

AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
April 20, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

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

1. DIS Recognition Letter
2. TM Watson ACMA Harvard Scholarship

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

1. Presentation of Certificates of Appreciation to the Sign Code Task Force Committee for their work on the Oro Valley Sign Code
2. Presentation of the 'Golden Axe' at the request of Golder Ranch Fire, related to a March 17, 2011 life saving incident by Oro Valley Police officers.

CONSENT AGENDA

(Consideration and/or possible action)

- A. Minutes - March 2, 2011

- B. Fiscal Year 2010/11 Financial Update Through February 2011
- C. Police Department - February 2011 Statistics
- D. Council approval of security upgrades for Council Chambers
- E. Resolution No. (R)11-22, Authorizing and Approving a Line Extension Agreement for Construction of Protected Water Facilities Under Private Contract Between the Town of Oro Valley and Copper Canyon Development, LLC
- F. Resolution No. (R)11-23, Appointing Town Manager Jerene Watson as Applicant Agent for the Federal Emergency Management Agency, Arizona Department of Emergency Management, Lomas De Oro Wash Project
- G. Resolution No. (R)11-24 Authorizing and approving a first amendment to the lease for the Police Department substation located at Mountain View Plaza

REGULAR AGENDA

- 1. PUBLIC HEARING - ORDINANCE NO. (O)11-11, AMENDING THE STEAM PUMP VILLAGE PLANNED AREA DEVELOPMENT LOCATED ON THE WEST SIDE OF ORACLE ROAD BETWEEN RAMS FIELD PASS AND HANLEY BOULEVARD
- 2. PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE NO. (O)11-05, ADOPTING REVISIONS TO THE ORO VALLEY ZONING CODE REVISED (OVZCR) SECTION 26.5, PROVISION OF RECREATIONAL AREA, ATTACHED HERETO AS EXHIBIT "A"; AND AMENDING CHAPTER 31, DEFINITIONS
- 3. DISCUSSION AND POSSIBLE ACTION REGARDING DISPOSITION OF THE DEVELOPMENT AND INFRASTRUCTURE SERVICES DEPARTMENT TRANSIT SERVICES DIVISION
- 4. COUNCIL DISCUSSION AND POSSIBLE ACTION ON RECOMMENDED EMPLOYEE MEDICAL & ANCILLARY BENEFIT PROVIDERS FOR PLAN YEAR 2011-12

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: 04/08/11 at 4:00 pm by 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.



Town Council Regular Session

Item # 1.

Meeting Date: 04/20/2011

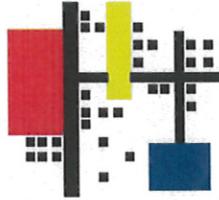
Submitted By: Suzanne Smith, Development
Infrastructure Services

Subject

DIS Recognition Letter

Attachments

Whirlygig Letter of Recognition



MAR 25 2011

Whirlygig Properties, LLC

March 19, 2011

Mayor Satish Hiremath
11000 N. La Canada Drivel
Oro Valley, Arizona 85737

Dear Mayor Hiremath,

I am writing to compliment you and the staff of the Development and Infrastructure Services on the very positive changes that have and are taking place within those Departments.

In the past I do not think staff recognized the great importance "time" plays in the success or failure of a development from the developer's point of view. Their priorities were elsewhere. That has now changed; Staff recognizes the importance of "time".

I have had very positive experiences lately working with Suzanne Smith, David Williams and Paul Keesler. They are working with us to try and figure out if there is a way to say "yes" to our requests, while still maintaining Oro Valley's high standards. This is a very positive and greatly appreciated change.

I think it is safe to say, "The New and Improved Oro Valley is now OPEN FOR BUSINESS". Consequently, my partners and I are now willing to look for new development opportunities in Oro Valley, whereas in the past we were not.

I Congratulate you, on your "Vision" for Oro Valley and the Staff's acceptance, support and implementation of that vision.

Best regards,

A handwritten signature in black ink that reads "Barry Kitay". The signature is written in a cursive, flowing style.

Barry Kitay

Commercial Real Estate Excellence

6236 E. Pima, Suite 170, Tucson, Arizona 85712 ■ P.O. Box 31058, Tucson, Arizona 85751-1058
Tel. (520) 546-9003 ■ Fax (520) 546-9640



Town Council Regular Session

Item # 2.

Meeting Date: 04/20/2011

Submitted By: Arinda Asper, Town Manager's
Office

Subject

TM Watson ACMA Harvard Scholarship

Attachments

TM Watson ACMA Harvard Scholarship



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info@azmanagement.org • www.azmanagement.org

A State Affiliate of ICMA

MAR 18 2011

Jerene Watson
Town Manager
Town of Oro Valley
11000 North La Cañada Drive
Oro Valley, Arizona 85737

March 17, 2011

Dear Jerene,

On behalf of the ACMA Harvard Scholarship Committee I wanted to thank you for applying for the 2011 ACMA Harvard Scholarship.

We were very fortunate this year to have several very qualified candidates apply for this scholarship. After careful consideration, the committee has decided to award you one of the 2011 Scholarships. We truly appreciate your dedication to the public management profession in Arizona, and ACMA is fortunate to have such a talented and diverse membership. We are honored to have you represent ACMA at the Harvard program this year.

A representative from the program will be in touch with you regarding program details.

Congratulations,

A handwritten signature in black ink that reads "Gilbert Davidson".

Gilbert Davidson
Town Manager, Marana
ACMA Board President



Item # 1.

Town Council Regular Session

Meeting Date: 04/20/2011

Submitted By: Amanda Jacobs, Town Manager's Office

Department: Town Manager's Office

SUBJECT:

Presentation of Certificates of Appreciation to the Sign Code Task Force Committee for their work on the Oro Valley Sign Code

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

N/A

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A



Town Council Regular Session

Item # 2.

Meeting Date: 04/20/2011

Presentation of 'Golden Axe' by Golder Ranch Fire

Subject

Presentation of the 'Golden Axe' at the request of Golder Ranch Fire, related to a March 17, 2011 life saving incident by Oro Valley Police officers.



Town Council Regular Session

Item # A.

Meeting Date: 04/20/2011

Requested by: Julie K. Bower, Town Clerk

Submitted By:

Mike Standish, Town
Clerk's Office

Department: Town Clerk's Office

SUBJECT:

Minutes - March 2, 2011

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

N/A

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to approve the March 2, 2011 Council meeting minutes.

Attachments

March 2, 2011 Minutes

MINUTES
ORO VALLEY TOWN COUNCIL
March 2, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE

REGULAR SESSION

CALL TO ORDER - at 5:00 PM

ROLL CALL

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

ABSENT: Barry Gillaspie, Councilmember

EXECUTIVE SESSION

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Hornat to go into Executive Session at 5:01 p.m. for the purpose of personnel matters regarding the annual evaluation of Town Magistrate pursuant to ARS 38-431.03 (A)(1).

MOTION carried, 6-0.

Mayor Hiremath stated that the following staff members would join Council in Executive Session: Town Magistrate George Dunscomb and Human Resources Director Betty Dickens.

RESUME REGULAR SESSION

CALL TO ORDER - at 6:03 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.

UPCOMING MEETING ANNOUNCEMENTS

Assistant Town Manager Greg Caton announced the upcoming Town meetings.

COUNCIL REPORTS

Vice Mayor Snider reported that Councilmembers Hornat, Solomon, herself and Chief Sharp attended a conference in Phoenix sponsored by the Goldwater Institute regarding best practices to improve community policing to protect the public. Vice Mayor Snider said that it was an excellent conference and the Goldwater Institute was recommending these concepts to benchmark community policing. These benchmarks are used by the Town of Oro Valley Police Department.

Councilmember Gillaspie attended the introduction of the CDO/Amphi School District International Baccalaureate program last week and reported that the program will be going live in the fall of 2012.

DEPARTMENT REPORTS

Town Clerk Julie Bower announced that the artwork on display in the Council Chambers was created by artist Ms. Anne Leonard.

ORDER OF BUSINESS

Mayor Hiremath stated that the order will stand as presented but a few changes will be proposed once the Council reaches the Regular Agenda.

INFORMATIONAL ITEMS

- A. Community Letters of Appreciation
- B. Letter of Appreciation

CALL TO AUDIENCE

Oro Valley resident Mr. Howard Richmond said that he attended a Golder Ranch Board meeting about three to four years ago and explained to them the problems that they would face regarding the large lots in La Cholla Airpark. Last year, Golder Ranch started an annexation process and not everyone was happy about

it. Since the start of the annexation process, he has received a series of threatening letters from Golder Ranch and has recently received a letter from the Town asking him to sign up for Golder Ranch Fire services. Mr. Richmond was disappointed in Council's lack of leadership and disappointed that both sides weren't brought together in order to come to a mutually acceptable solution.

Oro Valley resident Mr. Gill Alexander was disappointed with the letters from Golder Ranch Fire District and the fact that Golder Ranch has seemed to drop two months off of the one year deadline. He was also disappointed with the letter from the Mayor essentially saying that residents in the La Cholla Airpark couldn't develop anymore on their property. He said that they have hydrants in the Airpark and they meet the planning and zoning requirements. There is no code stating that the residents need to be annexed by a fire district. Mr. Gill said that he was disappointed with Council's actions at this time.

PRESENTATIONS

- A. Proclamation - Girl Scout Week March 6-12, 2011

Mayor Hiremath presented a proclamation to the Girl Scouts of Southern Arizona Sahauro Council.

CONSENT AGENDA

- A. Minutes - February 2, 2011
B. Coyote Run Monthly Report January 2011

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Waters to approve the Consent Agenda.

MOTION carried, 7-0.

REGULAR AGENDA

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Garner to table items (5), (6), (7), and (8).

MOTION carried, 4-3 with Vice Mayor Snider, Councilmember Hornat, and Councilmember Solomon opposed.

- 1. RESOLUTION NO. (R)11-13 AUTHORIZING AND APPROVING THE NAMING OF FIELD #1 AT JAMES D. KRIEGH PARK IN MEMORY OF LITTLE LEAGUE BASEBALL PLAYER CHRISTINA-TAYLOR GREEN**

Parks, Recreation, Cultural Resources & Library Director Ainsley Legner gave an overview of the item. Ms. Legner said that Christina Taylor Green played baseball for the Canyon Del Oro Little League at James D. Kriegh Park and her family spent a lot of time at the park as well. A letter was submitted to the Town by Christina's parents in support of naming field #1 after Christina and there has also been strong support from the community.

The unveiling of the new name will take place on April 1, 2011 if the proposal is approved by Council. The Town is currently working with the Canyon Del Oro Little League and other community partners on the signage.

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Waters to approve Resolution No. (R)11-13, authorizing and approving the naming of Field #1 at James D. Kriegh Park in memory of Little League baseball player Christina-Taylor Green.

MOTION carried, 7-0.

2. REVISION TO THE ZONING CODE - CHAPTER 28, SIGNS

a. RESOLUTION NO. (R)11-14 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ENTITLED CHAPTER 28, SIGNS, ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Hornat to approve Resolution No. (R)11-14, declaring as a public record that certain document entitled Chapter 28, Signs, attached hereto as Exhibit "A" and filed with the Town Clerk.

MOTION carried, 7-0.

b. PUBLIC HEARING - ORDINANCE NO. (O)11-07 ADOPTING A NEW ORO VALLEY ZONING CODE REVISED (OVZCR) CHAPTER 28, SIGNS AND 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, OV709-007.

Planning Manager David Williams gave an overview of the proposed amendments to the Sign Code.

The Town Council initiated the Sign Code update in November, 2009. The Sign Code Task Force was then formed and worked on the Sign Code revisions for over a year and a half. The stakeholders included residents, developers,

businesses, sign and real estate companies, and Town Board members. The Sign Code Task Force held twelve meetings to discuss Sign Code revisions.

Mr. Williams discussed the changes to permanent signs which included entryway, monument, and wall signs.

Changes to illumination standards include:

- Halo or internal illumination - No longer limited to white
- Illuminated signs may be turned on no earlier than 5:00 a.m.
- Shall be turned off at 11:00 p.m. or close of business

Changes to temporary signs: Commercial District

-Banners: three types of allowable banners include:

- New Business
- Season or Event
- 3-Day Special Event Banners

New design standards include:

- Secure anchoring
- Materials
- Color

Commercial Districts: Real Estate Signs

- Increase allowed area from 16 to 32 square feet
- Increase maximum height from 5 to 8 feet
- Permits valid for one year only

Changes to Temporary Signs: Residential Districts

- Signs currently permitted for model homes

Temporary signs in the Right-of-Way

- Clarified and updated location standards:
 - Sign placement in relation to right-of-way and sidewalk/trail
 - Preserve site distances
 - Prevent roadway hazard

Garage Sale Signs

- Now allowed one on-site sign
- Right-of-Way signs - allowed one per change of direction
- Town supplied signs for use in R.O.W.
- Fiscal impact/estimate Town costs - \$4,000 for loaner signs

A-Frame signs

- Optional section - subject to Council approval
- A-frames allowed only for pedestrian direction, not permitted along roadways
- Businesses can use four times per year for 30 days

Real Estate signs in the Right-of-Way

- Addresses repeated violations
- Applies to both agent and broker
- Improves enforcement for most frequent type of sign violation

Garage Sale signs have been included in the enforcement section as well.

The Planning and Zoning Commission recommended approval in August of 2010. Staff recommends approval, including provisions for garage sale signs.

Mayor Hiremath opened the public hearing.

Oro Valley resident Mr. Don Bristow said that multiple task forces and citizen surveys have stated that they do not like A-frames. Town staff has not supported the use of A-frames. Signs don't appear as a top 10 reason why businesses fail. He said that there is no support amongst the citizens and no logical reason for this to come forward. Businesses will survive by listening to their customer's needs and desires. He opposed adding additional permanent signs at subdivision entrances.

Oro Valley resident and member of the Sign Code Task Force Mr. Bob Semple said that he was happy that the Sign Code was coming to a vote. He highly endorsed the proposed Sign Code except for the violations and enforcement section. He would like the Town to notify the brokers about the changes that will be going into effect and asked Council to continue section (D) to a future meeting.

