased cost, SAHBA has some questions regarding in-lieu fees.

In a nutshell SABHA agrees with staff's assessment that for the larger lot subdivisions there is an exemption that is still applicable. In the new ESL document there is the ability to use a recreation area requirement to coincide with your environmentally sensitive open space requirements. There is some language in terms of the site location and it being centrally located. The preference of a recreation area being centrally located, given some of the site specific lay out issues may not be feasible. Picnic tables, shaded structures and ramadas as outlined in the cost estimate are the most expensive requirements. Some of the same issues arise with the CPTED requirements, but those have been addressed. The in-lieu fee might be the biggest remaining issue. Mr. Godlewski recommends keeping it at the 85 lots instead of reducing to 43 lots. He noted as a final point that there is a clear appeals process for applicants.

Bill Adler, OV Resident, made two points. First, the exemption the Parks Advisory Board elimination should remain. Second, he has opposed in-lieu fees since the inception in the early 90's. He opposes taking money and taking space out of a neighborhood to improve a new park elsewhere. Community parks are the community's responsibility and not the neighborhood's responsibility.

MOTION: A motion was made by Commissioner La Master and seconded by Commissioner Swope to Approve the amendment relating to provision of recreation area in residential subdivisions Section 26.5 and Chapter 31, definition, OV710-001.

Discussion:

Commissioner Napier commented that the exemption for large lots seemed to be a constant topic, and very close to addressing SAHBA's concerns. There might be some opportunity to refine this a little bit better, remove the exemptions for large lots and move forward with a more polished code revision in a future meeting.

Commissioner Caine commented that he was a little confused where the commission stood with the large lot exemption. Staff took the recommendation

from the PRAB to take away the exemption, so there is no exemption for large lots in the proposed ordinance.

Mr. Williams replied that in the recommended draft from the PRAB there is no exemption for large lots, see the draft before exhibit A.

Commissioner Caine requested Mr. William's opinion regarding whether he would like the exemption to go back in.

Mr. Williams said that is correct for the record. Staff felt it was appropriate to exempt those large lots.

Commissioner Buette commented more work is needed and both sides brought up good points. An appeals process is needed and he agrees with staff that a large lot exemption is needed.

Joe Andrews, OV Town Attorney, said under the Arizona State Law, the decisions of your Planning Manager, which serves as our Planning and Zoning Administrator, is appealable to our Board of Adjustments.

Mr. Williams said he would like to add that if the commission is more comfortable in seeing a language that would change the location requirements, we could meet with SAHBA.

Commissioner La Master is a proponent of recreational space and park lands but commented that some fine tuning needs to be done, as well as undertaking the ESL ordinance and conflicts between the two.

Commissioner Napier commented it was clear that Town staff did a good job in answering SAHBA's concerns as well as citizen's concerns. Commissioner Napier asked Mr. Williams to consider devising a formula that would be predictable for developer to determine cost of recreational areas.

Mr. Williams recommended drafting a policy or administrative directive regarding the calculations in-lieu of adding it into the code.

Commissioner Swope commented he would like to continue discussion but requested the commission give direction to staff.

Mr. Williams responded by reading down his list

- Regarding the SAHBA comments:
- Additional cost
- Parking
- The type of equipment standards
- Credit from ESL protection
- Central location
- Shade cover
- Appeal process
- Large lot exemption
- Open space acceptable

Chairman Reddin commented it was a good list of items to address and is in favor of the in-lieu fee option.

Commissioner Caine commented he would discourage the in-lieu fees.

Commissioner Buette asked if it was possible for the motion to be changed by the person who made the motion.

Mr. Andrews responded with yes.

MOTION: A motion was made by Commissioner La Master and seconded by Commissioner Buette withdrawal the previous motion.

MOTION: A motion was made by Commissioner Napier and seconded by Commissioner Buette continue the provision to a future meeting, the recreation area in a residential subdivisions Section 26.5 and Chapter 31, definition, OV710-001

MOTION carried, 6-0.

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION

MEETING DATE: October 5, 2010

TO: PLANNING & ZONING COMMISSION

FROM: David A. Williams, AICP, Planning Division Manager

SUBJECT: **Public Hearing: The Town of Oro Valley Planning Division** requests approval of an amendment to Oro Valley Zoning Code Revised Section 26.5, relating to provision of recreation area in residential subdivisions, **OV710-001**.

SUMMARY

An update to Section 26.5, Provision of Recreational Area of the Oro Valley Zoning code Revised (OVZCR) is a Planning Division work plan item. This code section applies to private recreation areas within new residential subdivisions. These recreation areas represent a part of a larger system, or hierarchy of parks and recreation facilities in the community. The General Plan identifies several shortcomings with the "small, dispersed system of recreation areas" created within subdivisions and provides a number of goals and policies to address these shortcomings, principally through the provision of public parks to meet the recreational needs of the public.

This code update addresses a portion of the larger goal of creating an integrated system of park facilities. Staff is currently evaluating whether a different approach to the "in-lieu fee" system (Section 26.5.E in the current code and Section 26.5.F in the attached draft) might be modified to generate sufficient funds for the Town to acquire property and construct public park facilities.

Planning Division staff has worked in cooperation with the Parks, Recreation, Library and Cultural Resources (PRLCR) Department and the Parks and Recreation Advisory Board (PRAB) to identify deficiencies in the current code, develop a scope of work, and draft new code language.

The attached draft code was created based on the approved scope of work summarized below and with the input of PRAB, other town departments, and stakeholders, including the Oro Valley Police Department, the Southern Arizona Homebuilders Association (SAHBA) and the Metropolitan Pima Alliance (MPA). Please refer to the *Methodology* section on Pages 2 and 3 for additional detail regarding PRAB's role and feedback received.

Scope of Work

Staff has worked to address deficiencies in the current code, including lack of consistent standards for recreational amenities and safety considerations, with specific focus on the following:

1. Definition of how in-lieu fees are calculated and utilized
2. Location parameters of recreational areas
3. Definition of specific active and passive recreational amenities
4. More specific requirements for recreational amenities (locations, type, specifications, etc.)
5. Crime Prevention Through Environmental Design (CPTED) design elements
6. Changes to amount of land required for recreation areas

General Plan Conformance

TOWN OF ORO VALLEY

While most of the goals and policies related to parks and recreation (Chapter 8) specifically address publicly accessible Town owned parks, this code update has been drafted with consideration of the applicable goals and policies contained in the General Plan. Following is a list of noteworthy criteria (*in italics*) followed by staff commentary.

- Policy 8.1.1 *The Town shall promote a community-wide open space system that includes developed parks, recreational facilities, natural open space areas, trails, and bikeways.*
This code, which requires provision of recreation areas, including parks, recreational facilities, natural open space areas, trails, and bikeways within subdivisions furthers this goal.
- Policy 8.2.3 *The Town shall continue to utilize established development review processes to encourage, and where possible require, the integration and connection of community open space elements.*
The draft requires connections between recreational areas and existing public trails (Section 26.5.D.13).
- Policy 8.3.1 *The Town shall continue to address existing deficiencies in the Town's community park system.*
Recreational areas in subdivisions provide needed recreational opportunities in close proximity to homes, especially in areas that lack Town-owned parks and recreation facilities.
- Policy 8.3.3 *The Town shall ensure that all residents in the community, including those with disabilities, have equitable opportunities to utilize Town and private parks and other community resources.*
The draft requires that all equipment installed in recreational areas comply with the Americans with Disabilities Act (ADA) and the provision of mobility-impaired parking consistent with zoning code standards (Section 26.5.D.12 and Section 26.5.D.4.c).

Project Timeline

- March 16, 2010 PRAB meeting-review scope of work, role of PRAB
- April 20, 2010 PRAB meeting-review other jurisdictions requirements
- September 21, 2010 Present proposal to SAHBA Technical Committee
- September 21, 2010 PRAB meeting to provide feedback on first draft
- September 22, 2010 Distribute second draft to PRAB, P&Z Commission, SAHBA, and MPA for review
- October 5, 2010 P&Z Commission Hearing
- November 17, 2010 Town Council Hearing

Input and Response

The Parks and Recreation Advisory Board (PRAB) was utilized as a primary advisory and reviewing body. In addition, staff has presented the draft to the SAHBA Technical Committee and MPA for review and comment. A letter from SAHBA outlining their position is attached for your reference. A number of the concerns expressed in their letter, including any changes to area requirements and the existing on-site parking

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION STAFF REPORT, OV710-001

Page 3 of 5

requirements, have been addressed with this draft. A summary of staff's response to stakeholder concerns, including SAHBA, is contained in Attachment #3.

The PRAB reviewed the draft and provided comments, feedback, and corrections at their September 21, 2010, meeting. Although agendaed for discussion and possible action, no formal recommendation was made at the meeting. In addition to the issues discussed at the meeting, staff requested PRAB members to forward any additional comments for Commission consideration. Following is a summary of comments and direction received from the PRAB that have been integrated into the attached draft.

- Exempt applicability of code to larger lot developments (R1-36 and larger); Sec. 26.5.A.1
- Delete reference to "Tier II" (1 acre/45 dwelling units) standard; Sec. 26.5.A.2
- Delete "Tier I/II" approach, with 1 acre/45 units for properties requiring rezoning, etc.; Sec. 26.5.B.2
- Site location-add language encouraging use of linear parks (similar to Section 26.5.2.E); Sec. 26.5.D
- Refine wording to refer to Environmentally Sensitive Lands Ordinance; Sec. 26.5.D.1.C
- Add standards for amenities for youths (age 9-18) similar to standards for tot lots for young
Staff has reviewed this suggestion and feels that the amenities provided in Section 26.5.B.2,3, and 4 provide adequate guidance and options for developers to provide amenities appropriate to the anticipated demographic of the subdivision; Sec. 26.5.D.2.

DISCUSSION

While the recreational area code update is comprehensive in nature, emphasis has been given to the aforementioned scope of work items. No changes are proposed to the amount of land required (one acre per 85 dwelling units; Section 26.5.B.1) or to the number of passive and active amenities required. The changes proposed are intended to be primarily qualitative rather than quantitative and are intended to codify current practices found in existing subdivisions. In several instances the standards have been revised to provide more flexibility and options for developers.

Further, staff proposes to exempt larger-lot subdivisions (R1-36 and larger) from this code since large "estate lots" typically have ample property for recreation on individual lots.

Following is a list of scope items followed by an explanation of the approach taken to address them and code reference(s):

1. **Definition of how in-lieu fees are calculated and utilized.** Staff proposes allowing a subdivision to utilize the in-lieu fee option if they meet certain criteria. A more specific set of criteria to qualify for the in-lieu fee option and the addition of specific requirements for how the funds are to be utilized have been added to the draft (proposed Section 26.5.E).
2. **Location parameters of recreational areas.** The current code does not contain locational requirements for recreational areas. The proposed update includes requirements that the recreational area be located in a "highly visible, centrally located area of the subdivision that is easily accessible via sidewalk, walking path, trail, and/or bicycle or shared use path by all homes within the subdivision" (proposed Section 26.5.D.1).
3. **Definition of specific active and passive recreational amenities.** Proposed Section 26.5.D.2, *Recreational Facilities Improvement Standards*, provides additional guidance on the type of amenities expected, including requirements for "tot lots" for subdivisions with an anticipated demographic profile of families with young children. A definition of the term "tot lot" has been added to Chapter 31 of the

TOWN OF ORO VALLEY

code (Page 10 of the draft), and “young children” is defined as age 8 and younger). In addition, a definition and specific criteria for linear parks have been added to proposed Sections 26.5.D.1.B and 26.5.D.2.E.

4. **More specific requirements for recreational amenities (locations, type, specifications, etc.).** Proposed Section 26.5.D.3, *Play Equipment Standards*, adds several specific playground equipment specification requirements including American Society for Testing and Materials (ASTM) standards for playground equipment. Additional criteria, such as locational requirements and requirements for lighting of play areas and provision of shade structures over play equipment, have been added to enhance safety, convenience, and comfort for users (proposed Section 26.5.D.3)
5. **Crime Prevention Through Environmental Design (CPTED) design elements.** This section is based on internationally-accepted standards and has been recommended for approval by the Oro Valley Police Department (OVPD). The requirements include surveillance and access control considerations as well as signage requirements stating recreational area rules and regulations. The proposed code requires CPTED review by the OVPD (proposed Section 26.5.B.4). These measures will allow the OVPD to more effectively monitor and respond to incidents in private recreational areas.
6. **Consideration was given to changes to amount of land required for recreation areas due to Proposition 207 regulatory takings constraints.** A “tiered” system based on whether the property owner is seeking a change in development rights (i.e. rezoning or other actions that give additional development rights. This approach would allow properties with existing development rights to maintain the same standards for recreation area, but would requires subdividers asking for additional entitlements (including rezonings, plan amendments, etc.) to provide additional property.

However, upon analysis of input obtained to date, staff recommends the maintenance of the existing one acre per 85 dwelling unit standard (Section 26.5.C.1). The following illustrates how Oro Valley's recreational area requirement compares relative to other communities in the region:

Oro Valley	1 acre/85 dwelling units	512 square feet/unit
Marana	1 acre/235.5 dwelling units	185 square feet/unit
Pima County	1 acre/100 dwelling units	436 square feet/unit
Chandler	No requirement for single-family residential	

PUBLIC NOTICE AND COMMENT

This project has been noticed in accordance with Town procedures, which includes the following:

- Homeowners Association mailing
- Notice in The Daily Territorial
- Post at Town Hall and on website

SUMMARY OF FACTORS

Findings For:

- Responds to known shortcomings and omissions in the existing recreational area code
- Proposed changes codify standards that promote the welfare, safety, and enjoyment of recreational area users

TOWN OF ORO VALLEY

- Proposed code focuses on qualitative characteristics of improvements and amenities and does not increase area requirements or number of amenities required.
- Proposed code provides credit for area and amenities for certain indoor recreational facilities, such as recreation rooms and community centers
- The in-lieu fee option has been expanded to apply to any subdivision that meets the criteria, which have been modified to ensure the funds are matched to a specific Town park project or improvement
- Proposed code encourages and provides development standards for linear parks

Factors Against:

- The PRAB has not made a formal recommendation on this item.

RECOMMENDATION

Staff offers the following options for the Commission's consideration:

1. Discuss the amendments to obtain additional input and identify any new questions.
2. Refer the item to the Parks and Recreation Advisory Board for formal action.
3. Move the proposed amendments forward to Town Council with a recommendation.

The Planning and Zoning Commission may consider one or a combination of the identified options. Depending on the Commission's preference, tonight's public hearing may be continued to a future Commission meeting.

SUGGESTED MOTIONS

The Planning and Zoning Commission may wish to consider one of the following motions:

I move to recommend that the Town Council [approve, approve with conditions, continue, or deny] **OV710-001, Town of Oro Valley Planning Division** requests approval of an amendment to Oro Valley Zoning code Revised Section 26.5, relating to provision of recreation area in residential subdivisions, as shown in Exhibit "A".

OR

I move to refer **OV710-001, Town of Oro Valley Planning Division** requests approval of an amendment to Oro Valley Zoning code Revised Section 26.5, relating to provision of recreation area in residential subdivisions, back to the Parks and Recreation Advisory Board for further review and recommendation.

ATTACHMENTS

1. Exhibit "A", Draft Section 26.5
2. Letter from SAHBA
3. Staff response to stakeholder concerns
4. Summary of 3/16/10 and 4/20/10 PRAB Minutes

MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
REGULAR MEETING
October 5, 2010
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

1. [Public Hearing: Recreation Area Requirements, The Planning Division requests approval of an amendment to Oro Valley Zoning Code Revised Section 26.5, relating to provision of recreation area in residential subdivisions. Case number: OV710-001](#)

Matt Michels, OV Senior Planner, presented the following:

- Scope of Work/Focus Areas
- Linear Park Concept
- Linear Park Amenities
- Playground/Tot Lot Amenities
- Crime Prevention Through Environment Design (CPTED)
- Recreation Area Requirements
- In-Lieu Fee Requirements
- Project Timeline
- Summary of Factors
- Recommendation

Commission La Master asked if there was a specific reason why members of the Parks and Recreation Advisory Board requested that the item be brought back for a formal recommendation.

Mr. Michels said to his knowledge there was some desire of certain members to have a more line by line type of review.

Commissioner Buette asked if developers have taken the in-lieu fee option. Mr. Michels said that some have but that most developers elect to provide on site amenities consistent with the code.

Commissioner Buette asked if a cost analysis was completed.

Mr. Michels said we utilized an examination of existing developed recreation areas within the Town, as for an amount dollar figure no. We did confirm with the Southern Arizona Home Builders Association and believe they have addressed their substantive issues.

Mr. Michels said one of the things they tried to do when they went through subsequent revisions of the draft was try to build in as much flexibility as possible.

Commissioner La Master asked if there was any guarantee that in-lieu fees must be used for park and recreation.

Mr. Michels said yes, as it is right now there is actually a contract with the Town.