Ms. Nancy Farina, owner of the California Design Center and Mr. Tony Johnson, General Manager of the California Design Center said that they support the usage of A-frames. After they placed A-frames outside their business, they saw an 11% increase in traffic coming to their store. Mr. Johnson demonstrated how his A-frame could be filled with water or sand to weigh it down.

Ms. Farina said that she has received no objections from citizens regarding the A-frames. The A-frame has been placed within 50 feet of their door. She asked the Council to approve the permanent use of A-frames as long as they are aesthetically pleasing.

Councilmember Garner asked if they had used banners.

Ms. Farina said that they have used banners in the past but they are expensive and too difficult to put up and take down.

Ms. Eileen Bonk, associate of J. Marinara's restaurant, said that she is in favor of extending the length of time that businesses can use banners. Every time a banner goes up or comes down, there is an additional expense to the business.

Oro Valley resident Mr. Bill Adler said that from the very beginning, there has never been any neutral/factual evidence provided that larger or more signs help business. The type and location of signs does help. There is observable evidence that larger and more frequent signs diminish the visual qualities of the Town. He was disappointed that Council added conditions to the environmentally sensitive lands ordinance and feels that the environment is not a high priority of the Council. Decisions need to be made regarding shared values and community values. He recommended that this matter be held over until the General Plan is updated so that the broader community could comment and participate.

Councilmember Solomon stated that the public has had a lot of notice and many opportunities to provide input regarding signage.

Councilmember Waters said that the Sign Code Task Force was created to engage the community and allow them the opportunity to comment on the Sign Code.

Councilmember Garner said that a citizen and business survey was also utilized by the Town and some of those results have been reflected in the proposed Sign Code amendments.

Mayor Hiremath closed the public hearing.

Planning Manager David Williams clarified that the master sign program has not changed.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Garner to strike the new additions for garage sales in the proposed Sign Code ordinance.

Councilmember Solomon said that it was problematic to make criminals out of citizens who would like to hold garage sales since the current code prohibits garage sale signs. He felt that garage sale signs should be allowed during the course of the garage sale.

Councilmember Hornat said that the purpose is not to criminalize residents but to control signage.

Councilmember Garner suggested that this item be re-examined at a later date in order to give the Council ample time to review and digest the material.

Vice Mayor Snider agreed that the Town does not need to be policing garage sales.

Councilmember Gillaspie amended his motion to state, "to extract references to garage sales from the Code presented tonight and discussion and possible action of either deletion of the restrictions for garage sales in the Oro Valley Zoning Code Revised or a new ordinance be brought forward to Council at a separate time. The amended motion was accepted by Councilmember Garner.

MOTION carried, 5-2 with Vice Mayor Snider and Councilmember Solomon opposed.

Councilmember Solomon said that he liked the violations section regarding real estate signs because realtors should know where their signs are allowed and he is tired of seeing these signs in the middle of sidewalks, handicap areas, medians, etc.

Councilmember Hornat was a proponent of the penalties. Most cities and towns don't allow real estate signs.

Councilmember Garner inquired about the confiscation of signs that are an immediate threat to life and safety.

Planning Manager David Williams clarified that Town staff is currently authorized to pull violating signs.

Councilmember Waters asked if there is enough staff to properly cite and enforce the Sign Code.

Discussion ensued regarding current staffing levels and the Sign Code enforcement process.

Vice Mayor Snider asked for clarification regarding the sign requirements for professional signs placed in the front yard.

Economic Development Director Amanda Jacobs explained that the Sign Code Task Force originally proposed to increase the area from four (4) to six (6) feet and the height from five (5) to six (6) feet. Based on Council feedback from previous study sessions, staff decided to strike this out so that the current Code would remain the same.

Vice Mayor Snider said the industry standard sign has been changing by design and these newer signs are approximately six inches taller.

Ms. Jacobs clarified that within the current Code, they are allowed up to ten (10) inches with permission from the planning and zoning administrator.

Councilmember Hornat said that the realtors should be responsible for knowing where they can place signs and the penalties associated with not following the Sign Code.

Mayor Hiremath called for a recess at 7:36 p.m.

Mayor Hiremath reconvened the meeting at 7:47 p.m.

Discussion ensued regarding illuminated signs and A-frames.

Vice Mayor Snider did not want to eliminate A-frames but to rather consider them with guidelines attached.

Councilmember Solomon said that the sign is not the problem; it's the placement of the sign in medians, right-of-way, handicap accessible areas, roadways etc. He is also in favor of creating A-frame guidelines.

MOTION: A motion was made by Councilmember Garner and seconded by Councilmember Hornat to strike all iterations of the word "A-frame" to exclude the definition in the current Sign Code draft as presented and direct staff to come back at a later date to discuss the A-frame.

MOTION carried, 7-0

Discussion ensued regarding changeable copy signs.

Councilmember Solomon said that he would like to add a reference to service station, theater, schools, and any other uses for which changeable copy signs are allowed.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Garner to restrict entryway signs to the original 600 feet and strike "For projects with more than 800 feet of frontage, additional entryway signs may be approved by the Town".

Discussion ensued regarding the number of allowable entryway signs.

MOTION carried, 7-0.

MOTION: A motion was made by Councilmember Solomon and seconded by Vice Mayor Snider to change the quantity of menu-board signs from one (1) per individual business to two (2) per drive-through lane.

MOTION carried, 7-0.

MOTION: A motion was made by Councilmember Solomon and seconded by Vice Mayor Snider to change four hundred (400) feet back to six hundred (600) feet regarding monument signs and to remove the phrase "No individual tenant may be displayed on more than one monument sign per street frontage and to add clarification that "No one tenant may be noted twice in one monument sign.

MOTION carried, 7-0.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Hornat to change item 8(b) Monument Signs - Quantity, to read "If frontage is greater than six hundred (600) feet, a second sign is permitted and strike "For frontages greater than eight hundred (800) feet, additional signs may be approved".

MOTION carried, 7-0.

Councilmember Solomon said that he was concerned about the Code wording regarding Menu-Boards, Section 7:E, "so as not to be readable from adjacent streets or property".

Mr. Williams clarified that the language was intended to keep menu-board signs oriented away from neighboring properties but agreed that the wording should be changed from "readable" to "visible".

Discussion ensued regarding illuminated wall signs.

MOTION: A motion was made by Councilmember Solomon and seconded by Vice Mayor Snider to have Section 15. (b) Wall Signs read, "Quantity: No more than two (2) elevations may contain a wall sign. If a single tenant occupies an end unit, there may be signs on three (3) elevations. If a single tenant occupies an entire freestanding building, there may be signs on four (4) elevations but only two (2) elevations may have illuminated wall signs.

Vice Mayor Snider made a friendly amendment to keep, "If a single tenant occupies an end unit, there may be signs on three (3) elevations with the clarification that the end unit means the end unit in the final phase and there may be signs on three (3) elevations but only two (2) may have illuminated wall signs on freestanding buildings". This amendment was accepted by Councilmember Solomon.

MOTION carried, 5-2 with Councilmembers Garner and Gillaspie opposed.

MOTION: A motion was made by Councilmember Solomon and seconded by Mayor Hiremath to strike out section 16. i(c) Window Sign Location.

Discussion ensued regarding window sign location requirements.

Mr. Williams clarified that the intent of the language was to guide the customer to the door.

MOTION failed, 1-6 with Mayor Hiremath, Vice Mayor Snider and Councilmembers Garner, Gillaspie, Hornat, and Waters opposed.

Discussion ensued regarding the location of business hours of operation signs.

Councilmember Solomon said that businesses don't need to be micro-managed to the point of where they can place window signs.

Councilmember's Hornat and Waters agreed that the intent of the Code was to create a standard for signs so that businesses would look aesthetically pleasing.

Councilmember Gillaspie stated that the size and location of window signs does get out of hand when there are no regulations.

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Hornat to add to the design standards for banners that the height above grade limitation be set at five (5) feet and that the banner be placed in a solid frame that is the same color as the banner background.

MOTION failed, 3-4 with Vice Mayor Snider and Councilmembers Garner, Gillaspie, and Waters opposed.

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Hornat to limit freestanding banner height to a maximum of five (5) feet from grade.

MOTION carried, 7-0.

Discussion ensued regarding banner opportunities for new businesses.

Economic Development Manager Amanda Jacobs clarified that a new business is allowed to display a banner that reads, "Coming Soon" for thirty (30) days and then once the new business opens, they are allowed another thirty (30) days for a banner that reads, "Now Open" or "Grand Opening".

Councilmember Garner said that the current language creates a loop-hole that technically allows businesses that have been open for more than year, to be able to display a "Now Open" sign. He would like this language cleaned up so that any new given business would be able to display the banners but not allow them to display them every year.

MOTION: A motion was made by Councilmember Garner and seconded by Vice Mayor Snider to direct staff to change the banner provisions for new business by removing language "per year" and adding "new business".

MOTION carried, 7-0.

Councilmember Garner said that the current Code language allows two flag poles in both residential and commercial areas but he would like this language changed so that one flag pole would be permitted for each residential property.

MOTION: A motion was made by Councilmember Solomon and seconded by Vice Mayor Snider to have Construction/Development Signs item (d) read, "Height: Not to exceed ten (10) feet from grade".

MOTION failed, 2-5 with Mayor Hiremath and Councilmembers Garner, Gillaspie, Hornat, and Waters opposed.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Garner to change section (5)(c) regarding Real Estate, Lease, Rent and For Sale Signs to allow a maximum sign area of sixteen (16) feet.

Economic Development Director Amanda Jacobs said that the Sign Code Task Force recommended changing the maximum sign area to thirty-two (32) square feet due to visibility issues and to create better opportunities for tenets.

MOTION carried, 7-0.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Garner to table regular agenda item number (2b) until regular agenda items three (3) and four (4) have been discussed.

MOTION carried, 6-1 with Councilmember Hornat opposed.

3. **AMENDMENTS TO THE ZONING CODE - SECTION 27.3, PUBLIC ARTWORK PROVISIONS**
 - a. **RESOLUTION NO. (R)11-15 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ENTITLED CHAPTER 27, GENERAL DEVELOPMENT STANDARDS, SECTION 27.3, PUBLIC ARTWORK PROVISIONS, ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK**

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Waters to adopt Resolution No. (R)11-15 declaring as a public record that certain document entitled Chapter 27, General Development Standards, Section 27.3, Public Artwork Provisions, attached hereto as exhibit

"A" and filed with the Town Clerk.

MOTION carried, 7-0.

b. PUBLIC HEARING - ORDINANCE NO. (O)11-06 AMENDING THE ORO VALLEY ZONING CODE REVISED, BY AMENDING CHAPTER 27, GENERAL DEVELOPMENT STANDARDS, SECTION 27.3, PUBLIC ARTWORK PROVISIONS; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OR ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

Planning Manager David Williams gave an overview of Ordinance No. (O)11-06. Mr. Williams stated that the proposed ordinance deals with four main issues which include:

- 1) Expand/revise fee in lieu
- 2) Maintenance of Town-owned art
- 3) Remote Locations
- 4) Replacement

Mr. Williams stated that if the required budget is less than \$10,000, they would be allowed to select the in-lieu option now. The previous threshold was set at \$2,500.

Mr. Williams stated that the maintenance of Town-owned art is important and that the proposed changes would allow the in-lieu fee fund to be used for maintenance of Town-owned art.

Artwork in remote locations with limited access or poor visibility may now utilize the fee in-lieu option.

The proposed ordinance would exempt property owners from replacing missing or damaged artwork if the art was properly maintained.

Staff recommends retaining the provision that responsibility for maintaining artwork transfers from owner to owner.

The Planning and Zoning Commission recommended unanimous approval on January 13th and staff recommends approval of the updated public art provisions.

Discussion ensued regarding who would be responsible for private and public artwork that is damaged and the threshold for the fee in-lieu option.

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 Gillaspie to adopt Ordinance No. (O)11-06 amending the Oro Valley Zoning Code Revised, by amending Chapter 27, General Development Standards, Section 27.3, Public Artwork Provisions as shown in Exhibit "A".

Councilmember Solomon made a friendly amendment to have staff modify section E-11 to clarify that the in-lieu fee may apply to part or all of the 1% regardless of the top limit, accepted by Councilmember Waters and Councilmember Gillaspie.

MOTION carried, 7-0.

4. DISCUSSION AND POSSIBLE ACTION REGARDING THE EXISTING NARANJA PARK MASTER PLAN AND POTENTIAL ALTERNATIVE USES

Councilmember Solomon clarified that when this item was requested to be placed on an agenda, it was to discuss new possibilities, not to approve or deny the existing master plan.

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Garner to table item four (4) and return with a discussion for alternative uses for the Naranja Townsite.

Oro Valley resident Mr. Jerry Perry said that he has had several meetings with Town staff and was asked to explore and find funding for creating an archery range at the Naranja Townsite. He secured commitments for up to \$30,000 for backstops and signage and also received additional commitments for funding from the Arizona Game and Fish Department. The Archery Trade Association committed to provide additional funding and the Pusch Ridge Archers has committed additional funds as well. An archery designer looked at the site and provided an estimate of 35 acres of space would be needed in order to create the range. Many residents and students support the archery range at the Naranja Townsite.

Oro Valley resident Mr. Ed Davis, Commander of the Oro Valley American Legion Post, said that they currently have 145 members and anticipate that they will have over 400 members over the next five years. The Post would like to have a home in Oro Valley. The American Legion Post has many fundraising options including state authorized lottery games. Mr. Davis stated that he would

like to be given consideration as a future partner of the Town as the ultimate developer of the Naranja Townsite.

Oro Valley resident Mr. Ben Baker said that the American Legion can raise money by bonding in order to develop the Naranja Townsite and he would like it to be the center of a very vibrant community.

Oro Valley resident Mr. Harold Adair said that with the grant money from the Arizona Game and Fish Department and with private funding that has been raised, improvements could be made to the Naranja Townsite somewhere between sixty to eighty thousand dollars. This would include composting toilets and shade structures.