Commissioner Swope asked about the continuing problem with not receiving enough funds from the in-lieu fee process to accomplish anything meaningful and do we know if the in-lieu fees are working to our benefit.

Mr. Michels said these small recreation areas provide meaningful amenities to residents and the ability for the in-lieu fee to provide what we consider meaningful is limited from what he can see.

Mr. Williams asked staff if they looked at increasing the in-lieu fee to address the cost of buying and installing the equipment.

Mr. Michels responded with the definition that is currently in the code which is fair market value makes provisions primarily for the cost of the land and the infrastructure, but not the equipment. Mr. Williams said this is an option and not a requirement that we could add the cost of the facilities into the in-lieu option making it more expensive to take the in-lieu option, giving us a better opportunity to provide something meaningful from the in-lieu fee money.

Mr. Michels said he would advocate including a provision for the cost of the facilities and the amenities as an addition to the definition to the fair market value. Joe Andrews, OV Attorney said it would make the in-lieu fee more than just an appraised value of the land. Chairman Reddin asked if they limited the scope of the in-lieu fee to exclude R1-36.

Mr. Michels said currently it is limited to subdivisions of 85 units or less.

Chairman Reddin asked about maintenance of existing assets and whether the in-lieu fee is comingled or is set specifically for additions to the parks. Mr. Michels responded that there is no provision addressing ongoing operations and maintenance, but again through the process it requires review and approval by the Parks and Recreation Director.

Chairman Reddin added unless it is an HOA maintained asset. Mr. Michels responded correct.

Chairman Reddin asked if there are signage standards.

Mr. Andrews said that signs are regulated by the zoning ordinance.

Mr. Michels said to please refer to page 6, # 6 of the draft which states that all recreational areas shall post at least one sign at the primarily entrance that states the rules of the park.

Bill Adler, OV resident feels that not providing recreational opportunities for residents within subdivisions has not been addressed. He is opposed to in-lieu fees and thinks recreation codes are about generating recreation not money. He feels there is not enough improvement on this plan to move it forward. He recommends that this be tabled so that it becomes a part of the general zoning code review which Council has mandated.

MOTION: A motion was made by Commissioner Buette and seconded by Commissioner La Master refer OV710-001 Planning Division requests approval of an amendment to Oro Valley Zoning Code Revised Section 26.5, relating to provision of recreation area in residential subdivisions back to the Parks and Recreation Advisory Board for further review and recommendation.

Commissioner Swope said philosophically he likes the idea of in-lieu fees, but he is still not convinced that we know enough about how much revenue will be generated to provide meaningful improvements. He would really like to see the Recreation Advisory Board input.

Commissioner Buette said he agreed with Mr. Adler and he feels good about turning it back to Parks and Recreation Advisory Board.

Commissioner La Master said he doesn't agree with that, but does agree that there is not enough information.

Chairman Reddin said the board is all in agreement that they do not have enough information and in-lieu fees are a big part of it. Mr. Williams commented that they would address these issues and that impact fees are currently in place for parks to address the larger issue of a Town wide park system. Staff will come back and address the issues that were raised.

MOTION carried, 4-0.



Item #: 3.

Town Council Regular Session

Date: 02/16/2011

Requested by: Bayer Vella, Conservation and Sustainability Manager

Submitted By: Mike Standish, Town Clerk's Office

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.

To date, Town Council has held one study session and a public hearing on this matter. One January 19, 2011, the public hearing was continued to allow additional study of ESL. Approved by a 4-3 Town Council vote, the motion provided "for continuance for February 16th submitting questions to either David Williams or Kevin Burke. Report through a Town Council format while still simultaneously having the subgroups of 2 or 3 Council members kept in the loop."

BACKGROUND OR DETAILED INFORMATION:

Please see the Attachment #1, which is the January 19, 2011 Town Council Public Hearing report, for additional information.

FISCAL IMPACT:

Development Community

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 11-01 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, Environmentally Sensitive Lands Planning Map](#)

Link: [Attachment #1, ESL Town Council Report 1-19-11](#)

Link: [Attachment #2, ESL Review Process & Outreach](#)

Link: [Attachment #3, General Plan Policies that support Environmentally 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 16th day of February, 2011.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

APPROVED AS TO FORM:

Tobin Rosen, Town Attorney

ATTEST:

Julie K. Bower, Town Clerk

Date: _____

Date: _____



January 3, 2010

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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

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



TABLE 27.10-1B Applicability for Rezoning and PAD Amendments

Table 27.10-1B			
Environmentally Sensitive Lands, Section 27.10 Applicability For Rezoning and PAD Amendments			
Section Title and Notes	Code Section 27.10	Rezoning or Certain PAD Amendments¹	General Plan Amendment
<u>ESLS</u>			
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

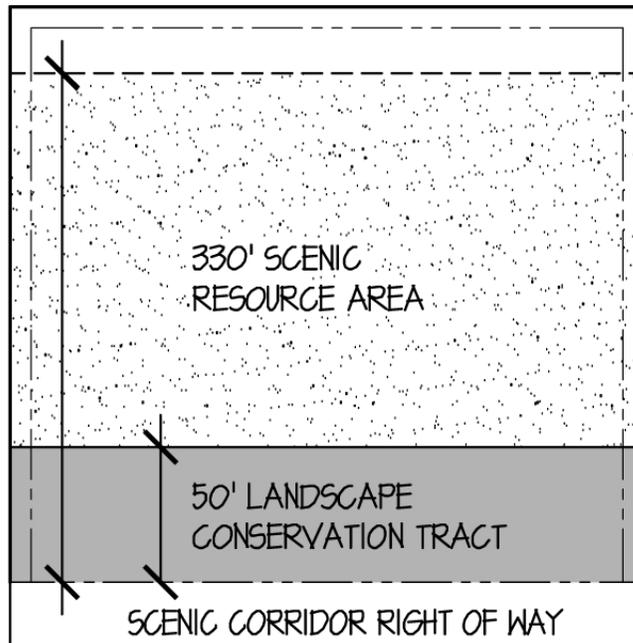
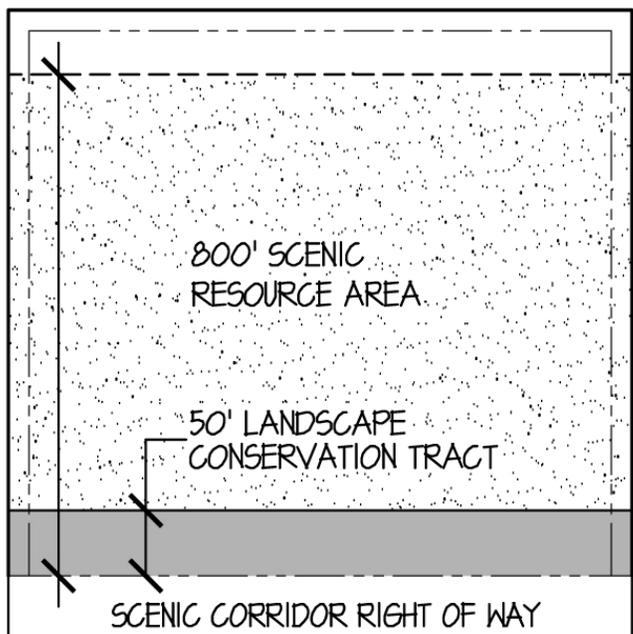


FIGURE 27.10 - 2: Non-Residential Scenic Resource Conservation Area and Landscape Conservation Tract



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.

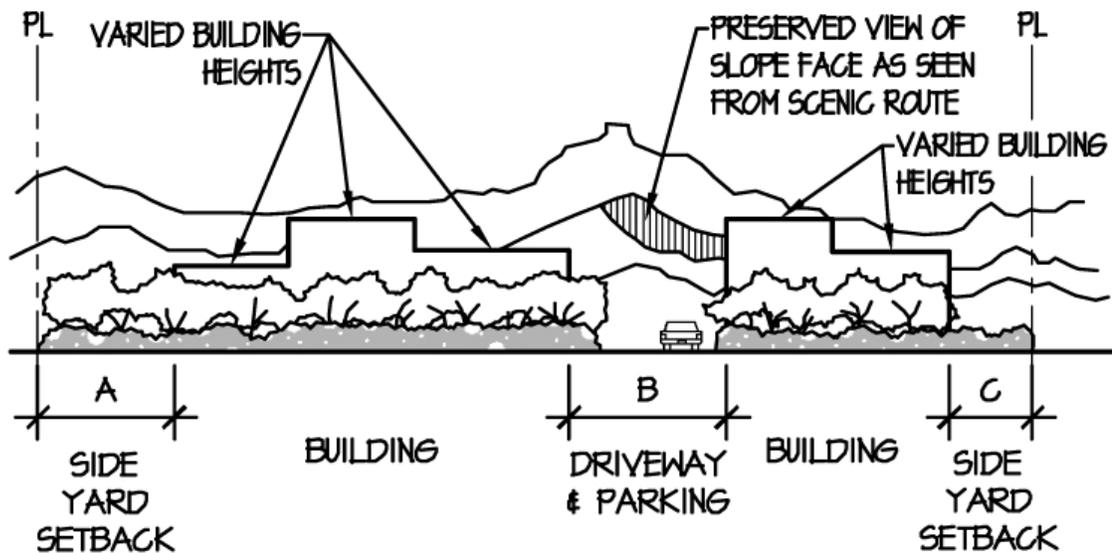
(a.) At a minimum, written materials shall include:

- 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



PROJECT BUILDING HAVE BEEN SITED TO PROVIDE THREE VIEW CORRIDORS A, B, & C. VIEWS OF AREAS BEYOND PROJECT HAVE BEEN PRESERVED.

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 (*Prosopis 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

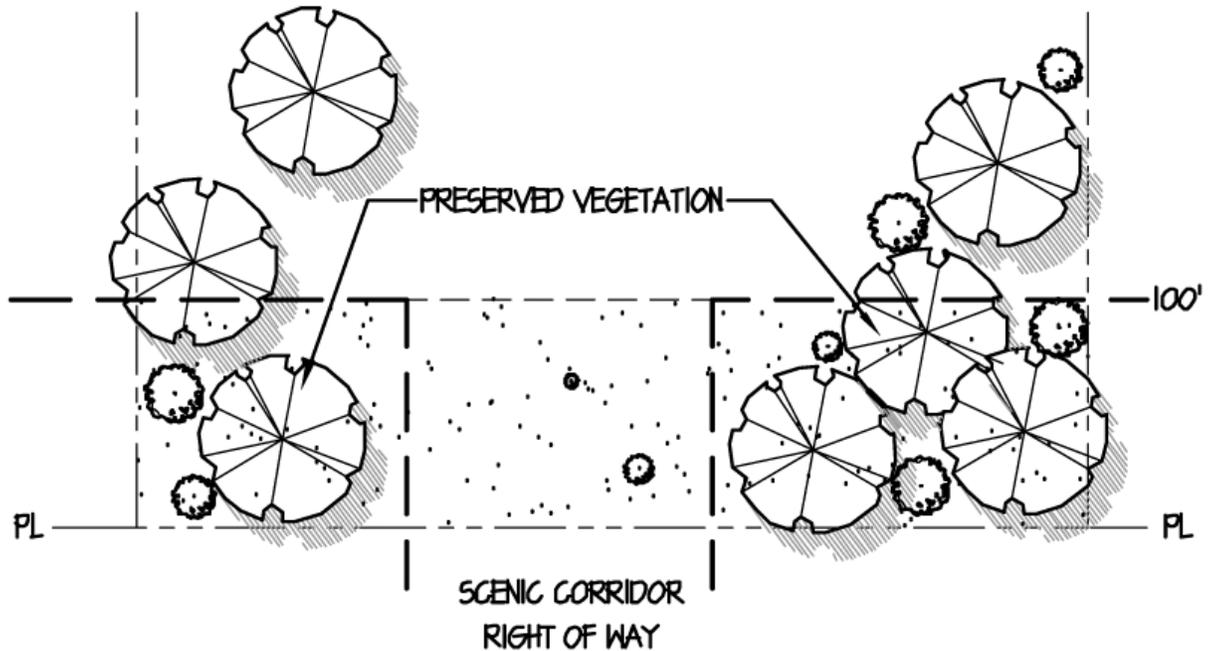
a) Tier 1 and Tier 2 Scenic Corridor Landscape Standards

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 (*Prosopis. 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.

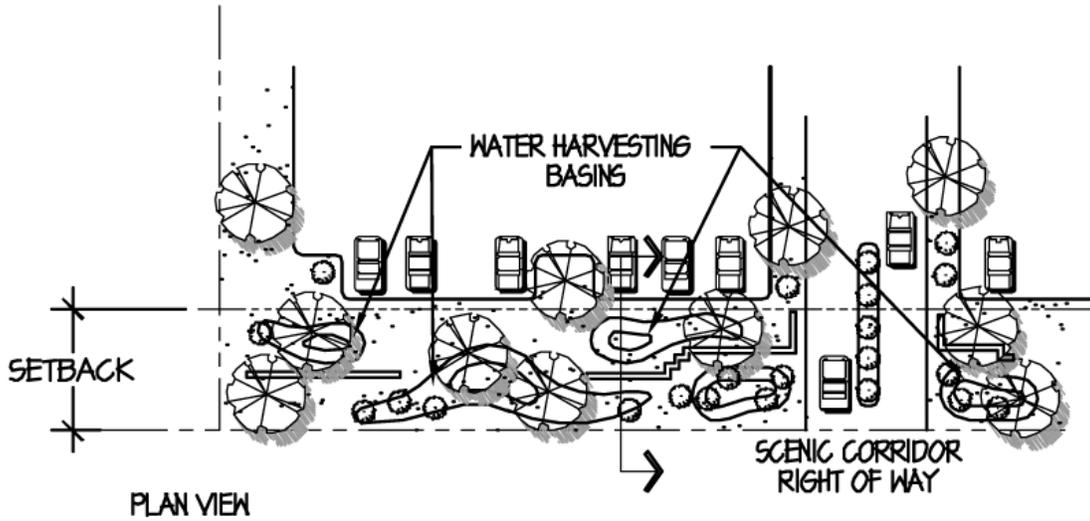
- iv. All remaining disturbed areas shall be stabilized or seeded with shrubs, wildflowers, forbes or grasses from the Oro Valley Approved Plant List as approved by the Planning and Zoning Administrator (See Addendum D).
- v. Native plant materials shall be allowed to maintain their natural form and 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.

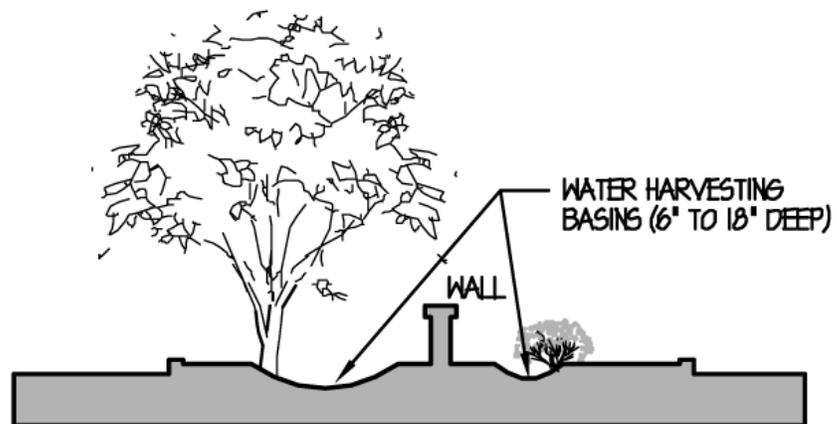
FIGURE 27.10 – 5: Plan View and Elevations



- 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 BASIN 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

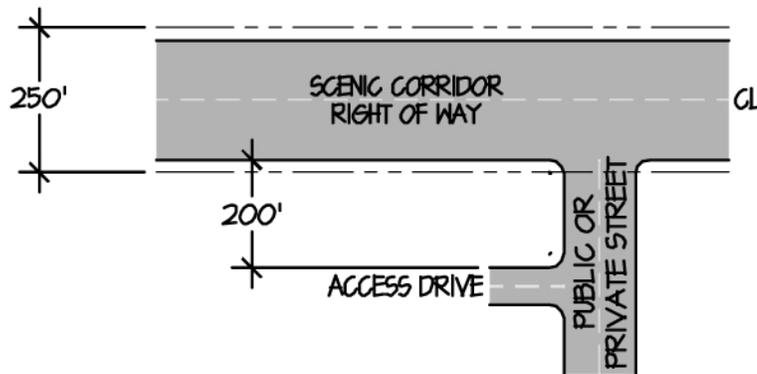
properties, or portions thereof, classified according to the Oro Valley Zoning Code Revised, Sections 23.6 and 23.7, Single-Family and Multi-Family Residential District Regulations, and located within the Oracle Road District.

- 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.