Oro Valley resident Mr. Bill Adler preferred that the park space be developed the way the citizens and the Council originally adopted it. He encouraged Council to engage in talks about economic development options at the Naranja Park Site that would occupy the space and make money for the Town. Mr. Adler recommended that a solar farm be built at the townsite. He is not in favor of developing temporary uses especially if people have to invest substantial sums of money in making the temporary use viable.

MOTION carried, 6-1 to table item four (4) with Councilmember Hornat opposed.

Mayor Hiremath called for a recess at 9:46 p.m.

Councilmember Garner left the meeting at 9:52 p.m.

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Hornat to adjourn the meeting at 9:53 p.m.

MOTION carried, 5-1 with Mayor Hiremath opposed.

5. *DISCUSSION AND POSSIBLE ACTION ON ANY CODES, POLICY, RESOLUTIONS OR DIRECTIVES THAT PROVIDE THAT THE CHIEF OF POLICE REPORTS TO ANYONE OTHER THAN COUNCIL AS A WHOLE (This item was tabled)

6. *DISCUSSION AND POSSIBLE ACTION AUTHORIZING COUNCIL TO APPOINT ONE OR TWO MEMBERS OF COUNCIL TO BE PRESENT AT AND PRIVY TO ANY AND ALL COMMUNIQUEÉS, DISCUSSIONS OR MEETINGS INVOLVING NEGOTIATIONS OR MEMORANDUMS OF UNDERSTANDING FOR PUBLIC SAFETY EMPLOYEES AND ANY EXISTING POLICIES, DIRECTIVES, RESOLUTIONS OR CODES TO THE CONTRARY SHOULD BE BROUGHT FORWARD FOR DISCUSSION

AND ACTION (This item was tabled)

7. *DISCUSSION AND POSSIBLE ACTION TO PROVIDE THAT "FUNDED" BUT "UNFILLED" POSITIONS NOT BE FILLED UNTIL APPROVED BY TOWN COUNCIL (This item was tabled)
8. *DISCUSSION REGARDING 2% UTILITY TAX INCREASE (This item was tabled)

FUTURE AGENDA ITEMS

There were no future agenda item requests.

CALL TO AUDIENCE

No comments were received.

ADJOURNMENT

The meeting was adjourned at 9:53 p.m.

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 2nd day of March 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



Town Council Regular Session

Item # B.

Meeting Date: 04/20/2011

Requested by: Wendy Gomez

Submitted By:

Wendy Gomez, Finance

Department: Finance

SUBJECT:

Fiscal Year 2010/11 Financial Update Through February 2011

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

General Fund

Attachment B shows General Fund revenues and expenditures through February as well as year-end estimates for each category. Through February, revenue collections totaled \$16,044,329 and expenditures totaled \$15,612,299.

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

Revenues	\$24,296,516
Expenditures	<u>25,263,588</u>

Estimated Operating Deficit (\$ 967,072)

General Fund Revenues

- Revenues through February total \$16,044,329, which represents 61.2% of the budgeted FY 10/11 revenues
- Revenues are estimated to come in under budget by about \$1,900,000, 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 05/06

General Fund Major Revenue Categories

Local Sales Tax

- Fiscal year to date General Fund collections are \$7,485,710 (roughly 3% less than FY 09/10 through Feb)
- Estimated to come in 10.5% below budget due to reduced construction sales tax collections

State-Shared Revenues

- Income Tax - fiscal year to date is \$2,556,608 (25% decrease from FY 09/10 through Feb)
- Sales Tax - fiscal year to date is \$1,964,209 (1% increase from FY 09/10 through Feb)
- Vehicle License Tax - fiscal year to date is \$988,862 (7% decrease from FY 09/10 through Feb)

General Fund Expenditures

- Expenditures through February total \$15,612,299, which represents 58.8% of the budgeted FY 10/11 expenditures
- Expenditures are estimated to come in under budget by about \$1,300,000, or by about 5%
- Expenditure savings represent vigilant budget monitoring by departments, and **includes the additional \$358K in savings identified at the February 23rd budget study session.**

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:

N/A

Attachments

[Attachment A - Summary](#)

[Attachment B - Gen Fund](#)

[Attachment C - HW Fund](#)

[Attachment D - Bed Tax Fund](#)

[Attachment E - Transit Fund](#)

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

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



February 2011 Monthly Financial Report

Revenues

Fund	Actuals thru 02/2011	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
General	\$ 16,044,329	\$ 26,215,984	61.2%	\$ 24,296,516	-7.3%
Highway	\$ 2,132,879	\$ 3,797,842	56.2%	\$ 3,354,931	-11.7%
Bed Tax	\$ 161,627	\$ 270,569	59.7%	\$ 253,377	-6.4%
Transit	\$ 288,541	\$ 454,845	63.4%	\$ 493,786	8.6%

Expenditures

Fund	Actuals thru 02/2011	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
General	\$ 15,612,299	\$ 26,560,334	58.8%	\$ 25,263,588	-4.9%
Highway	\$ 1,744,160	\$ 4,105,231	42.5%	\$ 3,975,872	-3.2%
Bed Tax	\$ 174,068	\$ 358,869	48.5%	\$ 380,146	5.9%
Transit	\$ 385,891	\$ 482,320	80.0%	\$ 602,246	24.9%

Surplus/(Deficit)

Fund Balance

Fund	YTD	Budgeted	Year End Estimate	Budgeted	Year End Estimate
General	\$ 432,030	\$ (344,350)	\$ (967,072)	\$ 10,620,363	\$ 9,346,080 *
Highway	\$ 388,718	\$ (307,389)	\$ (620,941)	\$ 3,772,144	\$ 3,399,922
Bed Tax	\$ (12,441)	\$ (88,300)	\$ (126,769)	\$ 987,870	\$ 862,775
Transit	\$ (97,349)	\$ (27,475)	\$ (108,460)	\$ 54,532	\$ 27,576

* Represents 37.0% of General Fund year-end estimated expenditures



Highway Fund

% Budget Completion through February --- 66.7%

FINANCING SOURCES	Actuals thru 02/2011	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
REVENUE:					
LOCAL SALES TAX	210,183	630,188	33.4%	398,807	-36.7%
LICENSES & PERMITS	28,155	50,192	56.1%	50,192	0.0%
STATE GRANTS	125,406	317,000	39.6%	145,689	-54.0%
STATE/COUNTY SHARED	1,706,339	2,669,767	63.9%	2,669,767	0.0%
INTEREST INCOME	6,226	53,205	11.7%	10,679	-79.9%
MISCELLANEOUS	13,368	12,686	105.4%	14,992	18.2%
OTHER FINANCING SOURCES	43,203	64,804	66.7%	64,804	0.0%
TOTAL FINANCING SOURCES	2,132,879	3,797,842	56.2%	3,354,931	-11.7%

FINANCING USES	Actuals thru 02/2011	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
EXPENDITURES:					
ADMINISTRATION	453,439	1,029,154	44.1%	1,017,154	-1.2%
TRANSPORTATION ENGINEERING	329,646	1,285,320	25.6%	1,251,025	-2.7%
PAVEMENT MANAGEMENT	120,417	201,893	59.6%	201,893	0.0%
STREET MAINTENANCE	529,433	954,481	55.5%	873,317	-8.5%
TRAFFIC ENGINEERING	311,226	634,383	49.1%	632,483	-0.3%
TOTAL FINANCING USES	1,744,160	4,105,231	42.5%	3,975,872	-3.2%

SURPLUS/(DEFICIT) 388,718 (307,389) (620,941)



Bed Tax Fund

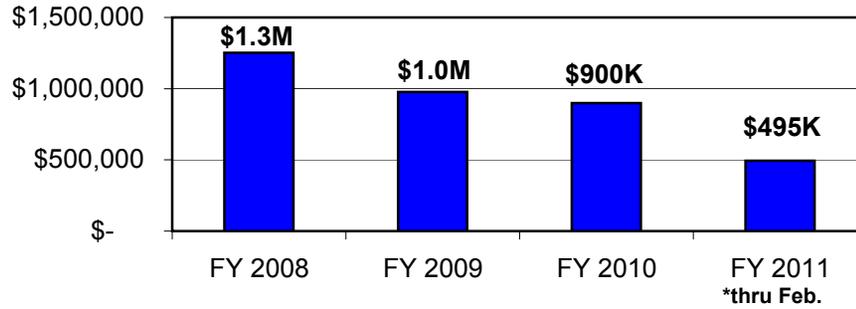
% Budget Completion through February --- 66.7%

FINANCING SOURCES	Actuals thru 02/2011	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
REVENUE:					
BED TAXES	494,556	861,569	57.4%	861,569	0.0%
less allocation to General Fund	(334,140)	(600,000)	55.7%	(610,000)	1.7%
INTEREST INCOME	1,211	9,000	13.5%	1,808	-79.9%
TOTAL FINANCING SOURCES	161,627	270,569	59.7%	253,377	-6.4%
FINANCING USES	Actuals thru 02/2011	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
EXPENDITURES:					
ECONOMIC DEVELOPMENT	174,068	358,869	48.5%	380,146	5.9%
TOTAL FINANCING USES	174,068	358,869	48.5%	380,146	5.9%
SURPLUS/(DEFICIT)	(12,441)	(88,300)		(126,769)	