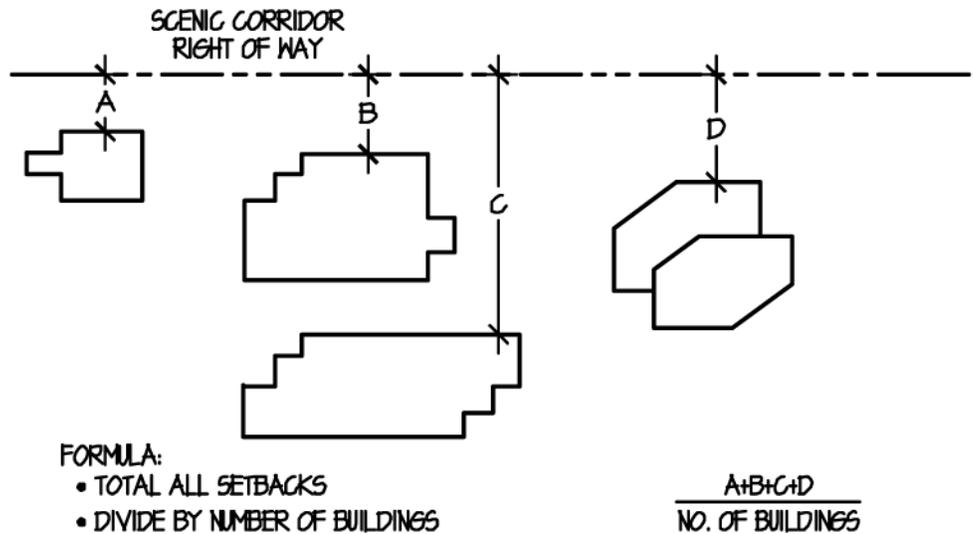
- vi. Performance Requirements. All other development requirements of the R4-R district, as well as the requirements of this Section, shall apply.

(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:

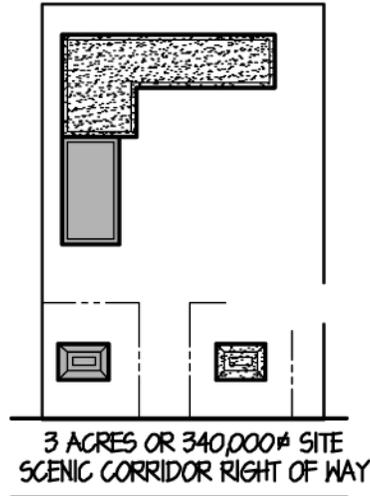
Building up to 2,000 square feet, adjacent to R1-36; 40 foot rear setback + 10 feet = 50 feet, may be reduced in increments of 5 feet to 40 feet.

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:

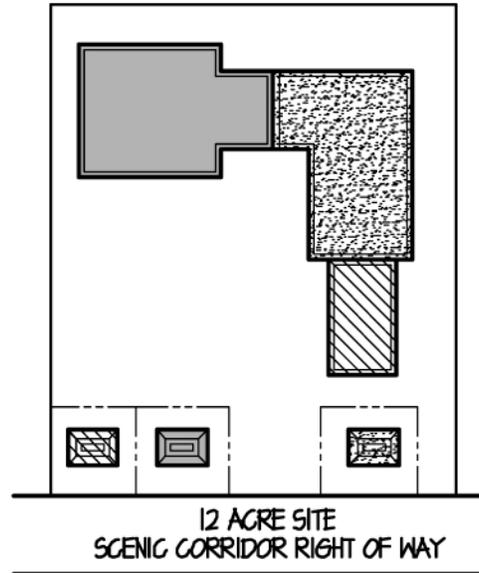
1. Establishment of freestanding building pads fronting on or directly accessible from Oracle Road is permitted only on sites of 5 acres or greater, with a minimum of 50,000 square feet of GFA (gross floor area) in the principal structure required for the first such pad. Additional pads, requiring further 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



	50K + PAD	53K = .016 F.A.R.
	75K + 2 PADS	81K = .24 F.A.R.

	50K + PAD	53K = .010 F.A.R.
	100K + 2 PADS	106K = .20 F.A.R.
	115K + 3 PADS	124K = .24 F.A.R.

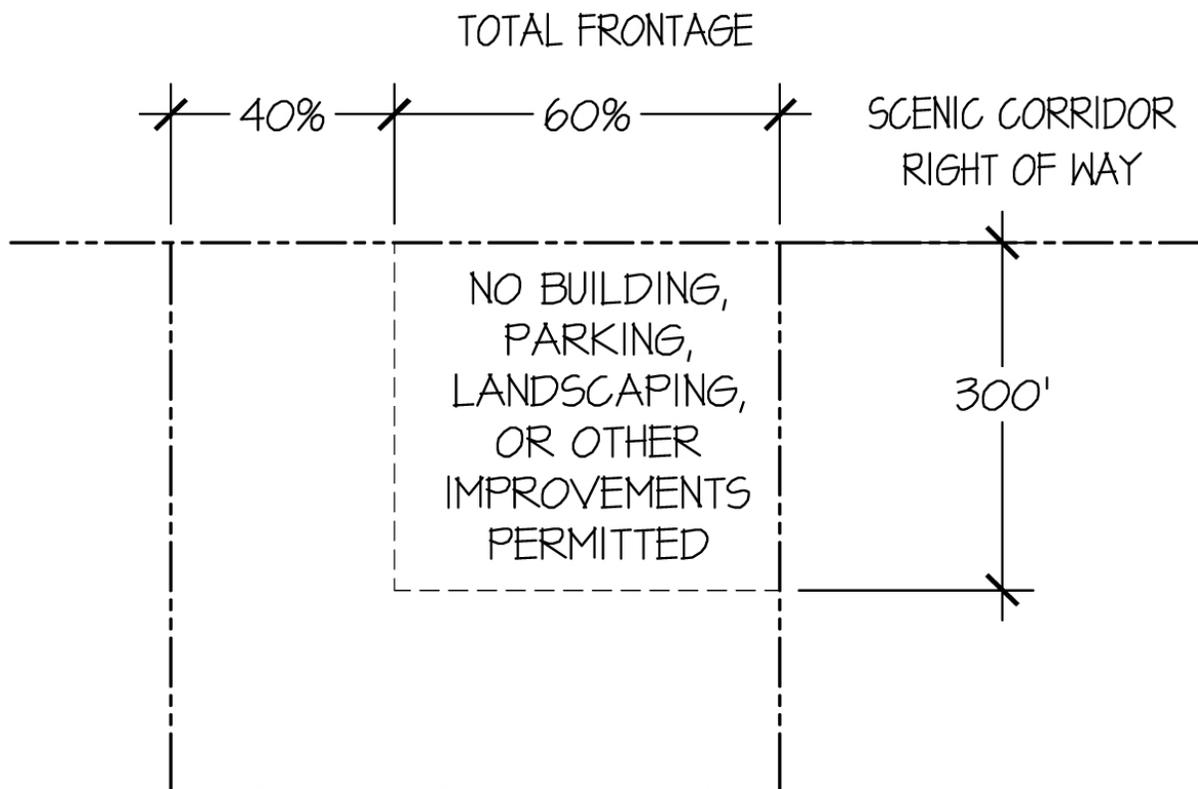


2. Allowable building area is .25 FAR for sites with an area of 2 acres or larger; reduced by 50 percent (.125 FAR) for sites or existing freestanding pads of lesser area. FAR may be increased to a total not exceeding .3 FAR, by the following site plan features:
 - a. An additional .01 FAR shall be permitted 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

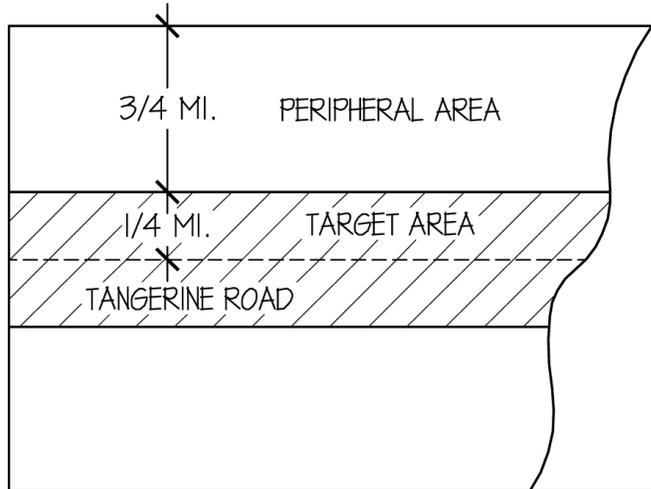
The Tangerine Corridor District is an Overlay District to provide implementation directions for the Tangerine Road Corridor Specific Plan, which has been duly adopted as a refinement of the Town of Oro Valley General Plan. The purpose of these regulations and guidelines is to preserve the value of lands 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 (1/4) 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:

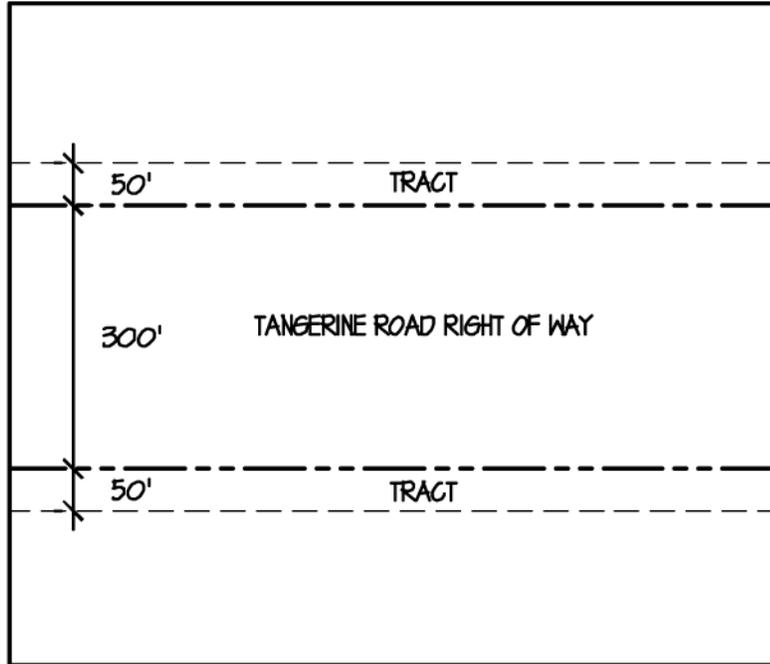
i. Tangerine Road

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.

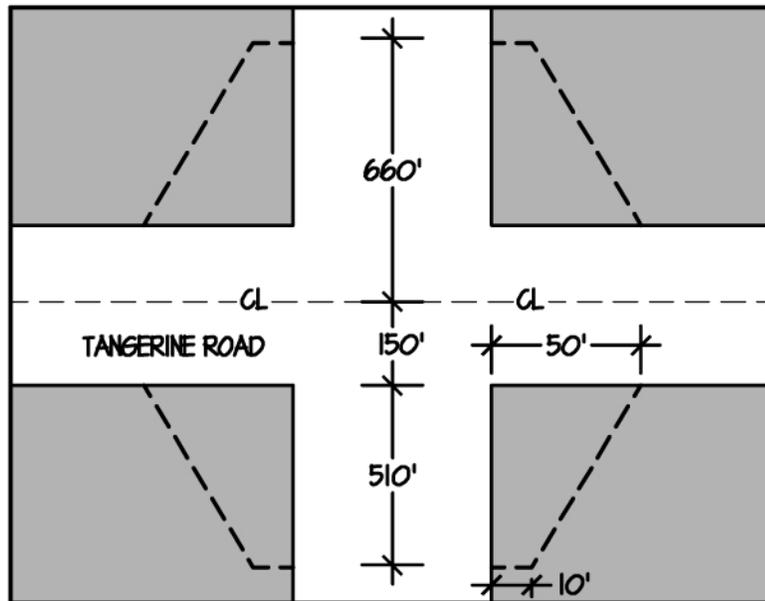
FIGURE 27.10 – 11: 50' Tract along Tangerine Road R-O-W



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

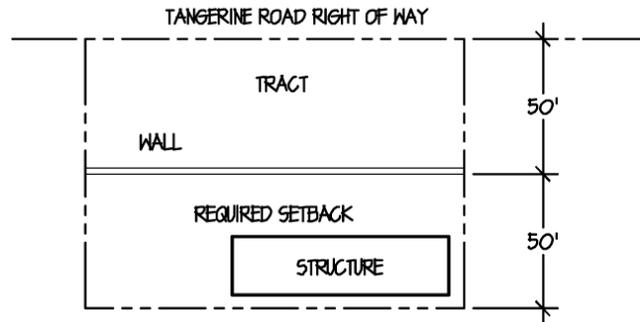
Direct access to Tangerine Road or to an intersecting arterial roadway within 600 feet of the Tangerine right-of-way is prohibited for any future development without the express approvals of the Town and ADOT (see Sections 24.1.D.1.a, and 24.1.D.1.b). The intent is to eliminate curb cuts from Tangerine 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

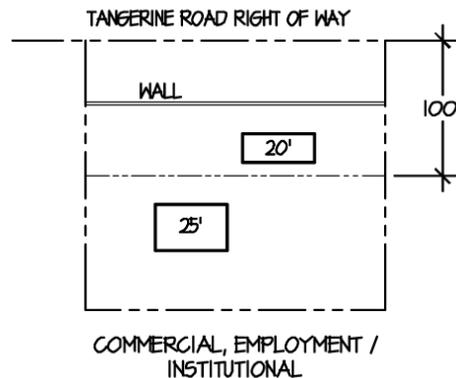
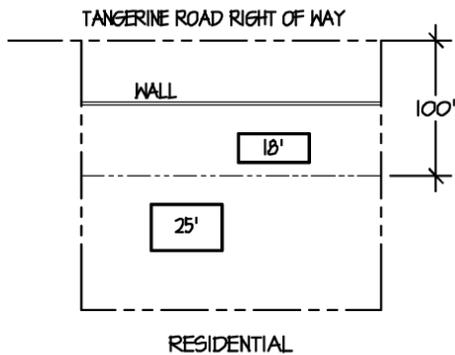
Setback requirements of the applicable, underlying zoning district shall be provided in addition to the reserved easement tract.

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.



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 ($\frac{1}{4}$) 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

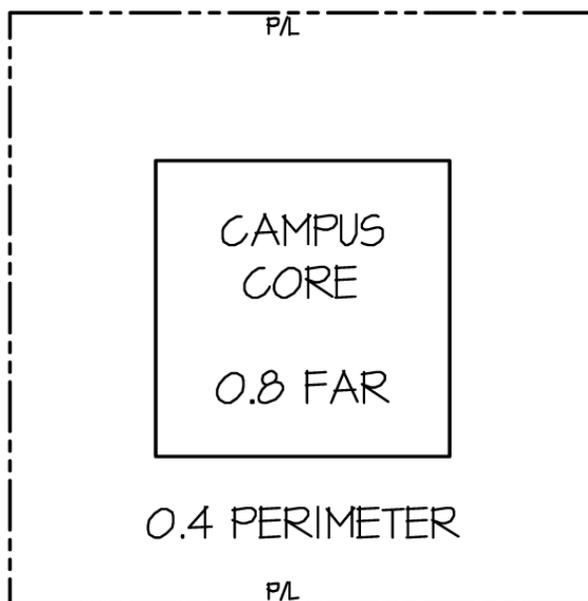
The Commercial Development regulations, Section D.2.f.v.a).(2).v.c shall apply.

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 ($\frac{1}{4}$) 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.

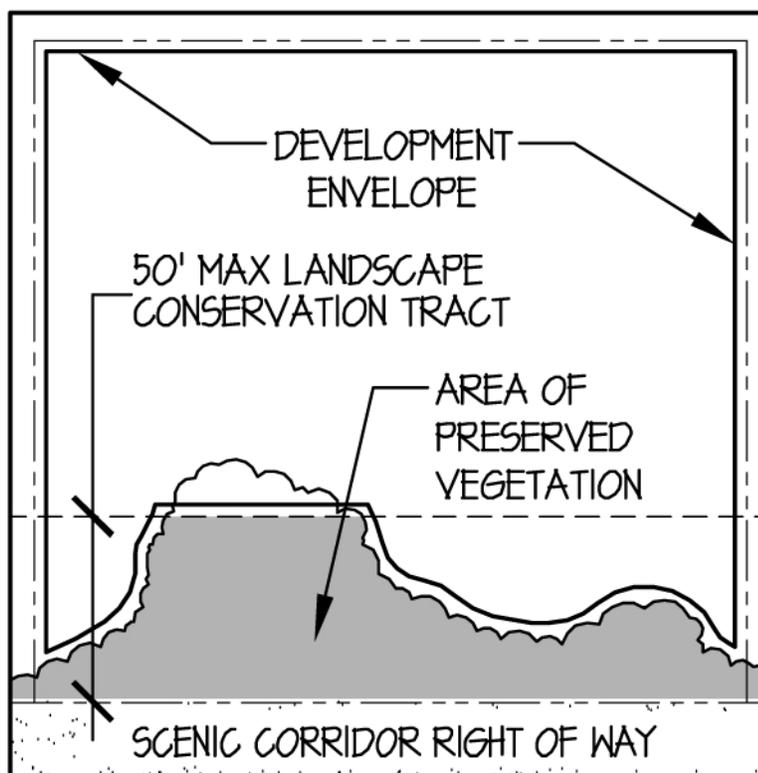
(1) Applicability

- (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.

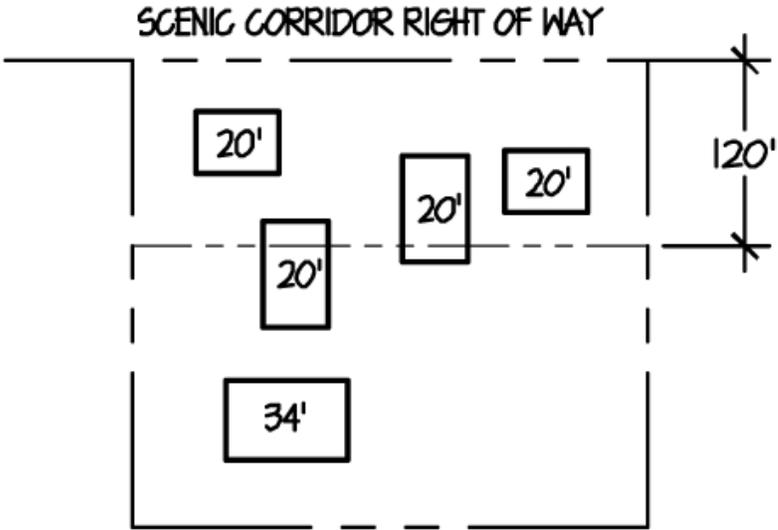
(5) Commercial Development Regulations

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



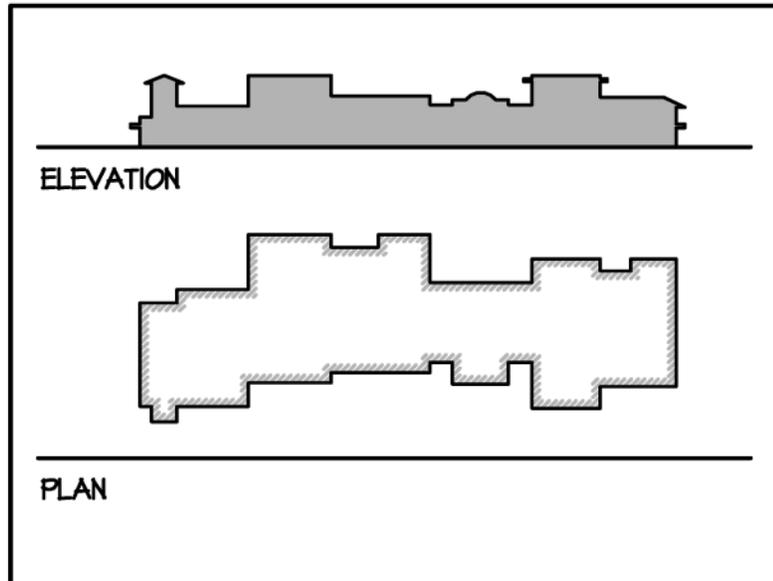
(ii.) Building Height

- (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.

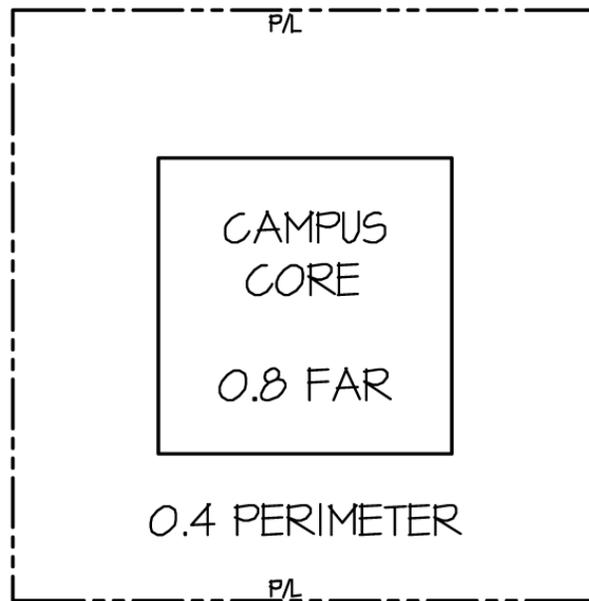
(iii.) Buildings

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 (1/4) 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

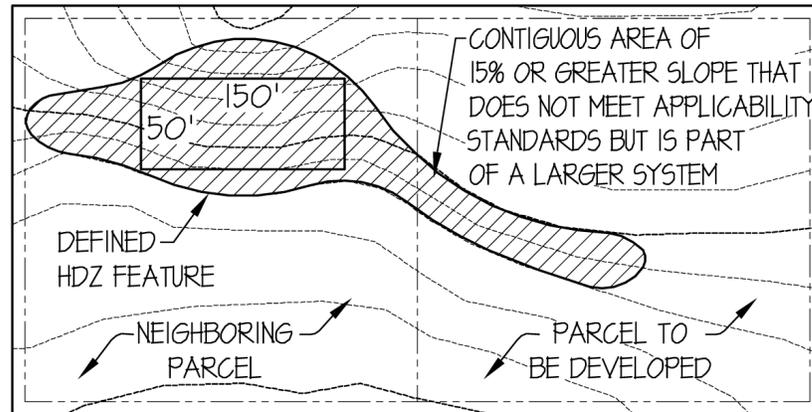
The Hillside Area category is intended to protect public safety, conserve visually significant sloped areas, evaluate slopes and potential impacts, and ensure development compatibility with the distinct hillside topography that is vital to the visual and scenic character of the Town.

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

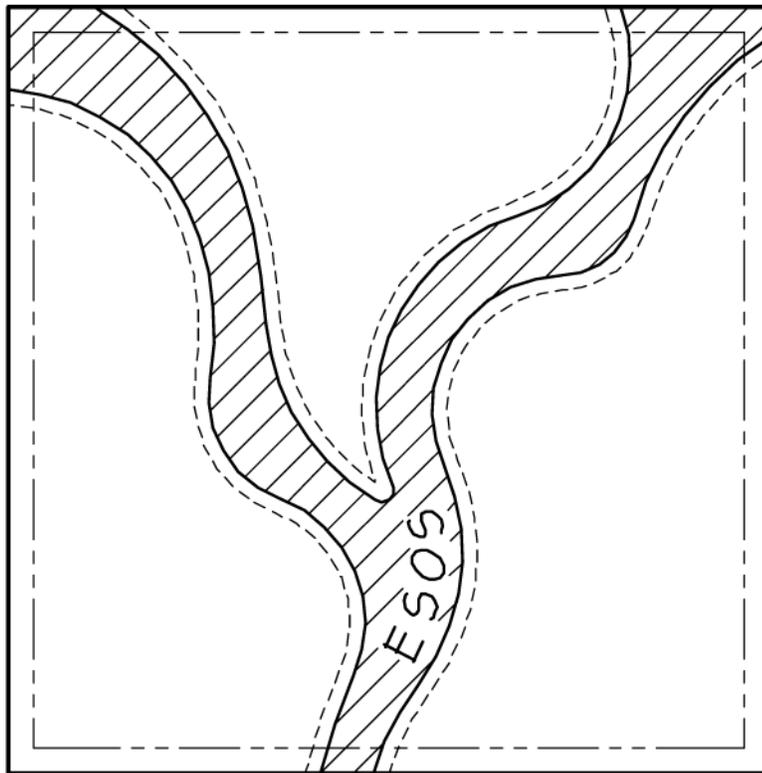
ESOS shall be permanently protected by one of the following methods:

- 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

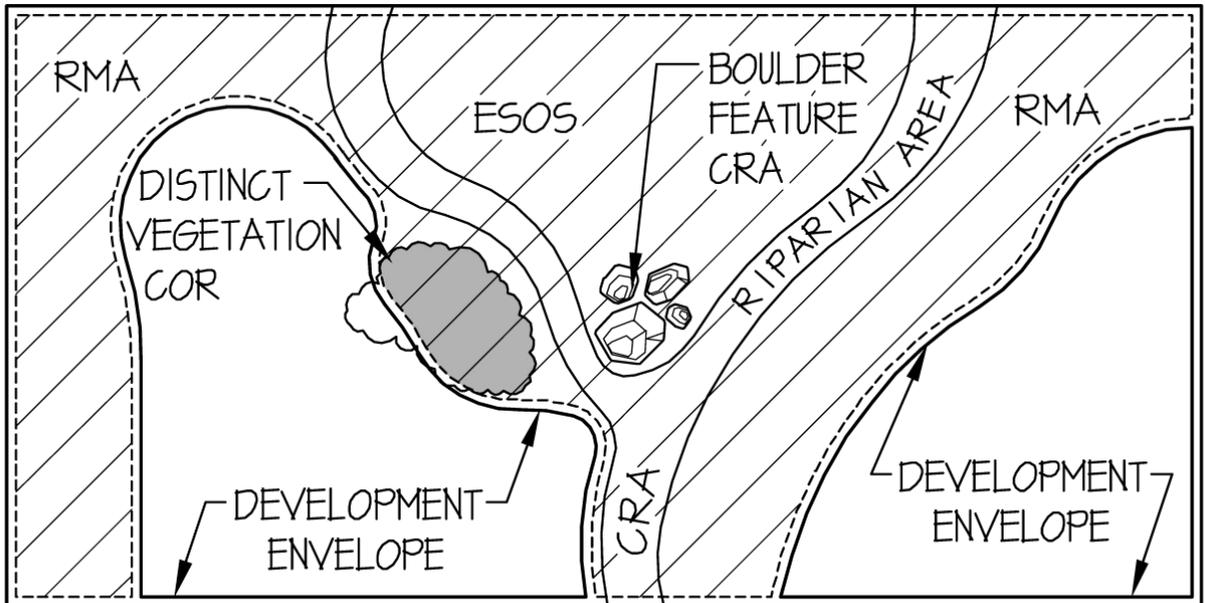
* Permitted uses, such as trails, specified in Section F.1.b. require a minimal degree of disturbance.

- 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.

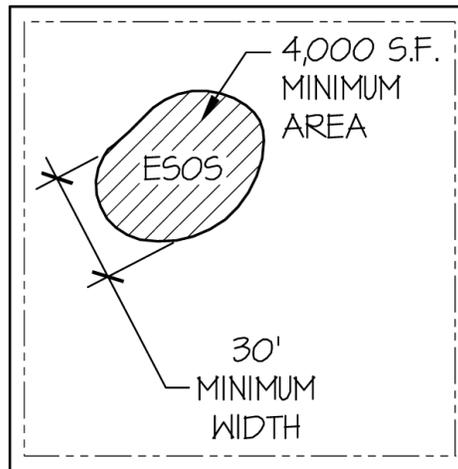
FIGURE 27.10 – 21: Multiple ESL Features and ESOS Areas



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:

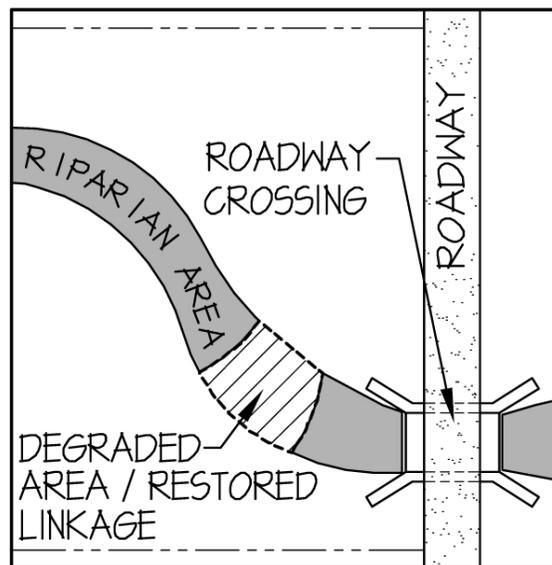
- i. Any excess ESOS areas and the resultant credits shall be acknowledged by the property owner and shown as part of an Open Space Master Plan.
- ii. The Open Space Master Plan shall be included with the PAD application and must identify any excess ESOS by development project and allocate any excess 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.

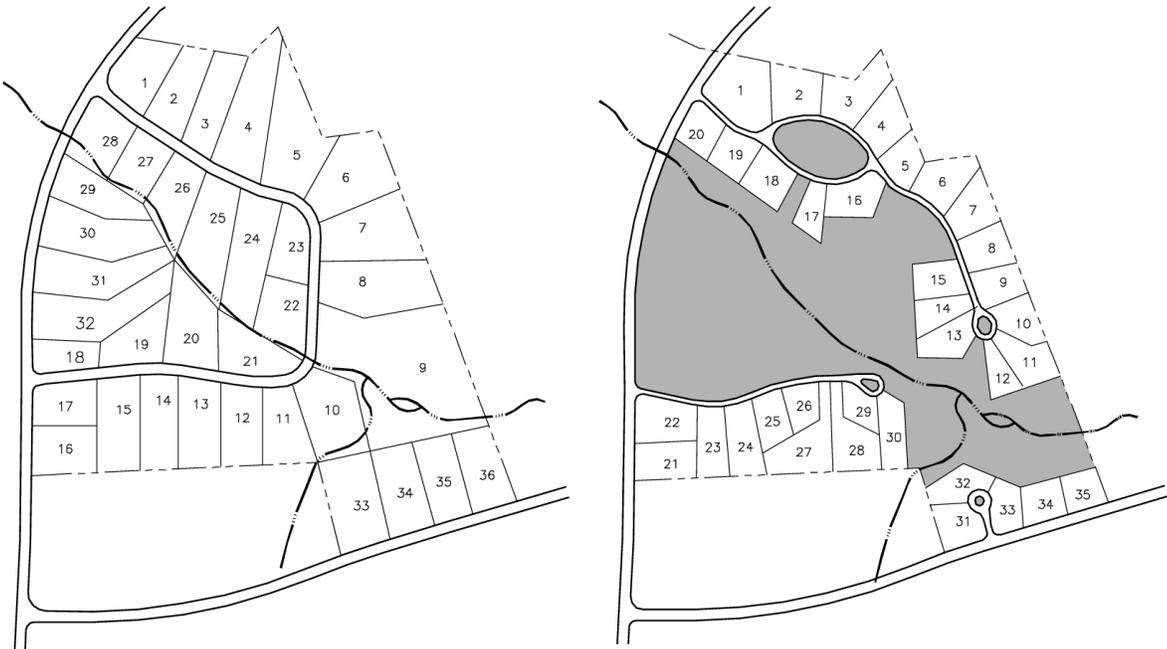
- a) **Building Setback.** Minimum setbacks may be reduced to no less than five feet on lots less than or equal to 12,000 s.f. and up to 20% of the required distance on lots greater than 12,000 s.f. Reductions are subject to the following:
 - (1) Side yards shall not be less than five feet, unless a 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 do 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.

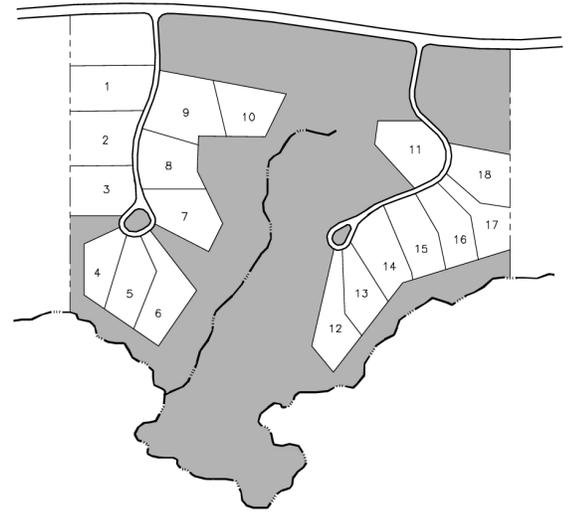
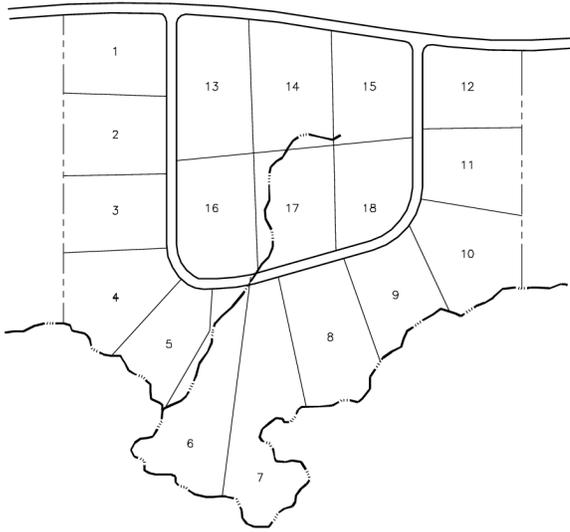
ii. General Requirements

- 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.