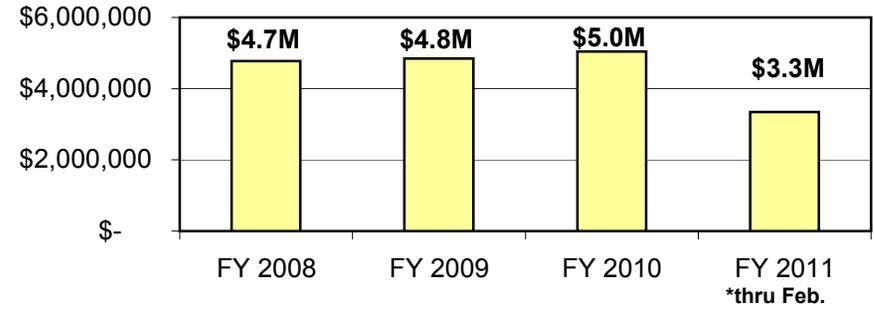


Town of Oro Valley Financial Dashboard Historical Annual Totals

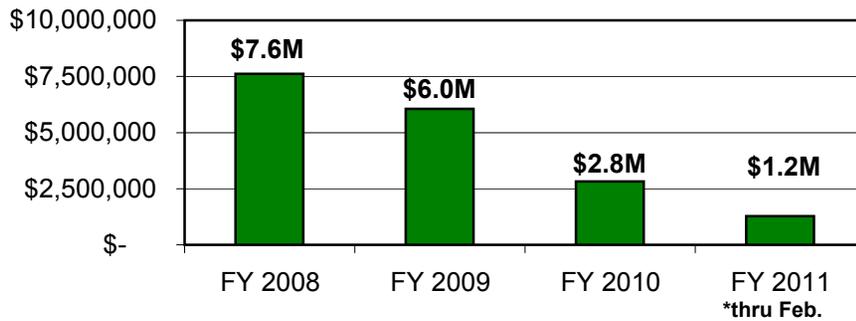
Hotel/Motel Sales Tax Collections



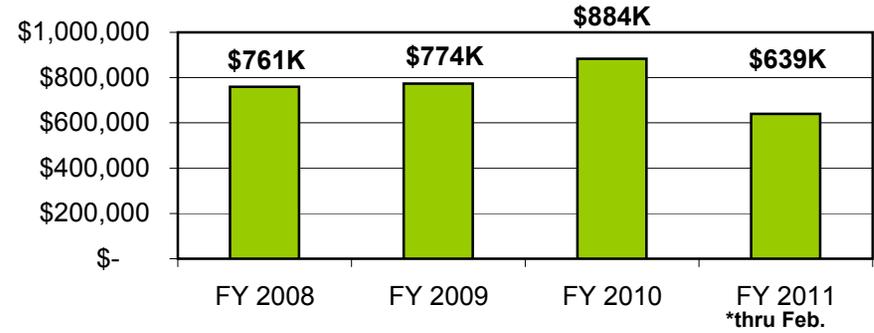
Retail Sales Tax Collections



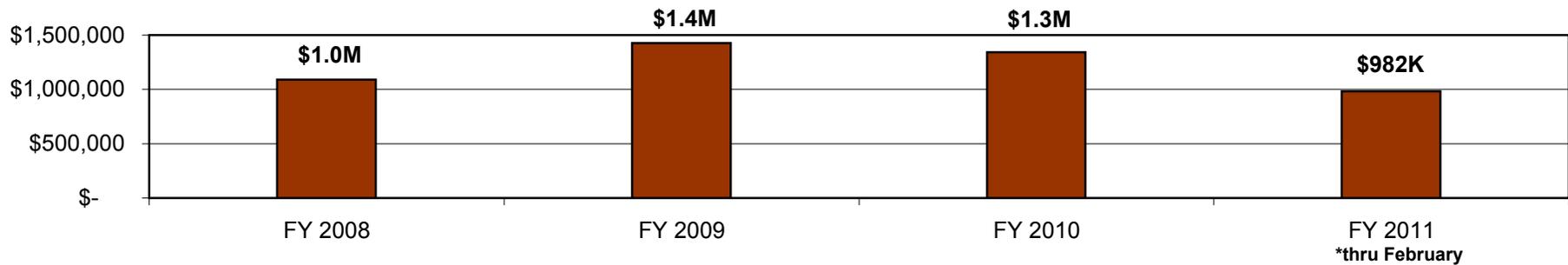
Construction Sales Tax Collections



Restaurant/Bar Sales Tax Collections



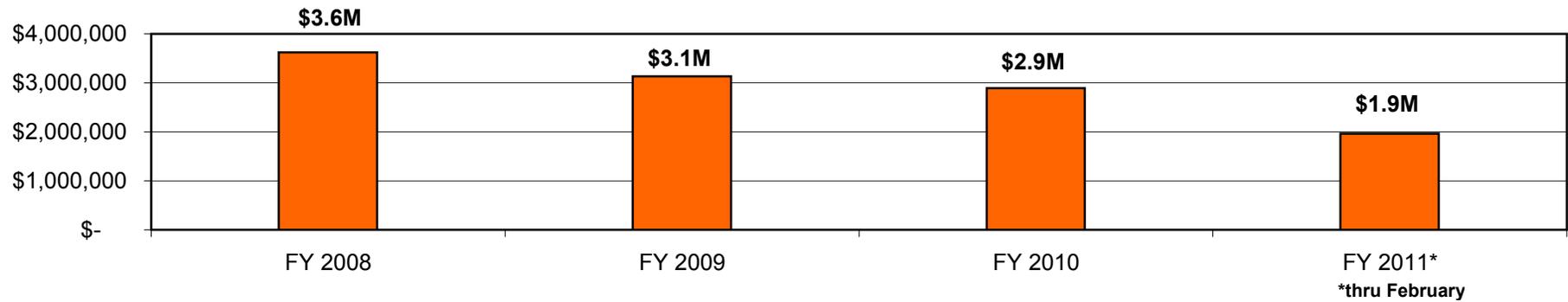
Utility Sales Tax Collections



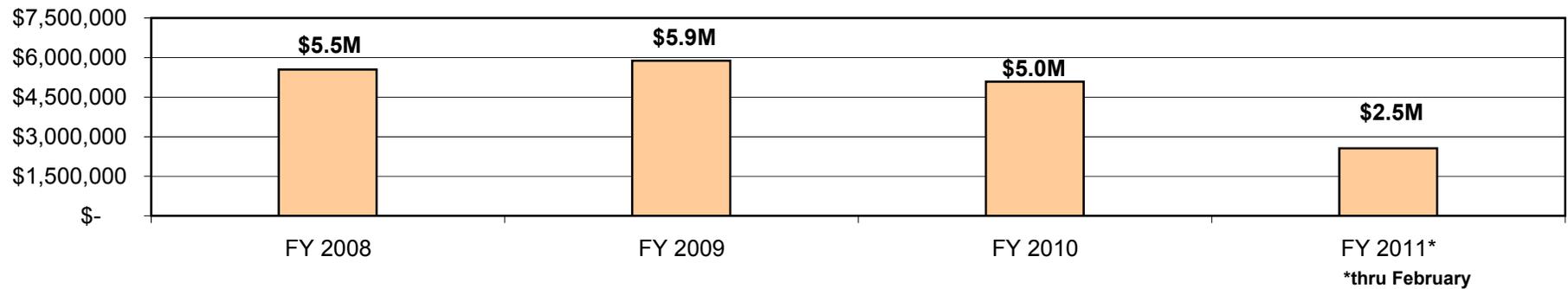


Town of Oro Valley Financial Dashboard Historical Annual Totals

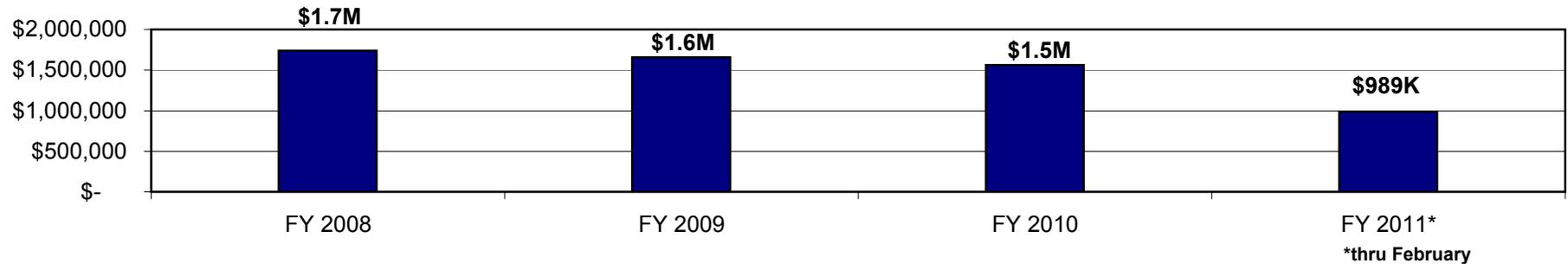
State Shared Sales Tax Collections



State Shared Income Tax Collections



State Shared County Auto Lieu Collections





Town of Oro Valley Financial Dashboard Historical Annual Totals

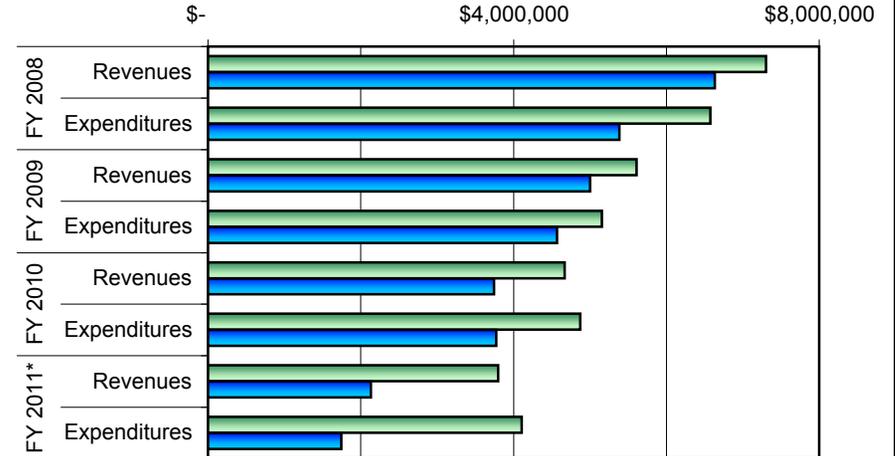
General Fund



*thru February

■ Budget ■ Actual

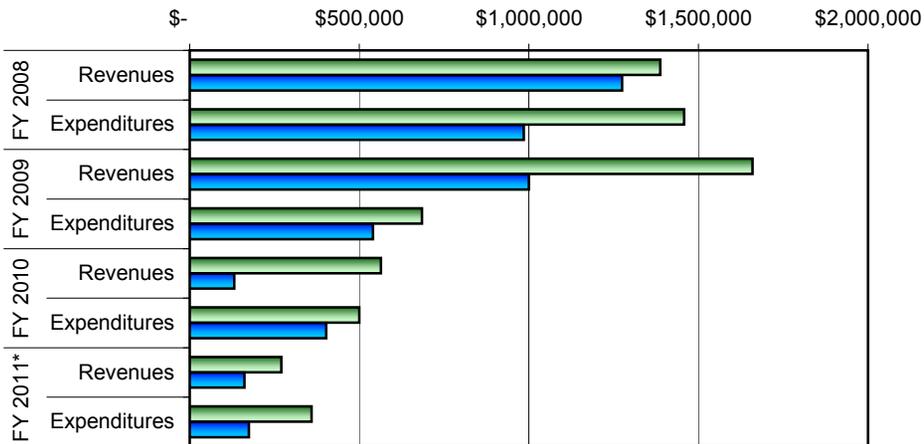
Highway Fund



*thru February

■ Budget ■ Actual

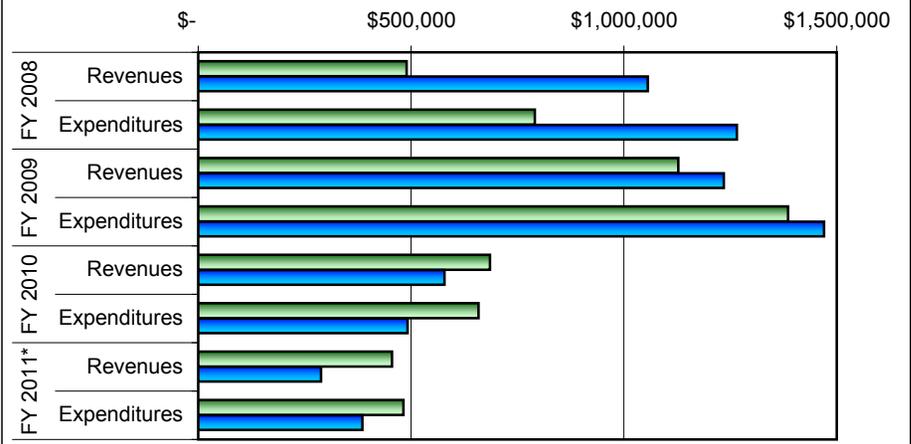
Bed Tax Fund



*thru February

■ Budget ■ Actual

Transit Fund

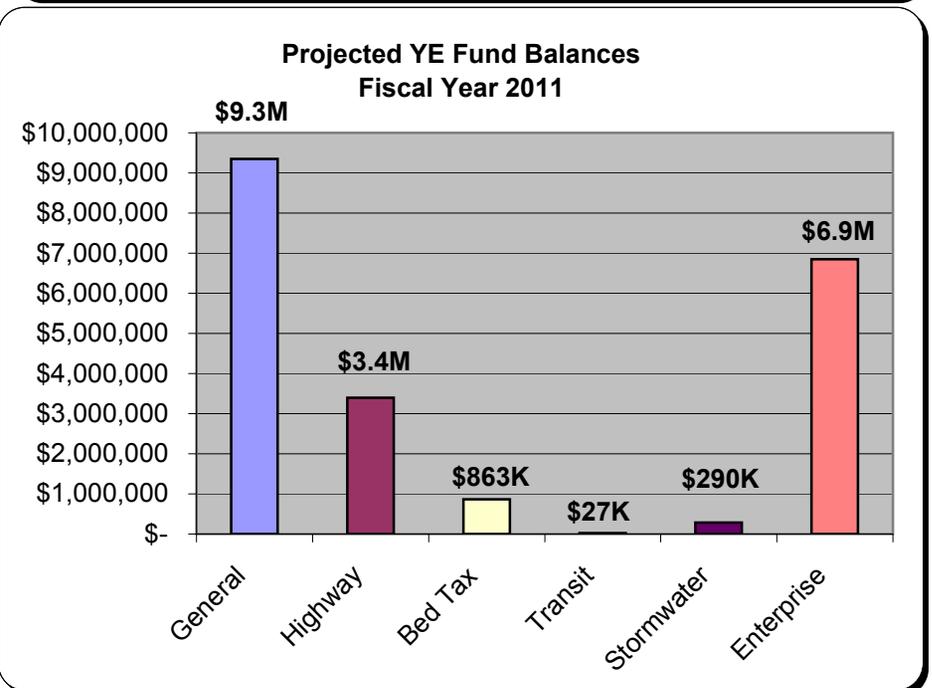
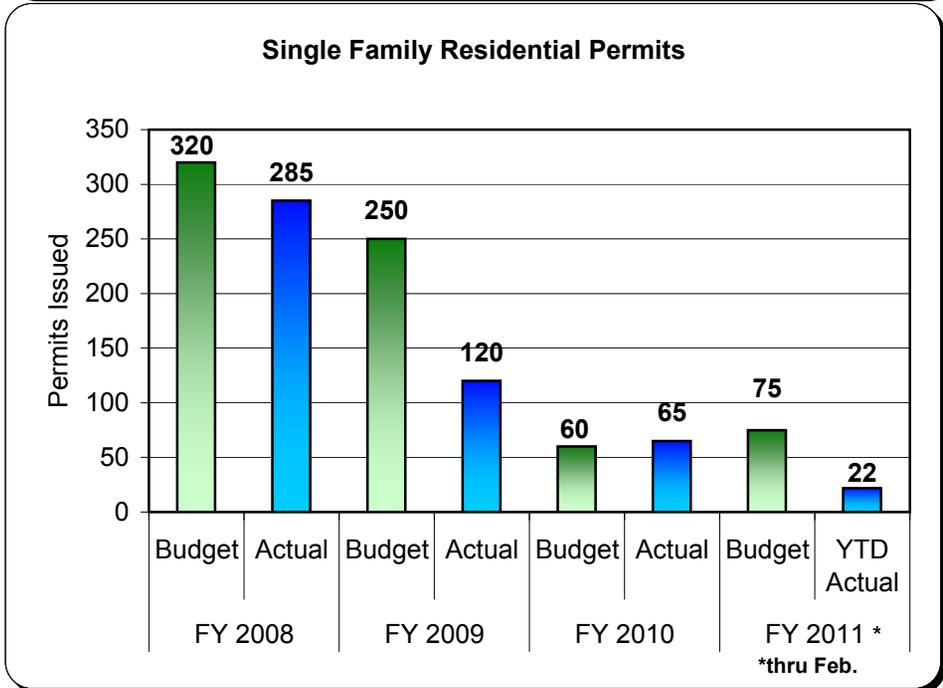
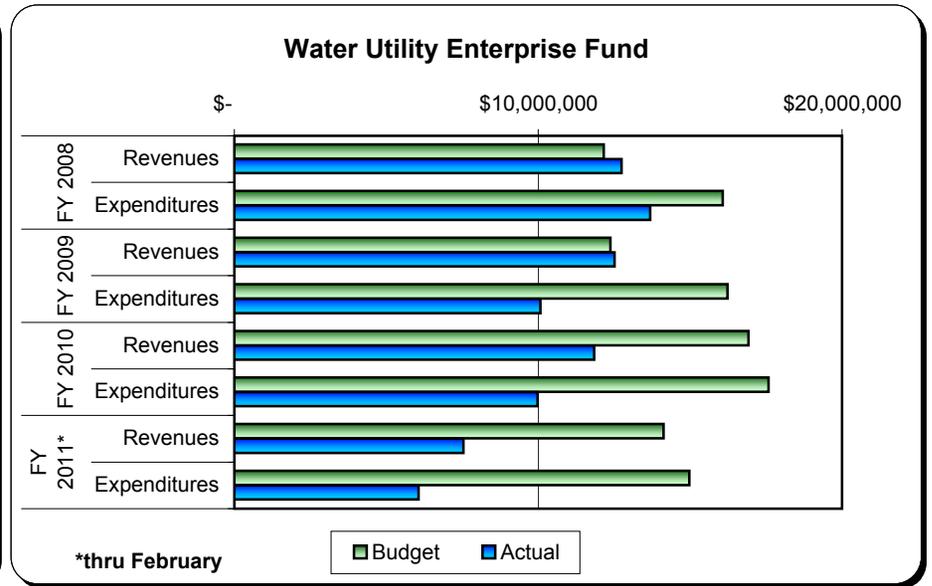
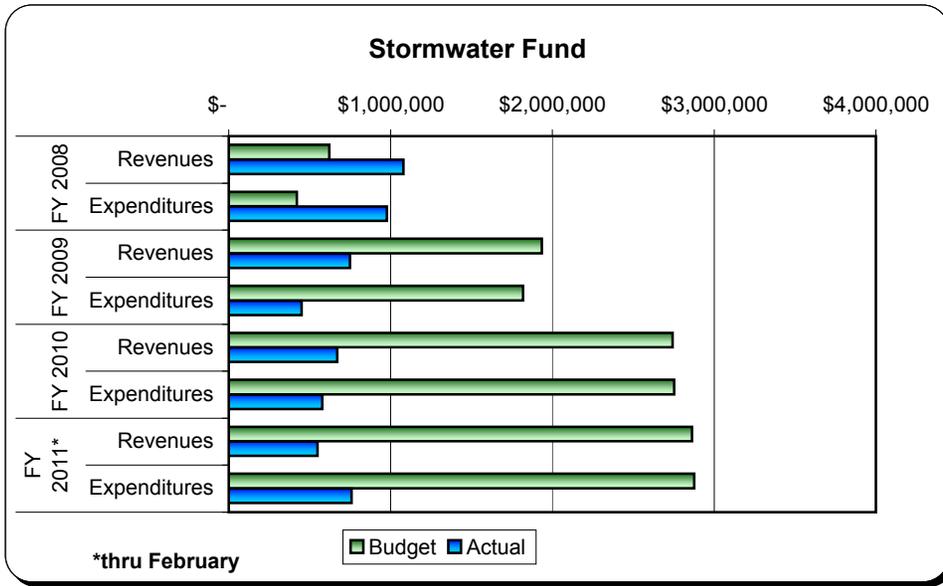


*thru February

■ Budget ■ Actual



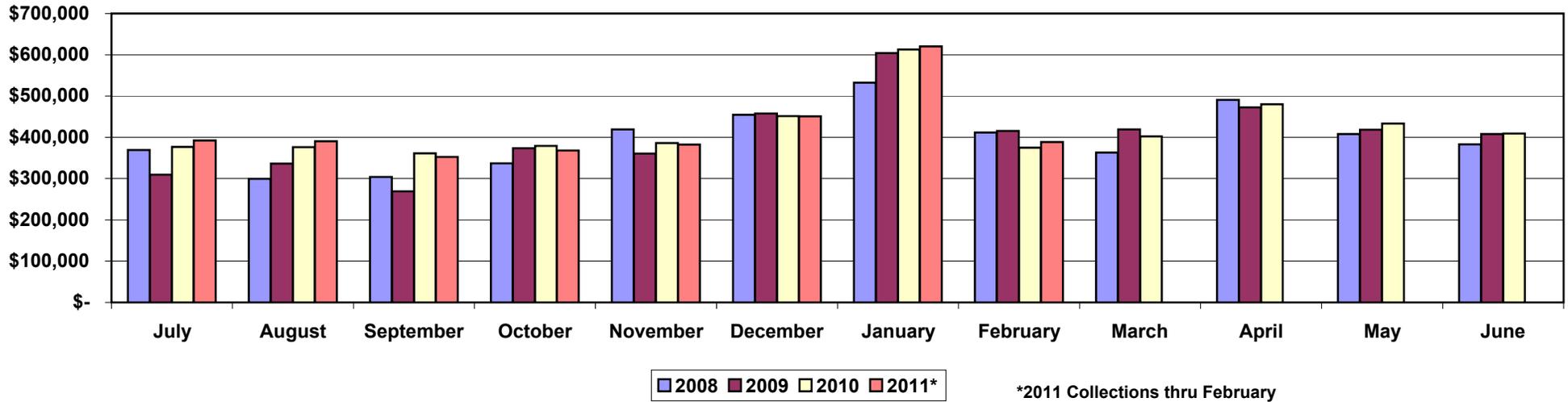
Town of Oro Valley Financial Dashboard Historical Annual Totals



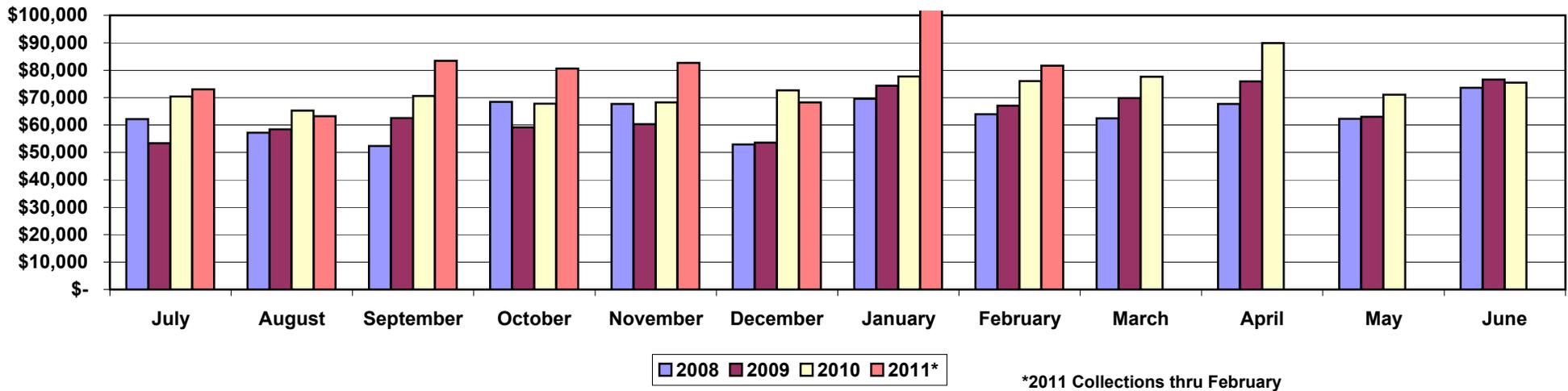


**Town of Oro Valley
Financial Dashboard
Month-By-Month History
FY 2008 - 2011**

Retail Sales Tax Collections



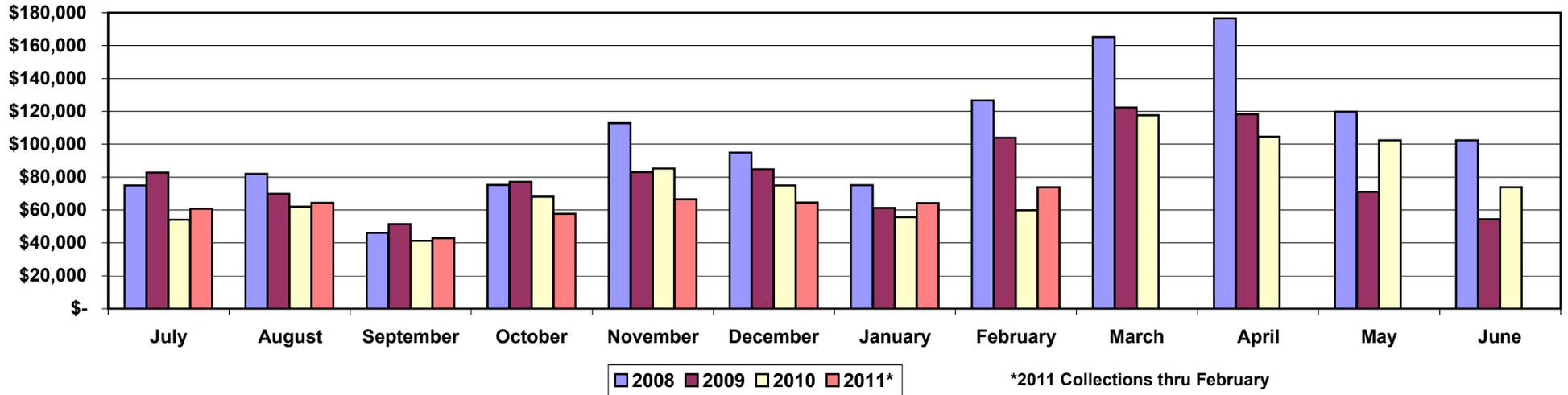
Restaurant and Bar Sales Tax Collections