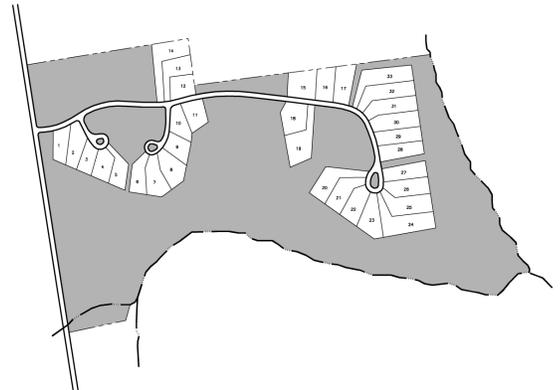
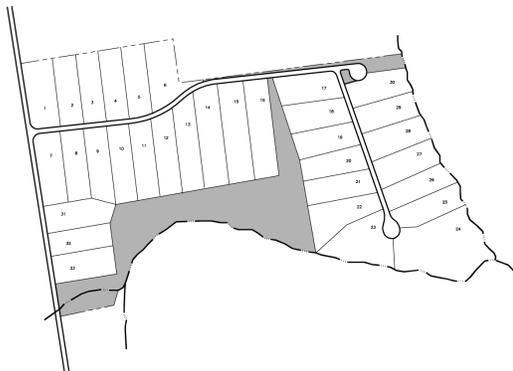
FIGURE 27.10 – 24: Conservation Subdivision Design Examples



Example 1



Example 2

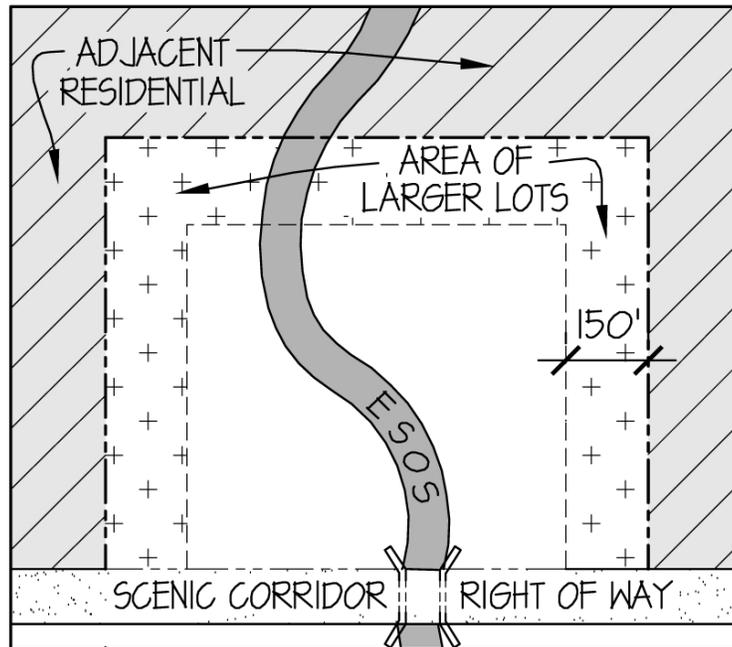


Example 3

- 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.

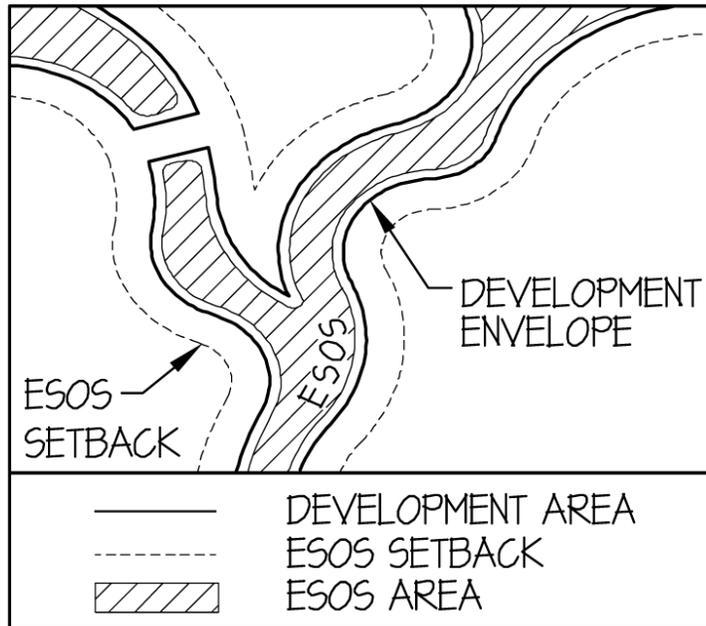
b. ESOS Setbacks

- 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 m² or 3,380 ft²)
- (e) Square plots: 15–20 meters per side (225 m²–400 m² or 2,422 ft²– 4,306 ft²)
- (f) Rectangular plots: 15 meters x 20 meters (300 m² or 3,229 ft²)

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:

$$\frac{\text{Total number of plants in all plots}}{\text{Total combined area of all plots}} = \frac{X \text{ plants per area of interest}}{\text{Area of interest}}$$

- 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; Xeroriparian 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

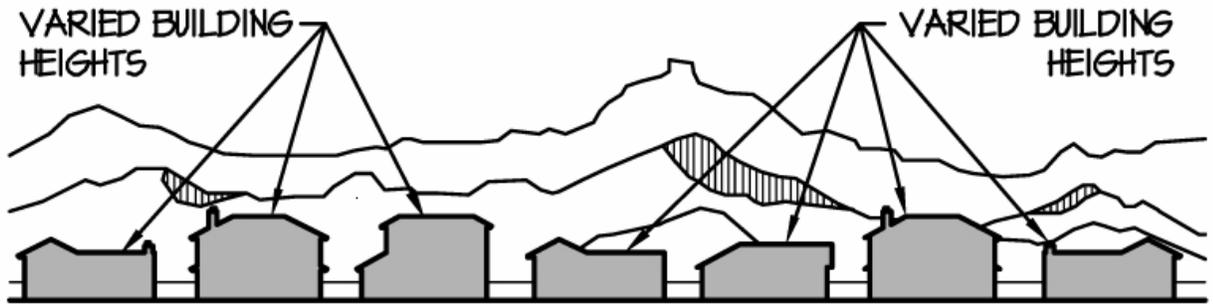
- 1) General Design

- 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:

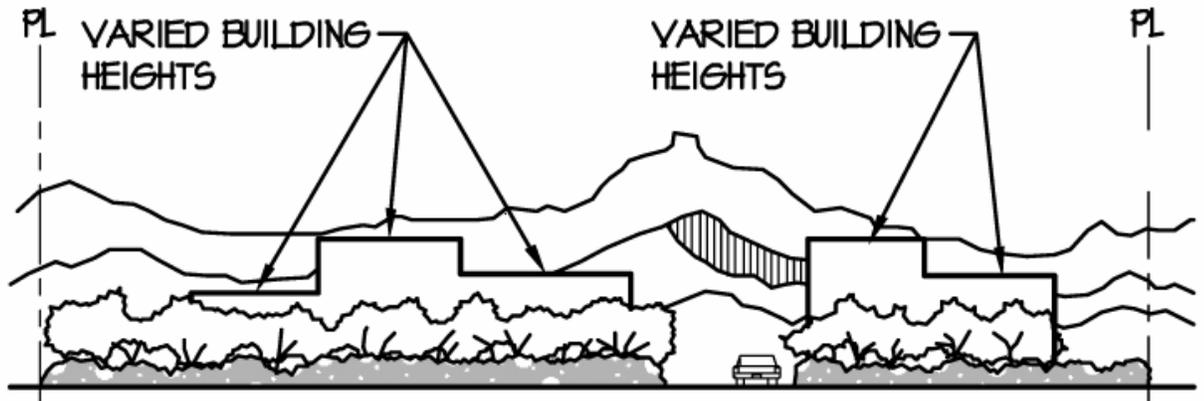
- i. Building heights should be varied, preferably mixing one and two-story homes to enable views across the site from the scenic corridor right-of-way.



- 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 m² or 3,380 ft²)
 - ii. Square plots: 15–20 meters per side (225 m²–400 m² or 2,422 ft²– 4,306 ft²)
 - iii. Rectangular plots: 15 meters x 20 meters (300 m² or 3,229 ft²)

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

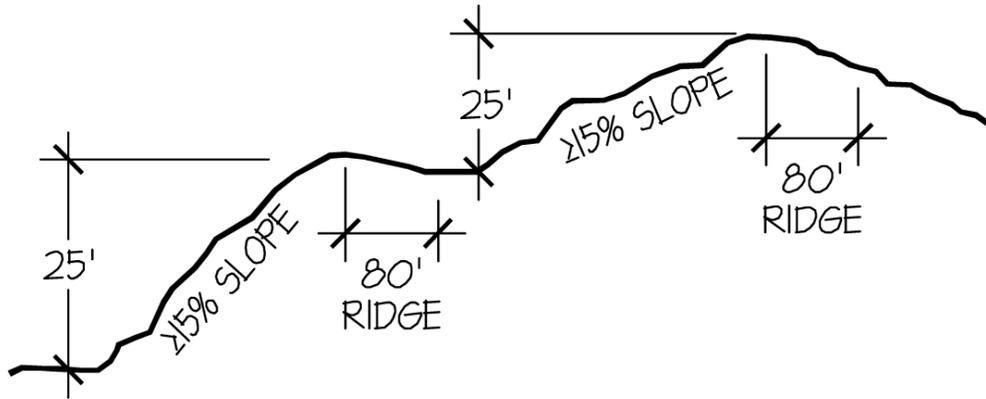
Shall mean, in the context of the Environmentally Sensitive Lands Conservation System, the attempt to maintain land in its current condition to protect the area from negative human influence.

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.

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iii. Mitigation of significant vegetation, under-story requirements, and area measurement.

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- a) Mitigation of significant vegetation shall be according to the ratios in Table 27-1.

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

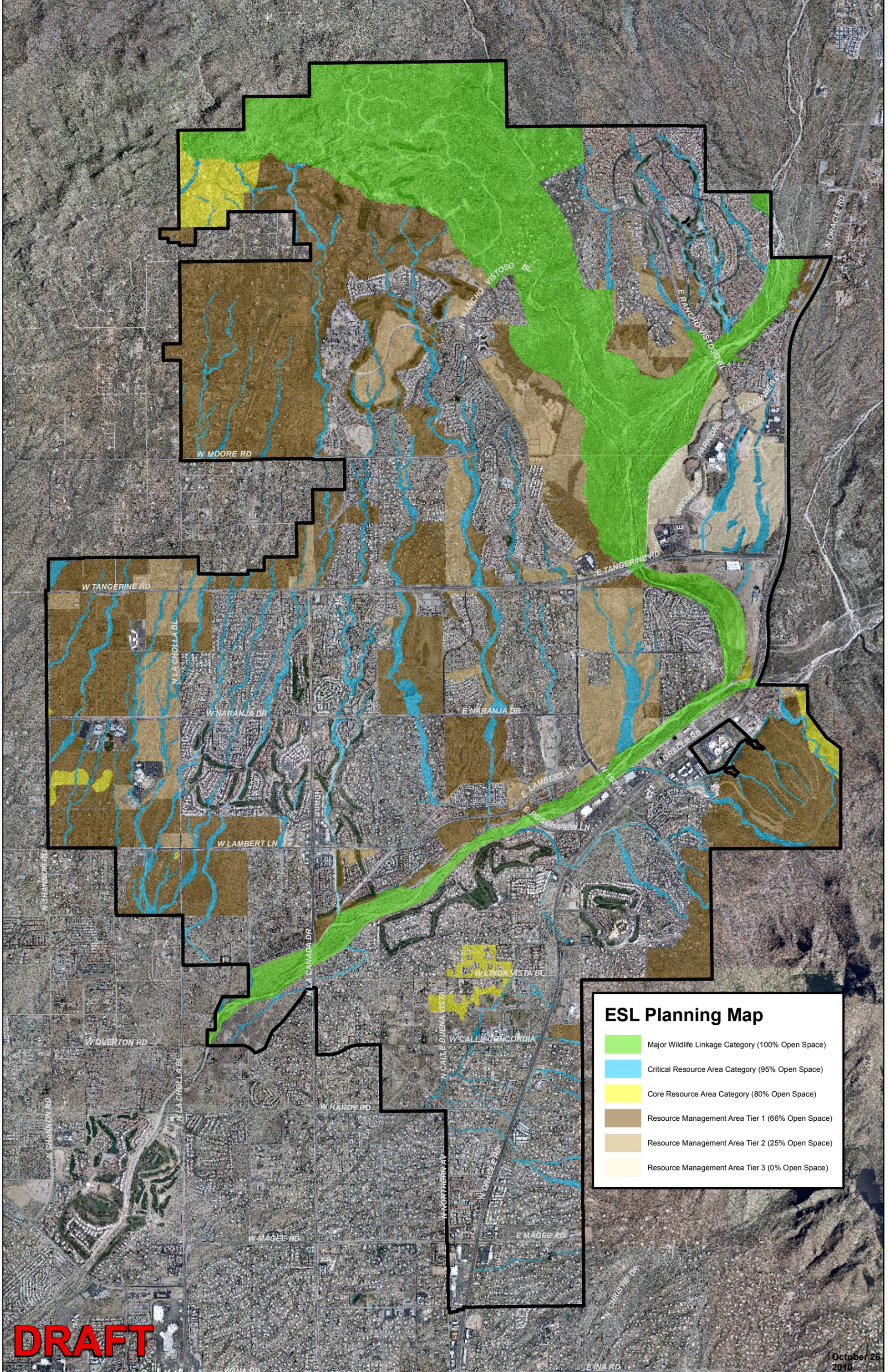
The Historic Preservation Commission considers evidence and recommends action upon appeal or review of a Planning and Zoning Administrator's determination of cultural resource significance and/or action specified within a formal treatment plan.

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.



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



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.

ESL represents a comprehensive approach to insure integration of multiple code elements. It combines requirements, flexible guidelines, and incentives.

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.

ESL is a complex document because it is a systematic approach that satisfies unique legal constraints.

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.

Focus is on achieving environmental and economic goals, even in the 2011 economy.

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.

Elements of ESL establish clear expectations and decrease the development review time line.

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.

There are multiple avenues for design flexibility to provide development opportunities.

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.

FISCAL IMPACT:

Development Community

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, Environmentally Sensitive Lands Planning Map](#)

Link: [Attachment #2, ESL Review Process & Outreach](#)

Link: [Attachment #3, General Plan Policies that support Environmentally 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](#)

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, hydriparian, 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	<p>11.2.9 The Town shall require project designs that:</p> <ul style="list-style-type: none"> - 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	<p>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.</p>	Open Space and NRP	Habitat	
OVGP	<p>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.</p>	Open Space and NRP	Related, not specific to ESL	
AG	<p>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.</p>	Open Space and NRP	Habitat/Cult/hist resource protection	
OVGP	<p>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.</p>	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	
	<p>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.</p>			
OVGP	<p>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).</p>	Land Use	Multiple goals	
OVGP	<p>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.</p>	Open Space and NRP	Multiple goals	
OVGP	<p>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.</p>	Open Space and NRP	Multiple/Prop 207	
OVGP	<p>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.</p>	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	<p>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:</p> <ul style="list-style-type: none"> - (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	<p>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.</p>	Open Space and NRP	General/multiple goals	
OVGP	<p>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:</p> <ul style="list-style-type: none"> - 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 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	<p>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.</p>	Open Space and NRP	Open Space management/habitat	

Attachment #4 ESL HISTORY

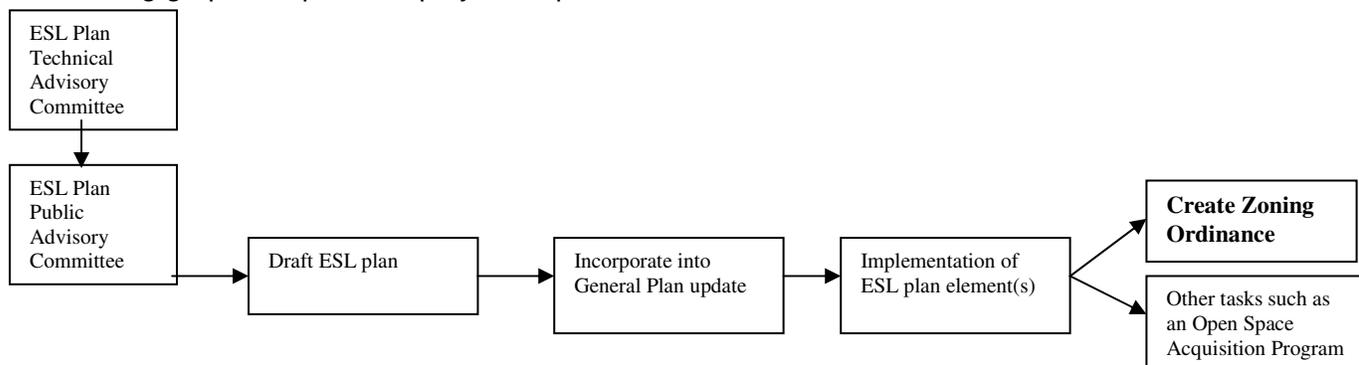
The need for ESL was first established in the 1996 General Plan. The Environmentally Sensitive Lands Project consists of two main components: 1) Policy Development, and 2) Implementation. The first was initiated in 1999 and was completed with the adoption of Focus 2020 General Plan. From 1999 to 2001, 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	<u>Major Wildlife Linkage</u>	<u>Critical Resource Area</u>	<u>Core Resource Area</u>	<u>Resource Management Area</u>	<u>Cultural Resources</u>	<u>Scenic Resources</u>	<u>Hillside Areas</u>
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**

RMA Tiers	Tier 1	Tier 2	Tier 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			

**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](#)

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

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.