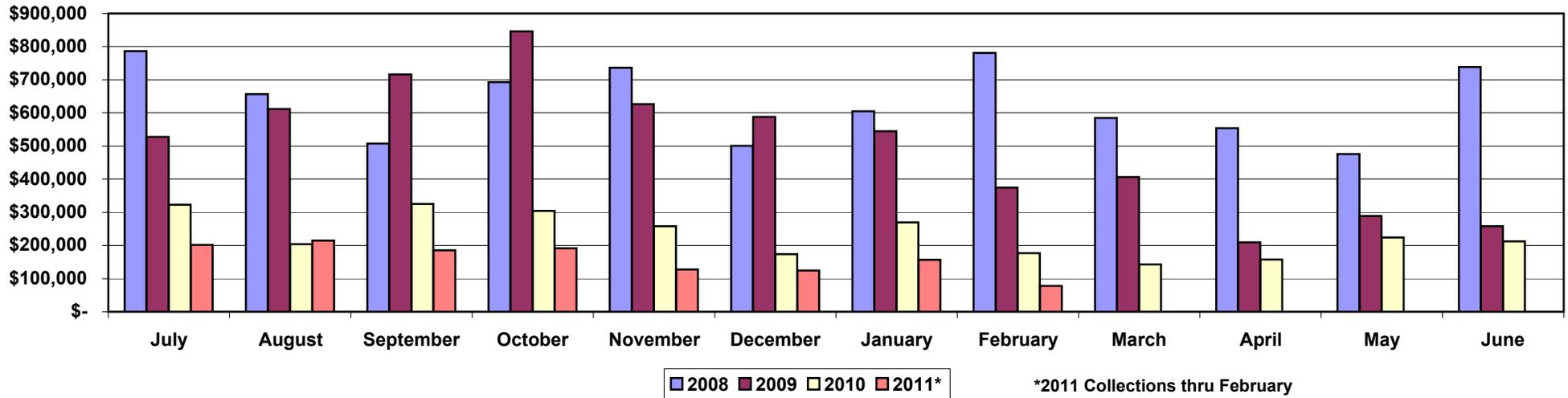


**Town of Oro Valley
Financial Dashboard
Month-By-Month History
FY 2008 - 2011**

Hotel Bed Tax Collections



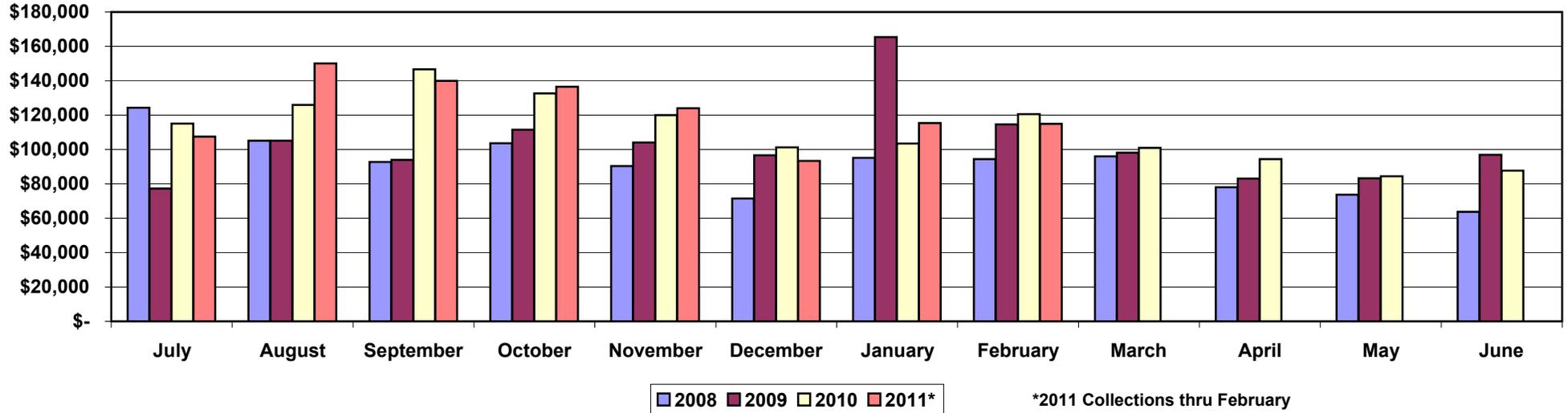
Construction Sales Tax Collections



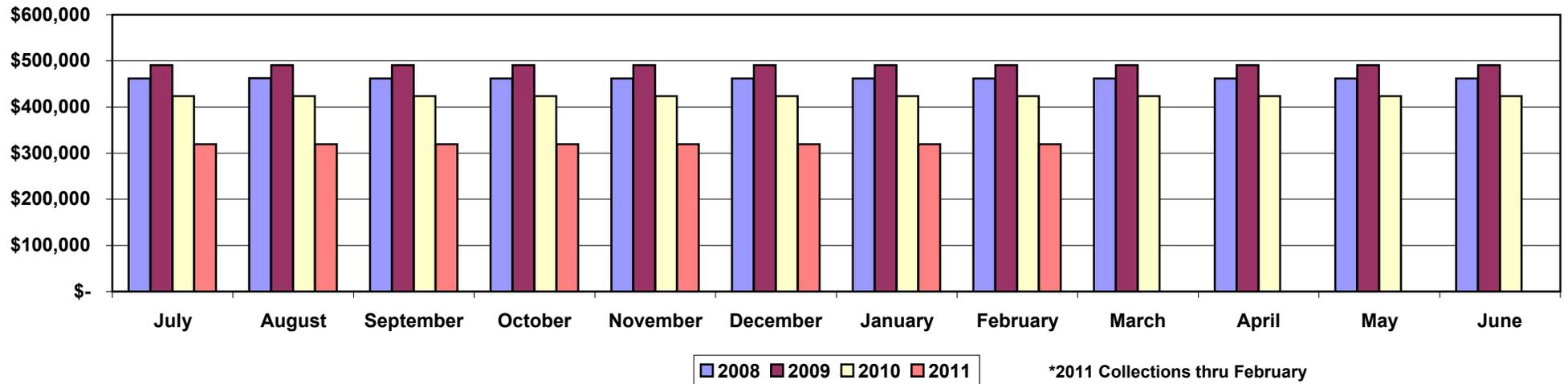


**Town of Oro Valley
Financial Dashboard
Month-By-Month History
FY 2008 - 2011**

Utility Tax Collections



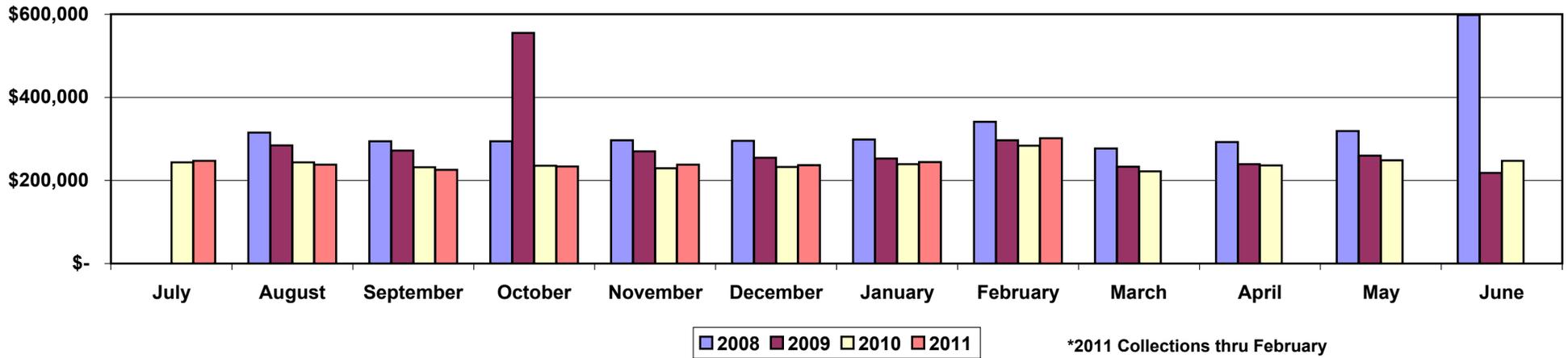
State Income Tax Collections



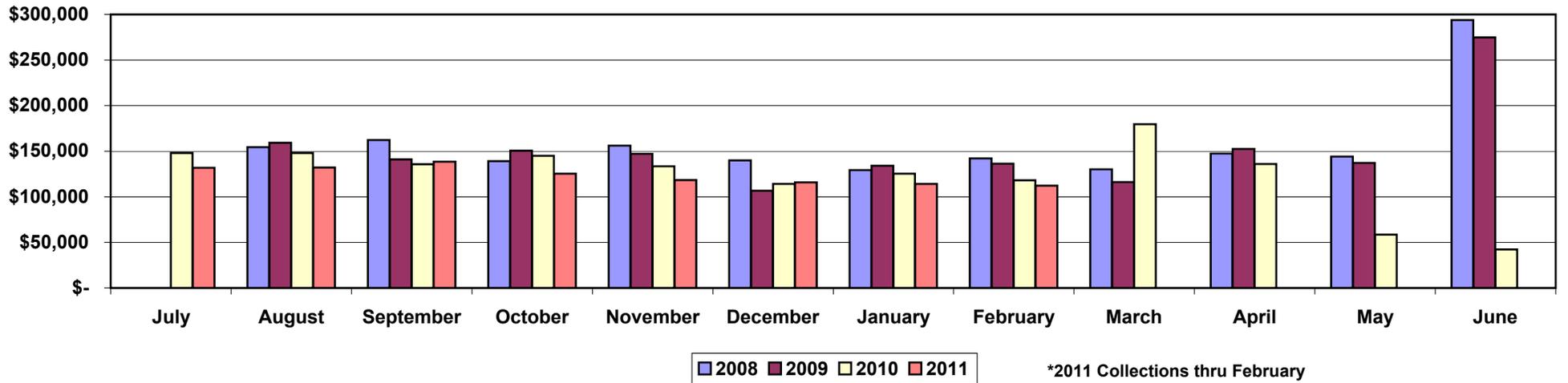


**Town of Oro Valley
Financial Dashboard
Month-By-Month History
FY 2008 - 2011**

State Sales Tax Collections



Vehicle License Tax Collections





Town Council Regular Session

Item # C.

Meeting Date: 04/20/2011

Submitted By: Catherine Hendrix, Police
Department

SUBJECT:

Police Department - February 2011 Statistics

Attachments

February 2011 Statistics

ORO VALLEY POLICE DEPARTMENT POLICE ACTIVITY SUMMARY

2011	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Total Calls	2796	1389	1407										
Commercial Veh Enforcement	50	23	27										
Residential Burglaries****	7	3	4										
Non-Residential Burglaries****	1	0	1										
All Burglary Attempts****	3	2	1										
Thefts	106	69	37										
Vehicle Thefts****	8	4	4										
Recovered Stolen Vehicles****	2	2	0										
Attempted Vehicle Thefts****	0	0	0										
DUI	24	13	11										
Liquor Laws	9	5	4										
Drug Offenses	36	18	18										
Homicides	0	0	0										
Robbery	0	0	0										
Assault	19	6	13										
Total Arrests***	320	171	149										
Assigned Cases	145	58	87										
Alarms (Residential)	112	47	65										
Alarms (Business)	68	38	30										
K9 Searches	51	37	14										
First Aid Calls	424	189	235										
Accidents	93	54	39										
Citations (Traffic)**	1133	697	436										
Warnings	883	515	368										
Repair Orders	163	60	103										
Public Assists*	298	115	183										
Reserve Man Hours	0	0	0										
Dark House Checks*	2487	1027	1460										
Drug Task Force Arrest	17	9	8										
CVAP Dark House Cks	859	176	683										
CVAP Public Assists	135	52	83										
CVAP Total Hours	2830	1010	1820										

(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.

**** As of 8/10, Burglary Attempts and Non-Residential Burglaries/Vehicle Theft Attempts and Stolen Vehicle Recoveries have been separated from total counts.

ORO VALLEY POLICE DEPARTMENT MONTHLY BREAKDOWN OF CITATIONS BY VIOLATION

Citations 2011	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
TOWN CODE	57	57											
TITLE 28 VIOLATIONS													
SIZE, WEIGHT, LOAD	1	1											
INSURANCE VIOLATION	96	96											
REGISTRATION VIOLATION	68	68											
DRIVERS LICENSE VIOLATION	48	48											
DUI	13	13											
RECKLESS/AGGRESSIVE DRIVING	1	1											
SPEEDING	126	126											
LANE VIOLATIONS	13	13											
RED LIGHT	18	18											
STOP SIGN	10	10											
FAILURE TO YIELD	9	9											
SEATBELT VIOLATION	9	9											
CHILD RESTRAINT	0	0											
EQUIPMENT VIOLATIONS	2	2											
PARKING	6	6											
LITTERING	1	1											
ALL OTHER CITATIONS	15	15											
<i>Total Citations</i>	<i>436</i>	<i>436</i>											

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

	Jan-Feb 2009	Jan-Feb 2010	Jan-Feb 2011		February 2009	February 2010	February 2011
Total Calls	2787	2710	2796		1391	1344	1407
Commercial Veh Enforcement	##	17	50		##	6	27
Residential Burglaries	6	11	7		1	8	4
Non-Residential Burglaries****	2	4	1		1	1	1
All Burglary Attempts****	0	1	3		0	0	1
Thefts	68	77	106		38	45	37
Vehicle Thefts	4	5	8		2	2	4
Recovered Stolen Vehicles****	4	2	2		3	1	0
Attempted Vehicle Theft****	0	1	0		0	0	0
DUI	38	42	24		18	14	11
Liquor Laws	8	8	9		6	4	4
Drug Offenses	35	30	36		15	13	18
Homicides	0	0	0		0	0	0
Robbery	0	1	0		0	1	0
Assault	21	19	19		12	7	13
Total Arrests***	416	367	320		212	193	149
Assigned Cases	141	126	145		82	66	87
Alarms (Residential)	122	124	112		70	68	65
Alarms (Business)	56	72	68		26	44	30
K9 Searches	21	36	51		5	10	14
First Aid Calls	388	361	424		179	184	235
Accidents	91	89	93		49	41	39
Citations (Traffic)**	1513	1333	1133		773	650	436
Warnings	1091	1335	883		591	612	368
Repair Orders	206	283	163		118	156	103
Public Assists*	275	376	298		139	201	183
Reserve Man Hours	431	266	0		213.5	132.5	0
Dark House Checks*	1181	1308	2487		537	462	1460
Drug Task Force Arrest	111	7	17		74	1	8
CVAP Dark House Cks	333	558	859		113	145	683
CVAP Public Assists	82	147	135		43	66	83
CVAP Total Hours	2217	2883.5	2830		1073.5	1448.5	1820

* 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

**** As of 8/10, Burglary Attempts and Non-Residential Burglaries/Vehicle Theft Attempts have and Stolen Vehicle Recoveries have been separated from total counts

As of 1/1/10, New Category

**ORO VALLEY POLICE DEPARTMENT
FEBRUARY 2011**

Priority 1		
	# of calls	%
Dispatch Time < 1 minute	17	85%
> 1 minute	3	15%
Travel Time < 4 minutes	14	70%
> 4 minutes	6	30%
Total Response Time		
< 5 minutes	14	70%
> 5 minutes	6	30%
Total Calls	20	

Priority 2		
	# of calls	%
Dispatch Time < 2 minute	49	96%
> 2 minute	2	4%
Travel Time < 6 minutes	41	80%
> 6 minutes	10	20%
Total Response Time		
< 8 minutes	44	86%
> 8 minutes	7	14%
Total Calls	51	

Priority 3		
	# of calls	%
Dispatch Time < 5 minute	331	98%
> 5 minute	6	2%
Travel Time < 10 minutes	305	91%
> 10 minutes	32	9%
Total Response Time		
< 15 minutes	322	96%
> 15 minutes	15	4%
Total Calls	337	

Priority 4		
	# of calls	%
Dispatch Time < 10 minute	771	98%
> 10 minute	17	2%
Travel Time < 20 minutes	770	98%
> 20 minutes	18	2%
Total Response Time		
< 30 minutes	772	98%
> 30 minutes	16	2%
Total Calls	788	



Town Council Regular Session

Item # D.

Meeting Date: 04/20/2011

Requested by: Suzanne Smith

Submitted By:

Suzanne Smith,
Development Infrastructure
Services

Department: Development Infrastructure Services

SUBJECT:

Council approval of security upgrades for Council Chambers

RECOMMENDATION:

The Council Subcommittee recommends approval of the phase one security upgrades to Council Chambers.

EXECUTIVE SUMMARY:

Two phases are planned for the security upgrades to the Council Chambers. These upgrades will assist in ensuring that members of the public and Council have a greater degree of protection than is currently present. This item is for phase one of the upgrades.

BACKGROUND OR DETAILED INFORMATION:

The Council subcommittee met over the course of two months to review Town Hall security measures. This item focuses on security upgrades to the Council Chambers, which are planned to be addressed in two phases. These upgrades will assist in ensuring that members of the public and Council have a greater degree of protection than is currently present. Due to the sensitive nature of the improvements, and to protect the public, disclosure of details regarding the upgrades are not delineated in this report.

This item is for phase one of the security upgrades. Phase two upgrades have been identified; however, this phase will come back at an appropriate time in the future for discussion and funding options.

FISCAL IMPACT:

The estimated cost of phase one security upgrades to Council Chambers is estimated at \$8,000 to \$12,000. The FY 2010/11 General Administration capital projects budget has sufficient capacity to fund the phase one security upgrades.

SUGGESTED MOTION:

I MOVE to (approve, deny) the phase one security upgrades to Council Chambers.



Town Council Regular Session

Item # E.

Meeting Date: 04/20/2011

Requested by: Mark Moore

Submitted By:

Mark Moore, Water

Department: Water

SUBJECT:

Resolution No. (R)11-22, Authorizing and Approving a Line Extension Agreement for Construction of Protected Water Facilities Under Private Contract Between the Town of Oro Valley and Copper Canyon Development, LLC

RECOMMENDATION:

Staff recommends approval of Resolution No. (R)11-22. This resolution authorizes the Water Utility Director to sign and execute the agreement.

EXECUTIVE SUMMARY:

This resolution is for the approval of a Protected Water Facilities Line Extension Agreement for the water main extension that serves Sunset Canyon Estates, west of La Cholla and south of Tangerine.

The water facilities described in the agreement are transferred to the Town upon execution of the document. Copper Canyon Development, LLC will be reimbursed by adjacent property owners that are served by this pipeline. The Water Utility administers the agreement but does not pay for any construction costs and/or reimbursement.

The Resolution and the Protected Main LEA (with site map) are attached.

BACKGROUND OR DETAILED INFORMATION:

Background

Pursuant to section 15-12-4 of the Oro Valley Town Code, Copper Canyon Development, LLC. may protect water mains they construct so that they will be reimbursed if a non-participating party wishes to connect to the water main within 10 years of the execution of the Protected Water Facilities Line Extension Agreement. The Water Utility administers the Protected Main Line Extension Agreement by collecting funds from adjacent property owners wishing to connect to the main described in the agreement and then disbursing those funds to Copper Canyon Development, LLC. The Water Utility does not and will not pay for any of the construction or reimbursement for this pipeline extension.

This property is located at Vista Del Sol and Tangerine. The property is already developed and the developer has installed this pipeline. This Protected Water Facilities Line Extension Agreement finalizes the required documentation to convey the pipeline to the Town and provide for the portion of the pipeline along Tangerine Road that would be protected.

Concept and Basis for Protected Main Line Extension Agreements

The Line Extension Agreement (LEA) allows a developer to seek reimbursement for newly constructed pipelines or facilities. The LEA also provides for the transfer of those facilities to the Town through the Water Utility. This is a standard procedure for transferring assets to the Water Utility and common throughout the water industry. The LEA protects a developer for a ten-year period if a nearby property along the frontage where the pipeline is constructed connects to the pipeline. These agreements apply to

both residential and commercial developments in essentially the same manner and in accordance with the Town Code.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (adopt, deny) Resolution No. (R)11-22, Authorizing and Approving a Line Extension Agreement for Construction of Protected Water Facilities Under Private Contract Between the Town of Oro Valley and Copper Canyon Development, LLC.

Attachments

Reso 11-22

Exhibit A - LEA

RESOLUTION NO. (R)11-22

**A RESOLUTION OF THE TOWN OF ORO VALLEY, ARIZONA,
AUTHORIZING AND APPROVING A LINE EXTENSION
AGREEMENT FOR CONSTRUCTION OF PROTECTED WATER
FACILITIES UNDER PRIVATE CONTRACT BETWEEN THE TOWN
OF ORO VALLEY AND COPPER CANYON DEVELOPMENT, LLC**

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 laws of the State of Arizona; and

WHEREAS, pursuant to A.R.S. § 9-511, *et seq.*, the Town has the requisite statutory authority to acquire, own and maintain a water utility for the benefit of the residents within and without the Town's corporate boundaries; and

WHEREAS, Copper Canyon Development, LLC is the owner of property located in a portion of Section 4, Township 12 South, Range 13 East; and

WHEREAS, pursuant to Oro Valley Town Code Section 15-12-3, the Town is authorized to enter into Line Extension Agreements for construction of protected water facilities; and

WHEREAS, Copper Canyon Development, LLC desires to enter into a Line Extension Agreement with the Town of Oro Valley for the construction of protected water facilities to provide service to the project known as Sunset Canyon Estates, under private contract, attached hereto as Exhibit "A" and incorporated herein by this reference; and

WHEREAS, the Line Extension Agreement for construction of the protected water facilities is found to be mutually beneficial to both parties.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, that the Line Extension Agreement for construction of the protected water facilities between the Town of Oro Valley and Copper Canyon Development, LLC, attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby authorized and approved.

BE IT FURTHER RESOLVED that the Mayor, the Water Utility Director and any other administrative officials of the Town of Oro Valley are hereby authorized to take such steps as are necessary to execute and implement the terms of the Line Extension Agreement.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 20th day of April, 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”

**TOWN OF ORO VALLEY
LINE EXTENSION AGREEMENT
FOR CONSTRUCTION OF PROTECTED WATER FACILITIES
UNDER PRIVATE CONTRACT**

THIS AGREEMENT, authorized by Chapter 15 of the Oro Valley Town Code is made and entered into this 9th day of December, 2010, by and between the Town of Oro Valley (the "Town") and Copper Canyon Development, (the "Applicant") for the construction of Protected Water Facilities.

RECITALS

WITNESSETH:

WHEREAS, the Applicant desires to install Protected Water Facilities to provide service to the project to be known as Sunset Canyon Estates

located on the parcel of land legally described in Exhibit "A", hereinafter called the "Subject Property;" and

WHEREAS, the required plans, specifications, and materials for the Protected Water Facilities have been approved by the Town; and

WHEREAS, the Applicant understands that the project under this Agreement is not eligible for any credits against any impact fees established and collected by the Town for the cost of constructing the necessary onsite and/or offsite water infrastructure necessary to provide domestic and fire protection water services to the development. Impact fees are due and payable at the time water meter(s) are purchased.

WHEREAS, the Applicant desires that the Town take possession of, operate and service the Protected Water Facilities; and

WHEREAS, the Town is willing to accept the Protected Water Facilities and permit them to be connected to the Town Water System provided the Protected Water Facilities meet Town standards and the work is done in accordance with Town requirements; and

WHEREAS, the estimated cost of the Water Facilities shall be One Hundred Forty Nine Thousand Five Hundred and Fifteen dollars and zero cents (\$ 149,515.00).

NOW THEREFORE, in consideration of the matters and conditions set forth in this Agreement, it is hereby agreed as follows:

COVENANTS

I. DEFINITIONS, FOR THE PURPOSE OF THIS AGREEMENT ONLY

- A. Service Connection means action taken by duly authorized Town personnel resulting in actual delivery of water service to specific premises.
- B. Water Facilities means those Water Facilities, OV Plan No. 12-05-31, to be constructed under this Agreement for the purpose of providing water service and fire protection to the Subject Property as outlined in Exhibit "A". The Water Facilities shall be outlined within Applicant's Water Facilities Construction cost estimate, attached hereto as Exhibit "B", and incorporated herein by this reference. Exhibit "A" shall show the approximate location of the Water Facilities easement.
- C. Water Infrastructure means any and all permanent or semi-permanent machinery, equipment, water pipes and water mains installed for the purpose of facilitating the delivery of water to customers of Oro Valley's Water Utility.
- D. Protected Facility means any water facility installed by private contract in such a manner as to provide water service to any property adjacent to the water facility that did not participate in the costs of the facility
- E. Final Acceptance means that all construction has been completed and inspected, and that all requirements to complete and sign off on this Agreement shall be satisfied pursuant to the Final Acceptance of the Water Facilities, attached hereto as Exhibit "F", and signed by both parties. Once the project is complete, Applicant shall submit a signed copy of Exhibit "F" within thirty (30) days to the Water Utility.

II. GENERAL

- A. Upon approval by the Town and at Applicant's own expense, Applicant shall design, and upon approval by the Town, install, at Applicant's own expense, the Protected Water Facilities as set forth in the Water Facilities Construction Plan, Oro Valley Plan No. 12-05-31, a true and correct copy of which is on file with the Oro Valley Water Utility. By this reference, the Protected Water Facilities shall collectively refer to those facilities set forth in Oro Valley Plan No. 12-05-31.
- B. Calculation for Construction of Facilities - this calculation shall be based on current construction costs. The calculation for construction of any protected facilities shall be determined by the Utility Director based on the specific facility and the benefit realized by non-participating parties.

- C. Water Facilities shall be constructed by a contractor properly licensed by the State of Arizona and all proper governmental authorities for the type of work specified.
- D. Before any service connections are made to the Protected Water Facilities or the Town's water system, all fees which are then due shall be paid to the Town pursuant to this Agreement.
- E. No water meter shall be sold and /or installed until the following have been met:
1. A "Certificate of Approval of Construction" has been issued by Pima County Department of Environmental Quality and received by the Oro Valley Water Utility.
 2. The Water Facilities as set for in the Water Facilities Construction Plan, Oro Valley Plan No. 12-05-31 have been connected to the existing water system.
 3. A building permit has been issued by the Town of Oro Valley, Pima County, or any other appropriate jurisdictional agency.
 4. Development impact fees, meter fees, plan review fees and inspection fees have been paid in full.
- F. Once the provision of Section II.(E)(2) has been satisfied, the Town of Oro Valley Water Utility shall be the sole entity to operate and maintain the system as set forth in the Water Facilities Construction Plan, Oro Valley Plan No. 12-05-31. The Applicant shall be responsible for any and all construction activities including, but not limited to, Blue Staking until the project has been finally accepted per Exhibit "F" herein. Until the project is finally accepted in accordance with Exhibit "F", the Applicant shall be responsible for repairing any leaks and/or damages to the existing system stemming from the work performed by the Applicant on the Water Facilities as set forth in the Water Facilities Construction Plan, Oro Valley Plan No. 12-05-31. In the event the Applicant does not perform the repair work for any leaks and/or damages, the Water Utility shall make the repairs and the Applicant shall be responsible for all costs incurred for the repairs by the Water Utility.
- G. The amount of the Assurances required for the Water Facilities to be constructed under this Agreement and specified in Chapter 26, Section 26.6 of the Oro Valley Town Code shall remain in affect throughout the two (2) year warranty period and will not be released by the Town until after the warranty period.

III. APPLICABLE FEES

The Town will require certain applicable fees and charges to be paid pursuant to Oro Valley Town Code Chapter 15 and other applicable Arizona State law as amended from time to time, prior to providing water service under this Agreement. The Town will take all of the

necessary and legal steps to protect its interest, including refusal to provide water service, if Applicant fails to pay fees when due.

IV. ENGINEERING AND INSPECTION

- A. Applicant shall employ a Civil Engineer registered in the State of Arizona to design the system and implement the design. Applicant will ensure that an Engineer's Certificate of Completion, for the purpose of obtaining an Approval of Construction from the Pima County Department of Environmental Quality, are both completed for the project prior to any water being delivered through the improvements. *Title 18, Environmental Quality, Chapter 4, Department of Environmental Quality, Safe Drinking Water.*
- B. Any inspector authorized by the Town shall have full inspection authority over the work to be performed under this Agreement. The Applicant shall furnish the Town Inspector with reasonable access to the Water Facilities for obtaining full information concerning the work. The work shall be subject to Town inspection at all times. Defective work shall be corrected in a manner satisfactory to the Town Inspector. Inspection by the Town does not guarantee the safety or engineering soundness of plans prepared by the Applicant's engineer.
- C. In the event that Applicant requests and the Town elects to provide a Town Inspection outside of the normal 40 hours in a work period, or on a Saturday, Sunday or legal holiday as defined in Arizona Revised Statutes, Title 1, the Applicant shall compensate the Town for any additional salaries, expenses or employee benefits relating to such overtime or holiday work. Additional inspection costs will be billed to the Applicant. A normal work period shall be defined as 40 hours in a seven (7) day work week, usually worked on an eight (8) hour day, five (5) day basis, commencing on Monday and ending on Friday, continuing in seven (7) day increments. Nothing in this paragraph shall require the Town to provide inspection on weekends and holidays. If the Town declines to provide inspection on weekends and holidays, Applicant shall not have a right to damages against the Town as the result of Town's decision not to perform such weekend and holiday inspections.

V. PRE-CONSTRUCTION AND CONSTRUCTION PROCEDURE

- A. The Applicant shall submit a written request to begin construction of the Protected Water Facilities to the Town within five (5) working days prior to the time work is to commence.
- B. No work shall commence until the Town has issued a Notice to Proceed which will specify the starting date and a reasonable time for completion.
- C. Applicant shall provide Town with an accurate, written schedule of construction, which shall be updated in a manner sufficient to provide Town the ability to schedule Town inspection personnel.

- D. Applicant shall submit material certification at the pre-construction meeting. Materials used in the construction shall be available for sampling and testing prior to being used in construction of the Protected Water Facilities. Materials that fail to meet Town specifications shall not be used in construction of the Protected Water Facilities as outlined in Exhibit "B".
- E. The Applicant shall, at Applicant's expense, obtain all necessary permits and licenses for work permitted herein, pay all fees and comply with all laws, ordinances and regulations relating to the work, public health and safety of Applicant's Contractors and employees.
- F. The Applicant/Contractor shall apply to the Town for a construction water service. All construction water will be metered with an appropriate size water meter and back-flow prevention device. The Town shall install the water meter and backflow device.
- G. The work shall commence within five (5) days of the date specified in the Notice to Proceed.
- H. The Applicant, or Applicant's designated agent, shall be present at all times during performance of the work. The name of the designated agent and the contractor performing the work shall be furnished to the Town before commencement of the work. Instructions given to the designated agent on the work site shall be deemed to have been given to the Applicant.
- I. The Applicant shall employ only competent and efficient laborers, mechanics or artisans on the project and the Applicant agrees to perform the work diligently to complete the work on or before the completion date given in the Notice to Proceed.
- J. The Applicant shall identify and locate all water valves prior to paving, and set valve boxes to final grade after paving.
- K. The Applicant shall, at Applicant's expense, make any and all alterations to the existing water system, either on-site or off-site, necessitated by paving, drainage or other improvements caused by the development.
- L. The Applicant shall require all contractors and/or subcontractors to comply with all safety requirements of the Occupational Safety and Health Act as may be amended and as implemented by the State of Arizona. The Applicant or Applicant's contractor shall be solely responsible for all fines or other penalties provided for by law for any violations of the Act.
- M. In accordance with the Oro Valley Town Code and policies relating to the operation of domestic water utility companies, a true and complete copy of the Certificate of Approval to Construct the work issued by the Arizona Department

of Environmental Quality or the Pima County Department of Environmental Quality is attached as Exhibit "C", and incorporated herein by this reference.

VI. DESIGNATION AS A PROTECTED FACILITY

Protected Water Facilities shall be designated, and the cost calculated and refunded to Applicant, pursuant to Chapter 15 of the Oro Valley Town Code as may be amended from time to time, attached as Exhibit D, and incorporated herein by this reference.

VII. DEDICATION

- A. The Applicant grants, bargains, sells, conveys, transfers and delivers the Protected Water Facilities as described in Exhibit "A" to the Town free and clear of all liens, claims, charges or encumbrances by the time of acceptance of the Protected Water Facilities by the Town.
- B. The Applicant agrees that the project under this Agreement is not eligible for any credits against any impact fees established and collected by the Town for the cost of constructing the necessary onsite and/or offsite water infrastructure necessary to provide domestic and fire protection water services to the development. Impact fees are due and payable at the time water meter(s) are purchased.
- C. The Water Facilities to be dedicated to the Town shall have an easement extending a minimum of 7.5 feet on either side of the center of, and the full length of, the constructed water utility line.
- D. The Applicant guarantees the Protected Water Facilities to be free from all failures and/or defects due to workmanship and or materials for a period of two (2) years from the Town's final acceptance date.
- E. The Applicant shall not construct any utility, building or other improvement that would interfere with the operation or maintenance of the Town's Protected Water Facilities.
- F. The Applicant further guarantees that all service lines, meters and meter boxes will be to finish grade and the Applicant will remain responsible for raising/lowering of said services as required until the area described has been accepted as complete by the Town.
- G. Upon issuance of the certificate for "Approval of Construction" from Pima County Department of Environmental Quality (ADEQ) and after final acceptance of the Water Facilities is granted by the Town, attached hereto as Exhibit "F", the Town's Water Utility shall begin to operate and maintain the Water Facilities. The Town shall accept title to and take possession of the Water Facilities described in Exhibit "A" at such time that they are connected to the existing Town Water Facility.