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 separately 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

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.



Item #: 4.

Town Council Regular Session

Date: 02/16/2011

Submitted By: David Williams, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

REVIEW OF PLANNING DIVISION WORK PLAN FOR FY 2010-12 WITH POSSIBLE ACTION TO AMEND OR RE-PRIORITIZE STAFF WORK EFFORTS

RECOMMENDATION:

Staff requests confirmation of the priorities and projects contained in the Planning Division's Work Plan. Any resetting of priorities, addition or deletion of work projects can be addressed at this time. All Work Plan matters will be considered during the upcoming budget process.

EXECUTIVE SUMMARY:

Since the current Planning and Zoning Work Plan was adopted, the Town has elected a new Mayor and four new Councilmembers. The new Town Council has appointed a permanent Town Manager and a new Assistant Town Manager has been hired. Staff recognizes the need to confirm and potentially adjust work efforts and priorities on this two-year plan covering the remainder of Fiscal Year 2010/11 and upcoming 2011/12.

Attachment 1, Planning Division Work Plan Summary, lists the projects, priorities, and estimated labor effort for the Planning Division. Projects are identified in the attached table in three categories: pending, in progress and on-hold. A synopsis of the items is listed in order of current perceived priority.

Pending projects include:

- Zoning Code Design Standards and Guidelines
- Streamlining Support (Submittal Requirements, Checklists and SOPs)
- Citizens Academy Part II
- C-1, C-2 and Mixed-Use Zoning Districts
- Assess General Plan Implementation
- Zoning Code Update and Clean-up (to match General Plan)
- General Plan Update Preparation

Several projects are currently nearing completion:

- Environmentally Sensitive Lands
- Sign Code Update
- C-N Neighborhood Commercial Zoning District Update
- Recreation Area Requirements for Subdivisions Update
- Citizens Academy Part I (complete)

Typically, new or additional projects become part of the Division's work effort. This fiscal year additional projects requiring substantial staff effort have included:

- Creation of Conceptual Design Review Board
- Public Art Requirements Update

- Temporary Sign Waiver Program

Conservation and Sustainability ongoing and pending projects include:

- Energy Efficiency and Conservation Strategy
- New General Plan Elements for Energy and Conservation
- Sustainability and Energy Design Guidelines
- Review of Town Codes for Barriers to Energy Efficiency

The level of effort called for in the Work Plan, 6,400 hours, is achievable. However, the Council should recognize that additional projects and demands on staff will emerge as we move forward, likely resulting in the extension of the timelines on lower priority projects.

BACKGROUND OR DETAILED INFORMATION:

The former Planning and Zoning Department functions are now included in three divisions of the Development and Infrastructure Services Department: Planning, Code Compliance and Permitting. The core functions of the Planning Division are long range planning, short range planning, management of development review projects and zoning administration. The Division also includes Conservation and Sustainability and Special Projects Coordination functions. The Planning Division includes seven members.

With a significant turnover on the Town Council in 2010, staff recognizes the need to confirm and potentially adjust work efforts and priorities on this two-year plan covering the remainder of Fiscal Year 2010/11 and upcoming 2011/12.

History

In February and March of 2010 the Town Council reviewed and approved the Planning and Zoning Department's Work Plan (see Attachments 2 and 3, Town Council Minutes, 2/24/10 Regular Session and 3/24/10 Special Session). The Work Plan was reviewed and confirmed by the Planning and Zoning Commission in early February 2010 (see Attachment 4, Commission Minutes, 2/2/2010). The Work Plan as adopted by Council is included as Attachment 5, Planning Work Plan, July 2010.

Available and Anticipated Work Effort

The Planning Division generally has an estimated 6,800 person-hours available for Work Plan projects at anticipated staffing levels through FY 2012. Providing front counter, customer service, preparing for and conducting meetings, and, reviewing and managing development applications are not included in the Work Plan.

The level of effort called for in the Work Plan is generally consistent with the Division's available staff resources. This means all Work Plan projects can reasonably be expected to be completed by the end of FY 2011/12. The exception would be a complete update of the General Plan which is currently identified only for initial phases in this Work Plan.

Priorities

Prioritized listings of projects are included in the Executive Summary section of this report. The Council-approved streamlined development review process is the Division's highest priority over the second-half of this fiscal year and will continue to demand significant staff resources as the Conceptual Design Review Board and new procedures are established and refined.

Two major projects include a comprehensive zoning code review and update of the General Plan. These projects are currently not well-defined but can be redefined and addressed as part of the upcoming budget process. Council expectations on the scope of these projects and their priority are sought.

FISCAL IMPACT:

All effort on the Division's Work Plan will be accomplished within the approved budget and staffing levels. Unless projects are to be accelerated or additional concurrent projects are added, current staff resources are sufficient. Specific budget reductions have been anticipated for the Division and considered in this analysis of work effort through FY 2011/12.

SUGGESTED MOTION:

I MOVE to confirm the Planning Division Work Plan as presented, (with the following modifications:

.)

or

I MOVE to direct staff to submit a revised Work Plan concurrent with the proposed budget for FY 2011/12.

Attachments

Link: [Attachment 1 Updated Planning Division Work Plan Summary](#)

Link: [Attachment 2 Council Special Session Minutes 3/24/10](#)

Link: [Attachment 3 Council Minutes 2/24/10](#)

Link: [Attachment 4 Planning and Zoning Commission Minutes 2/2/10](#)

Link: [Attachment 5 Planning Work Plan, July, 2010](#)

PLANNING DIVISION WORK PLAN

TOWN OF ORO VALLEY FY 10/11 AND FY 11/12

PLANNING DIVISION PENDING PROJECTS

PRIORITY	WORK PLAN PROJECT	STATUS	COMPLETE	ANTICIPATED COMPLETION	STAFF HOURS TO COMPLETE
1	UPDATE ZONING CODE DEVELOPMENT DESIGN STANDARDS create design standards, integrate CPTED, green building	IN PROGRESS	25%	April '11	690
2	UPDATE/STREAMLINE DEVELOPMENT REVIEW PROCESS revise/simplify project review/approval process; update Zoning Code and SOPs	IN PROGRESS	25%	April '11	540
3	COMMUNITY ACADEMY-SPRING SPECIALIZED ACADEMIES Spring "specialized" classes to support board/commission training	IN PROGRESS	5%	May '11	300
4	ZONING CODE UPDATE-C-1, C-2, MIXED USE update commercial districts standards and integrate mixed use standards	FY '11-'12	0%	Winter '11-'12	320
5	GENERAL PLAN UPDATE-PHASE I-BACKGROUND/PREP WORK FOR UPDATE status report on implementation of current General Plan; data gathering, visioning, goal setting	IN PROGRESS	30%	Spring '12	490
6	ZONING CODE UPDATE-COMPREHENSIVE REVIEW review permitted uses; general cleanup of Code	FY '11-'12	0%	Summer '12	920
7	GENERAL PLAN UPDATE-PHASE II- BEGIN UPDATE PROCESS major update beginning in FY 2011/12	FY '11-'12	0%	Summer '12	540

PLANNING DIVISION PROJECTS NEAR COMPLETION

PRIORITY	WORK PLAN PROJECT	STATUS	COMPLETE	ANTICIPATED COMPLETION	STAFF HOURS TO COMPLETE
1	ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE zoning regulations, guidelines, and incentives for biologically significant areas, hillside and mountainous terrain, cultural resources, and scenic resources.	IN PROGRESS	95%	May '11	150
2	SIGN CODE UPDATE comprehensive review and update of entire sign code	IN PROGRESS	90%	Feb '11	80
3	ZONING CODE UPDATE-CN COMMERCIAL update to C-N zoning district standards	IN PROGRESS	95%	Feb '11	40
4	RECREATION CODE UPDATE update standards for recreational areas in subdivisions	IN PROGRESS	95%	Feb '11	30
5	COMMUNITY ACADEMY-LOCAL GOVERNANCE 101 Fall "core" curriculum for citizen and board/commission members	COMPLETED	100%	Dec '10	0

PLANNING DIVISION NEW PROJECTS

PRIORITY	WORK PLAN PROJECT	STATUS	COMPLETE	ANTICIPATED COMPLETION	STAFF HOURS TO COMPLETE
1	CREATE CONCEPTUAL DESIGN REVIEW BOARD scope, powers, duties, decision-making authority, Zoning Code and Town Code amendments	IN PROGRESS	20%	April '11	240
2	PUBLIC ART REQUIREMENTS Council initiated update to In-Lieu fee option and location	IN PROGRESS	90%	May '11	32
3	TEMPORARY SIGN WAIVER implement and evaluate Council-initiated sign code relief	IN PROGRESS	95%	May '11	24

CONSERVATION AND SUSTAINABILITY

PRIORITY	WORK PLAN PROJECT	STATUS	COMPLETE	ANTICIPATED COMPLETION	STAFF HOURS TO COMPLETE
1	ENERGY EFFICIENCY CONSERVATION STRATEGY & BLOCK grant secured; implementation ongoing, including Town Hall solar installation	IN PROGRESS	80%	summer 2011	240
2	APPLICATION FOR LEED DESIGNATION FOR TOWN HALL comprehensive effort to track energy savings and develop internal green policies and practices, including purchasing policies	IN PROGRESS	15%	summer 2012	1000
3	PLANNING FOR ELECTRIC VEHICLE RECHARGING STATIONS IN OV planning effort to locate federally funded charging stations throughout Oro Valley. Research and application of financial tools, including grants, for future energy projects	IN PROGRESS	70%	summer 2011	40
4	REVIEW TOWN CODES FOR BARRIERS TO ALT ENERGY & CONSERVATION element of comprehensive zoning code update	FY '10-'11	0%	spring 2011	200
5	NEW GENERAL PLAN ENERGY AND CONSERVATION ELEMENTS Establish guidelines to encourage incorporation of sustainability and energy design elements	FY '11-'12	0%	spring 2012	500

PLANNING DIVISION ON HOLD PROJECTS

PRIORITY	WORK PLAN PROJECT	STATUS	COMPLETE	ANTICIPATED COMPLETION	STAFF HOURS TO COMPLETE
1	ARROYO GRANDE PRE-ANNEXATION DEVELOPMENT AGREEMENT (PADA) communication with ASLD ongoing, project indefinitely on hold	ON HOLD	0%	TBD	360
2	ARROYO GRANDE MASTER PLANNED COMMUNITY ORDINANCE (PAD) communication with ASLD ongoing, project indefinitely on hold	ON HOLD	0%	TBD	960
3	ARROYO GRANDE PADA ELEMENTS OF SUSTAINABILITY criteria and standards to be developed once project gets back on track	ON HOLD	0%	TBD	240

MINUTES
ORO VALLEY TOWN COUNCIL
Special/Study Session
March 24, 2010
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

6. [DISCUSSION AND/OR POSSIBLE ACTION REGARDING APPROVAL OF PLANNING AND ZONING DEPARTMENT WORK PLAN FOR FISCAL YEARS 2010/11 AND 2011/12](#)

[Click here for Item 6](#)

Acting Planning and Zoning Director Paul Popelka reviewed the Planning and Zoning Department's Work Plan. He highlighted projects, recommended priorities and estimated staff hours to complete said projects.

Discussion followed regarding the Work Plan priorities, Arroyo Grande, the General Plan and the Voluntary Green Building program.

MOTION: A motion was made by Mayor Loomis and seconded by Councilmember Gillaspie to approve the Planning and Zoning Work Plan with the following changes:
Item 1 - Sign Code Update to include any Lighting Code changes
Item 2 - Zoning Code update
Item 3 - Update Zoning Code Development Design Guidelines and to include any additional recommendations in design guidelines for voluntary "green" ideas and guidelines for water harvesting and to provide recommendations pointing where appropriate to Standards.
Item 4 - General Plan Update
Item 5 - New General Plan Energy and Conservation Elements and remaining items to follow in the order as presented and that Item 8 (Voluntary Green Building Program Certification) and Item 11 (Town Sustainability Plan -Green Team) be removed from the Work Plan.

MOTION carried, 6-0.

MOTION: A motion was made by Councilmember Carter and seconded by Councilmember Gillaspie to adjourn the Special Session at 7:15 p.m.

MOTION carried, 6-0.

Mayor Loomis recessed the meeting at 7:15 p.m. The meeting resumed at 7:20 p.m.

MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
February 24, 2010
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE

4. Discussion regarding the Planning and Zoning Department Work Plan for Fiscal Years 2010/11 and 2011/12

Paul Popelka handed out a revised Planning & Zoning Work Plan and reviewed the spreadsheet showing the Work Plan Projects by Priority, Department Programs, and estimated amount of staff time involved to accomplish the work. He asked for some direction on priorities and how they should be handled.

Discussion followed regarding the priorities of the work plan:

- Supports staff priorities.
- Too much emphasis on amending The General Plan.
- Emphasis should be on amending the Zoning Code since it has the "teeth" in it, not The General Plan.
- Citizen's Planning Institute (CPI) is included as part of the administrative work, devote extra effort on the new CPI Program.
- The General Plan update will be existing information reflecting changes over the past 5 years.
- The energy element will be updated after the sustainability plan.
- Like to see plans for a major revision to The General Plan with a public process since the last time this was done, was in 1995.
 - The community has made major changes since The General Plan revision from 1995.
 - Balance on energy and conservation elements.
- General Plan update intent to have fairly light update and support deeper update when time comes so can gauge what has changed, make comparisons with past plans to see where changes should be considered.
- There is movement in the State Legislature to grant an extension of the 10 year General Plan review requirement due to budget deficits and lack of staff.
- A major planning upgrade needs to start three years out.
- The sign code has to be addressed, but there are a number of other areas that are not where we need to be, so it is a perfect time to start addressing them and identify inconsistencies between The General Plan and Zoning Code.
- Need to help where people need relief by addressing the law in the Zoning Code.
- Concern with doing too many things with fewer people.
- Must give better direction of what we expect staff to do. They are spread too thin and are short of help.

Mr. Popelka stated that the staff is very dedicated and productive. The best direction Council could give to staff would be a sense of priority and what is most important so staff can concentrate their efforts in that direction. He stated that when the sign code is finished, that will free up some time.

Mayor Loomis opened the floor for public comment.

Oro Valley resident Bill Adler expressed his objections to the proposed priorities of the Work Plan.

Mr. Popelka stated that once the priorities of the workplan are confirmed then staff will develop a scope and work schedule including a timeline to follow.

Mayor Loomis requested another study session with more than one half hour to discuss the issues.

MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
REGULAR SESSION AGENDA
February 2, 2010
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

3. [Planning & Zoning Commission Work Plan FY 2010-11 and FY 2011-12](#)

Paul Popelka, presented the proposed workplan to the Commission.

Commissioner Swope asked what would happen if the Environmentally Sensitive Land ordinance (ESLO) is not complete by the end of the fiscal year and how that will affect the percentages and priorities.

Mr. Popelka said the plan is to finish part one and two of ESLO. Part one involves the writing of the ESLO code itself, and part two is a sweep and update of the existing zoning code and should not consume much time.

Chairman Reddin commented there is not enough staff in the Planning Department to accomplish everything that is on the workplan. He suggested prioritizing items.

Commissioner Caswell said she would like to see prioritizing, more specific dates, and assignments.

Mr. Popelka said the workplan is based on the current planning staff. As they go through the projects, they will try to construct target dates and report back to the Commission on a regular basis.

Commissioner Caswell asked how much assurance the Planning Department has that additional staff will be hired.

Mr. Popelka said it is his understanding that the budget has funding for the Director and Assistant Director positions.

Commissioner Caine said the Commission does not normally consider how their recommendations impact staff work load and if the Commission imposes additional work to bring it to the Commissions attention.

Bill Adler, OV resident, said the Workplan that was approved last year did not include Development Review procedures, La Cholla Airpark, sign code updates and sleeping units. When items like that are inserted into the workplan, then items like the recreation code cannot be completed. Mr. Adler said we have this large catch all category that occupies 65 to 75 percent of the time for development review and thinks it is too high, unless the code revisions can be broken out and itemized separately. Mr. Adler said if we are interested in budgeting time then we need to go about this in a more structured fashion.

Mr. Popelka said the recreation code does not show up on this workplan because they are currently updating it and it will be completed this fiscal year.

Commissioner Caine asked what our legal obligation is in asking citizens to wait when they request a zoning change.

Joe Andrews, OV Deputy Town Attorney, said we have to be reasonable and rational. We can not set requests to the side. We are responsible to the residents of Oro Valley.

MOTION: A motion was made by Commissioner Caine and seconded by Commissioner Caswell to accept the revised workplan and forward it to the Council as presented.

MOTION carried, 5-0.

PLANNING WORK PLAN
TOWN OF ORO VALLEY FY 10/11 AND FY 11/12
Final Work Plan - Staff Assignments July 2010

	WORK PLAN PROJECTS BY PRIORITY	P-MGR P-PLNR	SOURCE	RESOURCES FOR ITEM	STAFF HOURS*	TIME FRAME	COMMENTS / STATUS
1.	SIGN CODE UPDATE	PAUL/ JON/DEE	TC	Staff & Public	3% of 100%	Nov. 2009 – Sep. 2010	- Comprehensive review / update of entire code
2.	ZONING CODE UPDATE	DAVID/ MATT JOE SCOTT	Staff	Staff	4% of 100%	FY 10/11	- Update zoning code to match General Plan - Review for current permitted uses and Standards - Comprehensive review of CN-C1-C2 Commercial - Review of town codes for barriers to alternative energy and/or conservation - Compliance with Federal regulations & minor editing
3.	UPDATE ZONING CODE DEVELOPMENT DESIGN GUIDELINES	PAUL/ SUZ	GP	Staff, Consultant	4% of 100%	FY 10/11 - FY 11/12	- Review conformance to General Plan Policies - Integrate Crime Prevention Techniques through Environmental Design Standards
4.	GENERAL PLAN UPDATE	KAREN/ MATT SCOTT	TC	Staff	2% of 100%	FY 10/11- FY 11/12	- General Plan Update for existing conditions land uses - Define direction for zoning code updates - Prepare for major plan update beginning FY 11/12
5.	NEW GENERAL PLAN ENERGY & CONSERVATION ELEMENTS	BV	STATE OF AZ	Staff	2% of 100%	FY 10/11- FY 11/12	-Establish guidelines to encourage incorporation of sustainability and energy design elements

* Staff Hours: 100% = Total Staff Time (12 Staff Members, 22,800 Hours), Each 1% = 230 Hours
24% = Total Staff Time Devoted to Work Plan (5,472 Hours)

Source: GP = General Plan
TC = Town Council
FY = Fiscal Year

PLANNING WORK PLAN
TOWN OF ORO VALLEY FY 10/11 AND FY 11/12
Final Staff Plan June 9, 2010

	WORK PLAN PROJECTS BY PRIORITY	P-MGR/ P-PLNR	SOURCE	RESOURCES FOR ITEM	STAFF HOURS*	TIME FRAME	COMMENTS / STATUS
6.	UPDATE/STREAMLINE DEVELOPMENT REVIEW PROCESS, CODE AND SOP'S	PP/ DAVID	TC Staff	P&ZC PW	3% of 100%	Summer 2010	- Review project approval process - Revise code to simplify approval and review procedures - Update Standard Operating Procedures
7.	HISTORIC PRESERVATION PLAN	MM	HPC TC	Staff, HPC, Consultant	2% of 100%	FY 10/11- FY 11/12	- See HPC Work Plan FY 10/11 – FY 11/12 - Preservation Plan, community outreach, projects, budget & funding; historic artifacts, preservation training
	<i>RECREATION CODE UPDATE</i>	<i>MM</i>	<i>Staff</i>	<i>Staff</i>		<i>Complete Sept 2010</i>	<i>- Comprehensive review/update of private subdivision rec areas</i>
	<i>CITIZENS ACADEMY</i>	<i>MATT/ SCOTT</i>	<i>Staff</i>	<i>Staff, Speakers</i>		<i>Complete August 2010</i>	<i>- Restructure Fall offerings - Organize and schedule sessions - Public notices</i>
8.	ENERGY EFFICIENCY CONSERVATION STRATEGY & BLOCK	BV	Staff	Staff Consultant	2% of 100%	Fall 2010	- Strategy approved by Town Council in November; start implementation phase - Grant secured; implementation phase underway
9.	SUSTAINABILITY AND ENERGY DESIGN GUIDELINES	BV	Staff	Staff	2% of 100%	FY 10/11	- Establish guidelines to encourage incorporation of sustainability and energy design elements
10.	REVIEW OF TOWN CODES FOR BARRIERS TO ALTERNATIVE ENERGY AND/OR CONSERVATION	DAVID/ BV	Staff	Staff		FY 11/12	- Integrated with Zoning Code Update FY 10/11 (Work Plan Item #2)

* Staff Hours: 100% = Total Staff Time (12 Staff Members, 22,800 Hours), Each 1% = 230 Hours
24% = Total Staff Time Devoted to Work Plan (5,472 Hours)

Source: GP = General Plan
TC = Town Council
FY = Fiscal Year

PLANNING WORK PLAN
TOWN OF ORO VALLEY FY 10/11 AND FY 11/12
Final Staff Plan June 9, 2010

	WORK PLAN PROJECTS BY PRIORITY	PMGR/ PPLNER	SOURCE	RESOURCES FOR ITEM	STAFF HOURS*	TIME FRAME	COMMENTS / STATUS
11.	ARROYO GRANDE PRE-ANNEXATION DEVELOPMENT AGREEMENT (PADA)		TC	Staff (Legal Consultant)		ON HOLD	- Due to Governor's Administration change and results of Cave Creek annexation in Phoenix metro area, this is ON HOLD
12.	ARROYO GRANDE MASTER PLANNED COMMUNITY ORDINANCE (PAD)		TC	Staff (Consultant)		ON HOLD	- Due to Governor's Administration change and results of Cave Creek annexation in Phoenix metro area, this is ON HOLD
13.	ARROYO GRANDE PADA ELEMENTS OF SUSTAINABILITY		TC	Staff		ON HOLD	- Criteria and standards will be developed once project gets back on track

* Staff Hours: 100% = Total Staff Time (12 Staff Members, 22,800 Hours), Each 1% = 230 Hours
24% = Total Staff Time Devoted to Work Plan (5,472 Hours)

Source: GP = General Plan
TC = Town Council
FY = Fiscal Year



Item #: 5.

Town Council Regular Session

Date: 02/16/2011

Submitted By: Kevin Burke, Town Manager's Office

Department: Town Manager's Office

Information

SUBJECT:

CONSIDERATION AND POSSIBLE ACTION REGARDING AMENDMENTS TO THE TOWN OF ORO VALLEY 2011 STRATEGIC PLAN

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

The final draft of the Town of Oro Valley 2011 Strategic Plan (attached), was adopted by the Town Council January 19, 2011. Councilmember Joe Hornat raised several points regarding specific Actions outlined in the Strategic Plan, and provided those items for further Council consideration.

The following were identified by Councilmember Hornat:

- Focus Area: Leadership & Communication - Action 1.2.3

Use the "Peek Behind the Curtain" program to provide citizen-friendly presentations on programs and departmental service delivery.

- Focus Area: Community Infrastructure - Action 2.1.2

Initiate the process for national accreditation of the PRL&CR department through the Commission for Accreditation of Parks and Recreation Agencies (CAPRA). (see the attached Council Report dated 1.27.2011)

- Focus Area: Community Infrastructure - Action 4.2.3

Update plans for interim delivery of CAP water through the Tucson Water System.

- Oro Valley Analysis (the Strengths, Weaknesses, Opportunities and Threats analysis contained in the final pages of the Strategic Plan).

The Town Council may discuss these and other aspects of the 2011 Strategic Plan and adopt amended language as necessary.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to...

Attachments

Link: [2011 Strategic Plan](#)

Link: [Council Report - Parks Accreditation](#)

Town of Oro Valley

2011 Strategic Plan



Community of Excellence

Acknowledgements

Town Council

Dr. Satish I. Hiremath, Mayor

Mary Snider, Vice Mayor

William Garner, Councilmember

Barry Gillaspie, Councilmember

Joe Hornat, Councilmember

Steve Solomon, Councilmember

Lou Waters, Councilmember

Management

Jerene Watson, Town Manager

Greg Caton, Assistant Town Manager

Kevin Burke, Assistant to the Town Manager

Craig Civalier, Town Engineer

Julie Bower, Town Clerk

Betty Dickens, Human Resources Director

George Dunscomb, Town Magistrate

Brian Garrity, Procurement Administrator

Amanda Jacobs, Economic Development Manager

Ainsley Legner, Parks, Recreation, Library & Cultural Resources Director

Stacey Lemos, Finance Director

Jane Peterson, Library Services Administrator

Tobin Rosen, Town Attorney

Philip Saletta, Water Utility Director

Daniel Sharp, Chief of Police

Suzanne Smith, Development and Infrastructure Services Director

Kevin Verville, Information Technology Director

David Williams, Planning Manager

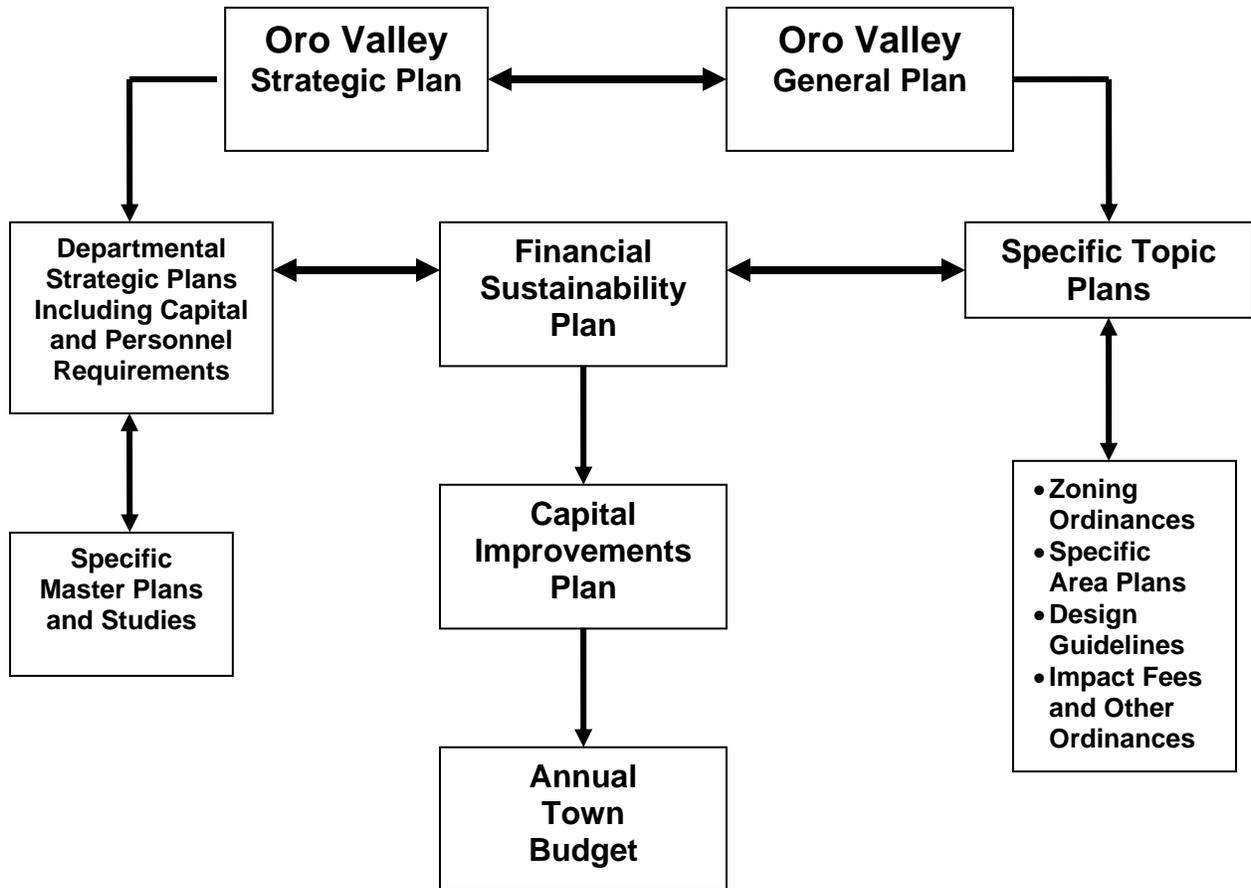
Overview

The Strategic Plan is a living document that guides Town decision-making and resource management in pursuit of organizational goals. It is purposely “strategic” in terms of its timeframe (2 to 5 years) because a successful organization must be flexible enough to respond to dynamic changes at the local, regional and national levels. The strategic plan will be reviewed and updated periodically by the Town Council and management to ensure that the goals, strategies and actions outlined herein remain relevant.

The strategic plan is grounded in the “vision” expressed in the Council-adopted and voter-ratified Oro Valley General Plan. The General Plan provides the long-term (up to 20 years) vision for community growth, development and redevelopment. The following diagram presents the relationship between the Oro Valley Strategic Plan, the General Plan, and other Town documents.

“Leaders need to understand how profoundly they affect people, how their optimism and pessimism are equally infectious, how directly they set the tone and spirit of everyone around them.”

-- Michael Abrashoff, “It’s Your Ship”



Community Vision

The Community Vision is a description of the desired future state of the community. Oro Valley citizens drafted a vision statement that served as the foundation for the adopted General Plan.

Oro Valley is a community defined by the highest standards of environmental integrity, education, infrastructure, services and public safety. It is a community of people working together to create a shared future with a government that is responsive to residents, businesses and changing conditions to ensure the long-term financial stability of the Town.

This vision is reflected in the Town's motto:

Caring for our heritage, our community, our future.

Organizational Mission & Values

The Town of Oro Valley is a “mission-driven” organization. The mission statement expresses the fundamental purpose of local government. It focuses on what is most important and sets in motion an organizational culture that encourages innovation and strives for excellence.

Mission

Govern efficiently, inclusively and responsively to promote community health, safety and a sustainable quality of life for residents, businesses, and visitors.

Organizational Values

We are strongly committed to:

Honesty and Integrity
Openness and Transparent Government
Fairness and Trust Worthiness
Respect for Diversity
Creativity, Teamwork and Continuous Improvement
Excellent Customer Service

Focus Areas

The Oro Valley Strategic Plan outlines the goals, strategies and actions required for the municipal government to successfully attain the community vision. Three focus areas provide the framework for the Strategic Plan. These focus areas indicate where Oro Valley must direct its attention in order to address community needs and desires. The focus areas are:

- Leadership & Communication
- Finance & Economic Development
- Community Infrastructure

Within each Focus Area are goals, strategies and actions designed to produce desired outcomes.

Goals describe a fundamental direction or broad course of action.

Strategies describe the manner in which the resources of the organization will be employed to accomplish each goal.

Actions are specific tasks that will be accomplished to assist in implementing each goal.

Implementing these goals, strategies and actions will require leadership, financial commitment, effective management and continual evaluation.

Focus Area: Leadership & Communication

Leadership and communication are interrelated principles; you cannot have one without the other. Leadership is the ability to communicate a vision, motivating people to transform great ideas into action. Leadership and communication from the Town Council and the Town Manager enable the organization to achieve its goals in service to the community. The overarching goal of the organization is to uphold the highest standards of trust, respect and accountability in municipal government.

GOAL	1	Build trust through effective public outreach and communication
STRATEGY	1.1	Communicate information to residents and help promote community pride and a feeling of accessibility to local government information and activities
ACTION	1.1.1	Respond to community issues and concerns through the Constituent Services office
ACTION	1.1.2	Use non-traditional media sources such as social media Twitter and Facebook to provide public education and outreach
ACTION	1.1.3	Publish the <i>Oro Valley VISTA</i> , our monthly community magazine
STRATEGY	1.2	Provide opportunities for residents to become involved in, engaged in and knowledgeable about the role of local government
ACTION	1.2.1	Continue to foster relationships with volunteers and appointed Advisory Board members
ACTION	1.2.2	Conduct Council on Your Corner and Speakers Bureau events for officials and staff monthly throughout the year, as well as an annual HOA forum each October
ACTION	1.2.3	Use the “Peek Behind the Curtain” program to provide citizen-friendly presentations on programs and departmental service delivery
GOAL	2	Create an environment conducive to effective dialogue among the Council and staff
STRATEGY	2.1	Implement a comprehensive internal communications program
ACTION	2.1.1	Provide appropriate tools and guidelines to ensure adherence to organizational standards regarding brand management and communication
ACTION	2.1.2	Use the Council Report and Council Foreword to communicate important issues to the Town Council and management
ACTION	2.1.3	Use the internal Communications Roundtable to engage representatives from each department in communications planning for internal news, events and opportunities
ACTION	2.1.4	Use the employee Brown Bag forums with the Manager and the "Talk of the Town" monthly newsletter to promote internal communication

- STRATEGY 2.2 Encourage and develop leadership skills and opportunities
- ACTION 2.2.1 Attract, develop and retain talented employees
- ACTION 2.2.2 Maintain consistency in personnel codes and policy implementation
- ACTION 2.2.3 Empower employees to develop innovative solutions to operational and service challenges

GOAL 3 Maintain strong intergovernmental relationships

- STRATEGY 3.1 Implement an aggressive annual legislative program that strengthens intergovernmental relations at the federal, state and county levels, and includes neighboring municipalities and governing districts
- ACTION 3.1.1 Adopt a state and federal legislative agenda for the Town in January of each year
- ACTION 3.1.2 Empower the intergovernmental liaison to seek legislative solutions that benefit the Town and the region
- ACTION 3.1.3 Promote regionalism and partnerships to facilitate Council policy direction

Focus Area: Finance & Economic Development

The Town will continue to implement sound financial management policies and uphold our fiduciary duty to the residents of Oro Valley. Beyond fiscal responsibility, the Town is also committed to facilitating the expansion of the local economy. Commercial business growth, and the Town's continued success in attracting high-tech and bio-science industry, point the way toward a sustainable model for economic development.

GOAL	1	Maintain a balanced budget
STRATEGY	1.1	Analyze programmatic, service delivery and personnel strategies across the organization for cost-savings and reductions
ACTION	1.1.1	Manage and operate departments within approved funding limits with contingency plans drafted in the event state shared revenues are swept from our budget Update departmental work plans to ensure compatability with budget constraints
ACTION	1.1.2	Use the 5-year financial forecast model to continuously monitor the Town's short-term and long-term financial forecast
ACTION	1.1.3	Develop monthly reports to Council on the status of revenues and expenditures with analysis of trends and projections for end of year budget picture; communicate this data to internal and external customers
ACTION	1.1.4	Maintain contingency reserves in accordance with adopted policies
ACTION	1.1.5	Maintain intent of the hiring freeze assumption and delay hiring into positions where feasible
ACTION	1.1.6	Capitalize on potential funding resulting from 2010 decennial census population figures
ACTION	1.1.7	Use program-based budgeting to communicate the cost of projects and services
ACTION	1.1.8	Develop benchmark performance measures for each department that allow for analysis of the effectiveness of programs and services; use these performance measures to link the budget and organizational strategic plan documents
GOAL	2	Develop diverse sources of revenue
STRATEGY	2.1	Present additional revenue source options for Council consideration during the annual budget process
ACTION	2.1.1	Conduct continuous evaluation of Town user fee policies
ACTION	2.1.2	Use the cost allocation study to determine appropriate levels of General Fund support from Town enterprise funds
ACTION	2.1.3	Continue to work with federal, state and regional agencies to secure funding for Town projects

ACTION	2.1.4	Implement systems that will enhance the ability of the organization to pursue and manage grant funding
ACTION	2.1.5	Pursue public-private partnerships involving the lease of Town owned property
STRATEGY	2.2	Expand the constituency of the Town through annexation
ACTION	2.2.1	Pursue annexation opportunities that provide a long-term benefit to the Town
ACTION	2.2.2	Perform fiscal impact analysis of potential annexation scenarios; initiate annexation of Council-directed areas
GOAL	3	Cultivate relationships with the business community and create a business-friendly environment
STRATEGY	3.1	Encourage the attraction, expansion and retention of diverse employment, retail and tourism opportunities
ACTION	3.1.1	Expand marketing efforts to attract primary employers in the high-tech and bio-science fields
ACTION	3.1.2	Promote local businesses through programs such as Shop Oro Valley, Business Navigator, Buy Local, coupon or promotional activities
ACTION	3.1.3	Adhere to procurement practices that provide Oro Valley businesses all opportunities to compete for Town business and that promote the ideals of the Shop Oro Valley campaign
ACTION	3.1.4	Continue business retention and expansion site visits; expand site visits to include a Councilmember as part of the team
STRATEGY	3.2	Seek out collaborative projects with the business community and regional economic development partners
ACTION	3.2.1	Facilitate the development of a Town Center, focused on retail services and hospitality, that serves as a “downtown” for Oro Valley
ACTION	3.2.2	Maintain membership and active participation in Tucson Regional Economic Opportunities (TREO), Metropolitan Tucson Convention & Visitors Bureau (MTCVB), Metropolitan Pima Alliance (MPA), Northern Pima County Chamber of Commerce (NPCCC) and Arizona Association of Economic Developers (AAED) to keep abreast of developing needs and trends in economic development and marketing of the Town
ACTION	3.2.3	Collaborate with regional managers to reach out to large employers to ensure the corporate needs are understood and acted upon for the economic benefit of the region
ACTION	3.2.4	Use Town Council speaking engagements and presentations to reach out to business and civic leaders
ACTION	3.2.5	Use Economic Summits feedback to update the Community and Economic Development Strategy (CEDS)

Focus Area: Community Infrastructure

Community infrastructure encompasses both the social and physical factors that determine a community's strength. The Town's investment in both social and physical infrastructure creates the complex network of facilities, programs and services that we refer to as quality of life. The Town of Oro Valley strives for excellence in the provision of community services, the development of social relations, and the construction and maintenance of the built environment.

GOAL	1	Plan for and provide the necessary infrastructure to support community growth and preservation
STRATEGY	1.1	Develop and implement comprehensive strategic and operational plans for municipal facilities and physical infrastructure
ACTION	1.1.1	Update 5-year Capital Improvement Plan (CIP) to include all facility and infrastructure projects and available funding sources
ACTION	1.1.2	Assess future needs by tracking maintenance history and Town growth
ACTION	1.1.3	Use existing/new technology, develop innovative processes and procedures for continuous improvement of Development and Infrastructure Services (DIS) department service provision
STRATEGY	1.2	Preserve open space and protect environmentally sensitive lands
ACTION	1.2.1	Adopt and enforce development regulations that preserve open space and protect environmentally sensitive lands
ACTION	1.2.2	Communicate the importance of preserving open space and environmentally sensitive lands to residents, business, and interest groups through public outreach campaigns
ACTION	1.2.3	Coordinate and secure funding, either solely or in concert with other public or private entities, to identify and protect environmentally sensitive lands and open space
STRATEGY	1.3	Partner with regional jurisdictions to develop and maintain physical infrastructure
ACTION	1.3.1	Participate in the Pima Association of Governments (PAG) / Regional Transportation Authority (RTA) Transportation Improvement Program (TIP) process
ACTION	1.3.2	Continue to work with federal, state and regional agencies to secure funding for Town projects
ACTION	1.3.3	Actively represent the Town's interests in the development of future county bond packages, reporting on and tracking expenditures of existing county bond funds
GOAL	2	Provide diverse recreational, educational and cultural opportunities

STRATEGY	2.1	Develop and maintain parks, recreation, library and cultural resource assets
ACTION	2.1.1	Initiate development of a parks and recreation Master Plan
ACTION	2.1.2	Initiate the process for national accreditation of the PRL&CR department through the Commission for Accreditation of Parks and Recreation Agencies (CAPRA)
ACTION	2.1.3	Continue implementation of the Steam Pump Ranch Master Plan
ACTION	2.1.4	Utilize volunteers as applicable to provide educational, informational and recreational opportunities
STRATEGY	2.2	Coordinate and secure funding, either solely or in concert with other public or private entities
ACTION	2.2.1	Renegotiate the Library Intergovernmental Agreement (IGA) with Pima County Library District to the benefit of the Town
ACTION	2.2.2	Seek public and private sources of funding for the acquisition and management of cultural resources
STRATEGY	2.3	Support cultural opportunities and events
ACTION	2.3.1	Facilitate the development of a Community Center, focused on arts, culture and recreation
ACTION	2.3.2	Collaborate with local and regional performing and visual arts groups
ACTION	2.3.3	Explore event opportunities with local and national special event coordinators and the Metropolitan Tucson Convention and Visitors Bureau (MTCVB)
GOAL	3	Maintain a safe community where residents and visitors feel secure
STRATEGY	3.1	Maintain public-safety citizen and community-involvement and educational programs
ACTION	3.1.1	Provide an annual report on the effectiveness of the Citizen Volunteer Assistance Patrol (CVAP) program
ACTION	3.1.2	Conduct at least one Citizen Police Academy annually to promote understanding and confidence in the Police Department
ACTION	3.1.3	Hold community awareness events such as National Night Out and Investigate OVPD
ACTION	3.1.4	Use the Adopt-a-Business Program to promote safety and develop positive business relationships
STRATEGY	3.2	Maintain emergency response and business continuity plans
ACTION	3.2.1	Integrate the multi-department business continuity plans into a master emergency response plan for the organization in FY 2010/11
ACTION	3.2.2	Partner with regional emergency managers to plan and train for large scale emergencies

ACTION	3.2.3	Develop a proposal for implementation of a Town Office of Emergency Management/ Homeland Security initiative
ACTION	3.2.4	Conduct multiple, annual training opportunities for employees in the discipline of emergency management and incident command systems per federal mandates; orient elected officials to their roles through training sessions and exercises
STRATEGY	3.3	Maintain an efficient and effective local criminal justice system
ACTION	3.3.1	Ensure that prosecutions are undertaken based upon the underlying merits of the case
ACTION	3.3.2	Revisit plea standards annually to ensure that cases may be disposed of within acceptable guidelines
ACTION	3.3.3	Maintain the professional integrity and continuing education of prosecutors and staff
ACTION	3.3.4	Coordinate with the Magistrate Court and Police Department on code changes and matters that inter-relate with the Prosecutor's office
GOAL	4	Provide a safe and reliable water supply to Water Utility customers
STRATEGY	4.1	Provide a high quality potable water supply
ACTION	4.1.1	Continuously sample and monitor the water system for water quality, flow and pressure in order to meet or exceed all regulatory requirements
ACTION	4.1.2	Respond to customer questions and concerns
STRATEGY	4.2	Maintain an assured water supply designation by planning and developing renewable water supplies
ACTION	4.2.1	Meet all regulatory requirements for Assured Water Supply designation
ACTION	4.2.2	Operate and continue to expand the reclaimed water system to reduce groundwater usage
ACTION	4.2.3	Update plans for interim delivery of CAP water through the Tucson Water System
ACTION	4.2.4	Develop a plan for permanent delivery of our CAP water
STRATEGY	4.3	Promote water conservation and foster regional cooperation for water development
ACTION	4.3.1	Promote the water conservation program, provide water audits and assist with enforcement of the landscape code
ACTION	4.3.2	Work cooperatively with the Northwest Water Providers, Tucson Water and other regional and statewide water agencies and providers
ACTION	4.3.3	Establish long-term GPF rates including annual increases

Oro Valley Analysis

It was agreed that growing Oro Valley geographically offers many opportunities because of the following:

- ✓ Opportunity to control our destiny and quality of life
- ✓ Ability to be creative in planning
- ✓ Ability to increase revenues

Oro Valley will have become too big when we grow beyond our ability to maintain our community values and quality of life.

The term “**Bedroom Community**” was used and defined. A bedroom community is one that allows a person to live here but they have to work somewhere else. As a result, the roadways become more congested as people have to leave for work and services. The voter ratified Oro Valley General Plan states that Oro Valley is a diverse community where people can live, work and play. It is a “Planned Community” that has services and employment. It was agreed that Oro Valley is not or should not become a bedroom community and the vision is to become a well-rounded community.

Facts About the Future

The participants identified the following “facts about the future” that will impact Oro Valley. These facts need to be addressed when discussing the community’s vision and strategic direction.

- ✓ Cost of services will continue to go up.
- ✓ Town must find a way to fund citizen desired amenities.
- ✓ Need to provide or continue to provide quality services.
- ✓ The majority of the Town’s sales tax revenues fund the general fund.
- ✓ Sales taxes are cyclical.
- ✓ Impact fees are one-time fees.
- ✓ Taxes impact people.
- ✓ User fees are directly related to use.
- ✓ Need to explore different revenue sources.
- ✓ Build out is coming and construction-related revenues will diminish.
- ✓ Increased public safety needs as population grows.

The Town of Oro Valley completed the following analysis by examining the community’s “Strengths, Weaknesses, Opportunities and Threats.” The purpose of this exercise was to understand a “snap-shot” of the organization and community today.

Strengths	Weaknesses
Leadership position in regional issues	Lack of diverse and sustainable funding sources
Excellent Public Safety	Lack of demographic diversity
Excellent Schools	Lack of employment opportunities
Excellent Library	Lack of community identity
Financially sound and fiscally responsive	Lack of retail and dining options
Excellent Communications	Lack of cultural opportunities
Codes and Standards maintain a well-planned community	Lack of sensitivity to environmental protection areas
Boards, committees and volunteerism	Lack of recreational facilities
Engaged citizenry and staff	Lack of public transportation
Excellent roads	Lack of a downtown
Expanding Bio-tech corridor	Lack of willing citizen participants
Expanding retail base	Segmented community
Clean environment	Appearance of being developer friendly
Scenic Beauty	The NIMBY mindset
Natural resources	Trying to do too much
Quality recreation and leisure activities	
Sound infrastructure	
High water quality	
Attractive to development community	
People	

Opportunities/Hot Issues	Threats
Funding	Regional growth
Sustainability	NIMBYs
Naranja Townsite	State legislature making decisions that impact state-shared revenue
Arroyo Grande	Influence of the minority
Water supply	Service expectations without funding
Economic development	Economy
High paying jobs	Apathy
Roadways	Terrorists
Bio-tech	
Retail opportunities (OV Marketplace)	
Open Space	
Regionalism	
Communication	
Taxes	
Annexation	

TOWN COUNCIL REPORT

DATE: 1.27.2011

TO: Mayor and Councilmembers

FROM: Ainsley Legner, PRL&CR Director

SUBJECT: RESPONSE TO REQUEST FROM COUNCILMEMBER JOE HORNAT REGARDING THE PARKS DEPARTMENT ACCREDITATION PROCESS, IN RELATION TO THE 2011 STRATEGIC PLAN.

This report is in response to questions from Councilmember Hornat regarding the Parks Department accreditation process. How much does Parks Department accreditation cost? Does accreditation provide a financial return or is it just a plaque to hang on the wall? Does it take away from making money or reducing costs?

DISCUSSION

Overview

The recently approved 2011 Strategic Plan Community Infrastructure Focus Area included Action 2.1.2, Initiate the process for national accreditation of the PRL&CR Department through the Commission for Accreditation of Park and Recreation Agencies (CAPRA).

CAPRA is a national membership organization that provides an authoritative assessment tool for park and recreation agencies. CAPRA is the only national accreditation of park and recreation agencies, and is a valuable measure of an agency's overall quality of operation, management, and service to the community. Staff believes that accreditation of the PRL&CR Department would provide long-term benefits to the Town and the residents of Oro Valley by identifying areas for improvement and providing a mechanism for regular comparison of Town services to national standards.

Benefits

CAPRA accreditation provides benefits to both the public and the organization. Public benefits include:

- Assurance that services are provided in accordance with professional best practices
- Potential cost efficiency and service improvements through benchmarking
- External recognition of a quality local government service

Organizational benefits include:

- Increased efficiency and evidence of accountability
- Identification of areas for improvement by comparing the department against national best practices
- Enhanced staff teamwork and pride by engaging all staff in the process
- Creates an environment for regular review of operations, policies and procedures, and promotes continual improvement
- Forces written documentation of policies and procedures
- Public and political recognition

Cost

To begin the accreditation process the Town would submit a preliminary application and \$100 fee. The department then undertakes a self-assessment study. This is the key phase because it engages the entire department. At the time of self-assessment submission, the department is responsible for the formal application fee, which is based on a sliding scale. For FY 2012 the Town's fee would be \$165. Direct and indirect costs involved in preparing of the self-assessment document include staff time for research, preparation and production of the self-assessment documents.

The next step in the accreditation process is an on-site visit by a team of trained and qualified CAPRA visitors. The responsibility of the visitation team is to clarify and verify the self-assessment report, to seek additional information that may be pertinent to the Commission's evaluation, and to prepare a summary report of its findings. The department would be responsible for all visitor expenses (e.g., transportation, parking, meals, and lodging), as well as travel expenses for the visitation team chair to attend the Commission hearing at which the department is reviewed. The estimated cost of on-site visits is \$5000 in fiscal year 2014.

If the department achieves CAPRA accreditation there is a \$60 annual fee associated with annual assessment reports. Once accredited, the department would be required to submit annual reports during interim years between accreditation reviews. The annual report identifies any significant changes within the department relating to the accreditation standards.

RECOMMENDATION / CONCLUSION

This report is for information only.