If to TOWN OF ORO VALLEY: Water Utility Director
Town of Oro Valley
11000 North La Cañada Drive
Oro Valley, Arizona 85737-7016

CC: Town Attorney
Town of Oro Valley
11000 North La Cañada Drive
Oro Valley, Arizona 85737-7016

XI. ATTORNEY FEES

Should the Town bring any legal or equitable action for the purpose of protecting or enforcing its rights under this Agreement, the Town shall recover in addition to all other relief, its reasonable attorney fees and court costs to be fixed by the court.

XIII. CANCELLATION

Under A.R.S. Section 38-511, as amended, the Town may cancel any contract it is a party to within three (3) years after its execution without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting, or creating the contract on behalf of the Town is, at any time while the contract or any extension thereof is in effect, an employee or agent of any other party to the contract in any capacity or a consultant to any other party to the contract with respect to the subject matter of the contract. In the event the Town elects to exercise its rights under A.R.S. Section 38-511, as amended, the Town agrees to immediately give notice to Applicant.

XIV. COMPLIANCE WITH ALL LAWS

The parties to this Agreement shall comply with all federal, state and local laws, rules, regulations, standards and Executive Orders, without limitation to those designated within this Agreement. The laws and regulations of the State of Arizona shall govern the rights of the parties, the performance of this Agreement and any disputes thereunder.

XV. SEVERABILITY

If any provision of this Agreement or the application thereof to any person or circumstance shall be held by a court to be unenforceable to any extent, the remainder of this Agreement and the application thereof shall not be affected and shall be enforceable to the fullest extent permitted by law.

XVI. AMENDMENT

This Agreement shall not be amended except by written instrument mutually agreed upon and executed by the parties.

XVII. LEGAL JURISDICTION

Jurisdiction for any legal dispute stemming from the performance of the terms of this Agreement shall be limited to courts of competent jurisdiction within Pima County, Arizona. This clause in no way limits the option of the parties' to resolve potential disputes through alternative dispute resolution methods.

XVIII. SUCCESSORS AND ASSIGNS

This Agreement shall be binding upon the successors and assigns of each of the parties hereto. No assignment shall relieve either party of its obligations except an assignment by Applicant in connection with the transfer of title to property to the Town. Such transfer shall relieve Applicant of its obligations provided such transferee agrees to be fully bound by the provisions hereof.

This Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties and Applicant may not assign this Agreement without prior written consent of the Town.

XIX. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties with respect to the matters covered by it and supersedes any prior understanding or agreements, oral or written, with respect thereto. The parties shall not be bound by any understanding, agreement, promise or representation, whether expressed or implied, which is not specified in this Agreement.

IN WITNESS WHEREOF, the Applicant has executed or has caused this instrument to be executed by its proper officers hereunto duly authorized, and the Town has caused this instrument to be executed by its proper officers thereunto duly authorized, all as of this day and year first above written.

"TOWN"
TOWN OF ORO VALLEY

Philip C. Saletta, Water Utility Director

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

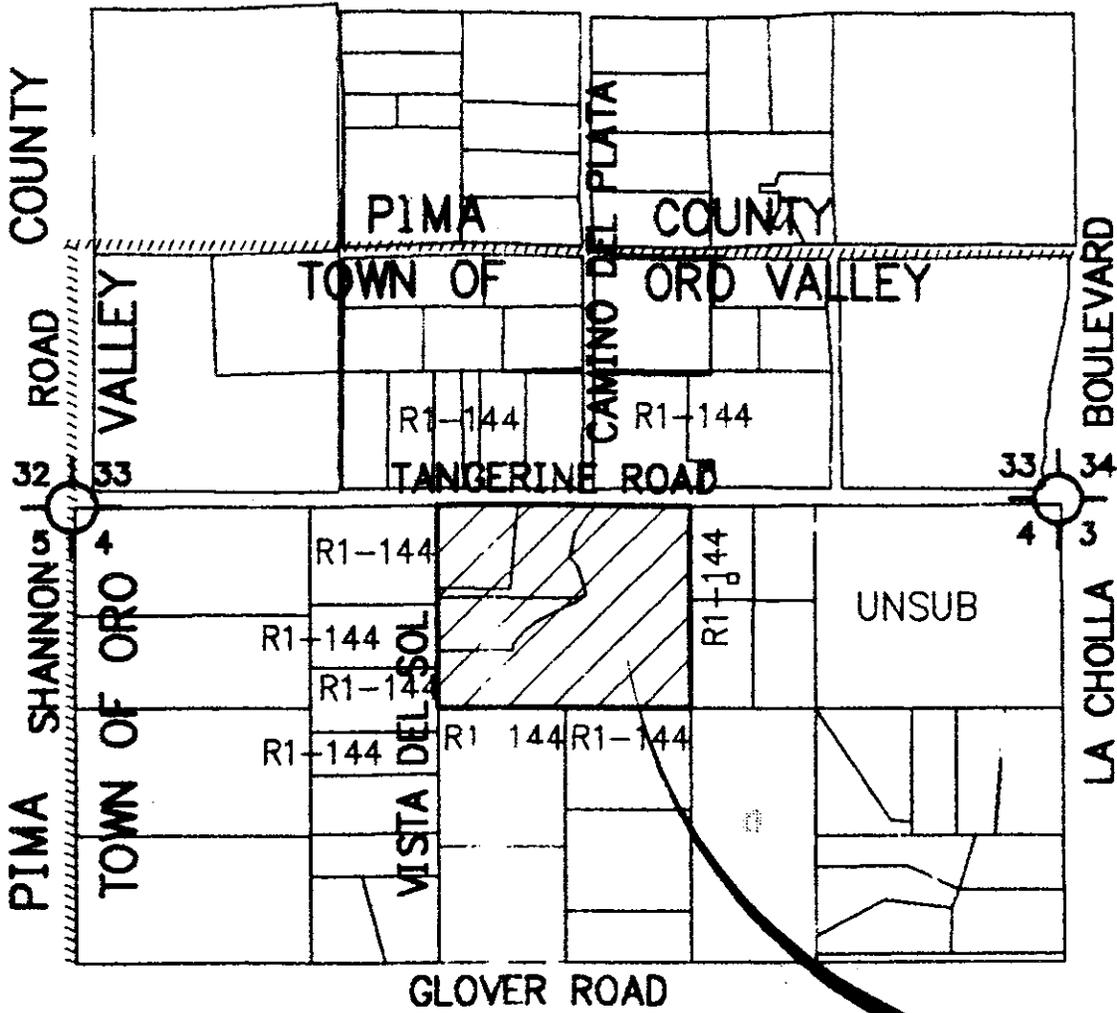
Date: _____

EXHIBITS TO LINE EXTENSION AGREEMENT

- A Legal description of the Subject Property**
- B Water Facilities Cost Estimate**
- C Certificate of Approval to Construct**
- D. Chapter 15, Article 15-12-4 of the Oro Valley Town Code**
- E. Protected Facilities Schedule**
- F. Final Acceptance of Water Facilities**

EXHIBIT "A"

LEGAL DESCRIPTION/MAP OF SUBJECT PROPERTY



LOCATION MAP

THIS PROJECT

SCALE 3" = 1 mile

SITUATED IN THE N 1/2
 TOWNSHIP 12 SOUTH, RANGE 13 EAST, G&SRM,
 TOWN OF ORO VALLEY, PIMA COUNTY, ARIZONA

LEGEND

PROPOSED

EXHIBIT "B"

WATER FACILITIES COST ESTIMATE

Attachment B

Page 2 of 3

Sewer

1. 8" Sewer - PVC	1316 lf @ \$47.85	\$62,975.00
2. HCS - DIP	3 ea @ \$1925.00	\$5,775.00
3. HCS - PVC	14 ea @ \$1029.64	\$14,415.00
4. 48" Man Holes	7 ea @ \$3463.57	\$24,245.00
5. 2.5% Pima County Fee		\$2,685.23
	Sewer Sub-Total	\$110,095.23

Off Site Water

1. Clear & grub cut casement.	1 acre.	\$4,800.00
2. 12" Water - PVC	1,660 lf @ \$67.22	\$111,585.00
3. 12" Gate Valve	8 ea @ \$2,100.00	\$16,800.00
4. 8" Stub.	1 ea @ \$2,730.00	\$2,730.00
5. ARV	2 ea @ \$1,650.00	\$3,300.00
6. 3" DVA	5 ea @ \$850.00	\$4,250.00
7. 2" DVA	1 ea @ \$750.00	\$750.00
8. Barricades for crossing.	1 ls	\$1,800.00
9. Pavement patch.	1 ls	\$3,500.00
	Off Site Water Sub Total	\$148,513.00

Water

1. 12" Water - PCV	960 lf @ \$66.22	\$63,575.00
2. 12" Gate Valve	3 ea @ \$2,100.00	\$6,300.00
3. Sampling Station	1 ea @ \$1,475.00	\$1,475.00
4. 8" Water	1360 lf @ \$39.75	\$73,935.00
5. 8" Gate Valve	4 ea @ \$1302.50	\$5,210.00
6. DVA	1 ea @ \$850.00	\$850.00
7. ARV	1 ea @ \$925.00	\$925.00
8. Fire Hydrants	5 ea @ \$3,233.00	\$16,165.00
9. 1" Services	22 ea @ \$985.85	\$21,689.00
10. Town of Oro Valley Fee		\$4,750.00
	Water Sub-Total	\$194,874.00

Dry Utility Trench

1. Trench, shade and backfill.	3,850 lf	\$26,150.00
2. 4" Red smooth core conduit.	3,100 lf	\$18,885.00
2. 2.5" Red wave rib conduit.	1,500 lf	\$7,765.00
3. Transformer Prep.	8 ea	\$2,000.00
4. Pad Prep.	3 ea	\$1,200.00
5. Sub Surface pedestal.	6 ea	\$3,900.00
6. Mandrel test.	1 ea	\$1,000.00
7. Sleeves for crossings.	6 ea	\$1,200.00
	Dry Utility Trench Sub-Total	\$62,100.00

EXHIBIT "C"

CERTIFICATE OF APPROVAL TO CONSTRUCT

PIMA COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL SERVICES DIVISION
150 West Congress, 1st Floor, Tucson, Arizona 85701-1317
Telephone: 740-3340

CERTIFICATE OF APPROVAL TO CONSTRUCT
Water Facilities

System Name: ORO VALLEY WATER UTILITY System No.: 10 164
Project Owner: TOWN OF ORO VALLEY WATER UTILITY, ENGINEERING DEPARTMENT
Address: 11000 N. LA CANADA BLVD., ORO VALLEY, ARIZONA 85737
Project Location: T-12-S, R-13-E, SECTION 4 County: Pima
Description: WATER EXTENSION TO SERVE SUNSET CANYON ESTATES

Approval to construct the above, described facilities as represented in the approved plan on file with the Pima County Department of Environmental Quality is hereby given subject to the following provisions:

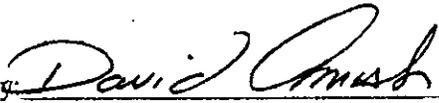
AFTER COMPLETION OF CONSTRUCTION, A PROFESSIONAL ENGINEER, REGISTERED IN THE STATE OF ARIZONA SHALL COMPLETE A FINAL INSPECTION AND SUBMIT AN ENGINEER'S CERTIFICATE OF COMPLETION, ACCURATE "AS BUILT" PLANS, PRESSURE TEST RESULTS, CHLORINATION RESULTS AND MICROBIOLOGICAL TESTING RESULTS TO PIMA COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY IN ORDER TO OBTAIN AN APPROVAL OF CONSTRUCTION. THOSE PLANS MUST BE CLEAR BLUELINE PRINTS SUITABLE FOR MICROFILMING AND SHALL CLEARLY AND ADEQUATELY REPRESENT THE FACILITIES AS THEY ARE CONSTRUCTED.

The State law, A.R.S. 49-353, requires that construction of the project must be in accordance with the rules and regulations of the Arizona Department of Environmental Quality.

If this project includes trenching, land stripping, earthmoving or road construction, an air quality activity permit may be required pursuant to P. C. C. Title 17.12.470. For inquiries regarding air quality activity permits, please call 740-3957.
If construction has not started within one year of the date of this issue, this certificate will be void and a written extension of time shall be required within 90 days of the expiration of this approval.

Date Approved: April 17, 2007

URSULA KRAMER,
DIRECTOR

By: 
David Amash, P.E.
Civil Engineer

cc: P-File No. PO24207
P-ADEQ, SRO
ACC
3P-Oro Valley Water Utility(OV-12-05-31)
Engineer- Psomas

By: 
Paul Strobak
Civil Engineering Assistant

EXHIBIT "D"

CHAPTER 15, ARTICL 15-12-4 OF THE ORO VALLEY TOWN CODE

15-12-4 Construction Agreements; Protected Facilities

The general policy of the Town regarding extension of the water system through private contracts is that all costs associated with construction of water system facilities needed to serve a new customer, shall be paid by that customer. However, in some cases facilities are installed in such a manner as to provide water service to a property that did not participate in the original installation of the facility, therefore; the participating party may be eligible for a refund of a portion of the construction costs through the collection of a protected facilities fee levied against all non-participating applicants for service from the facility.

A. Definitions.

Agreement (or) Protected Facility Agreement: that portion of the "Agreement for Construction of Water Facilities Under Private Contract" pertaining to the protected facility program.

Fees (or) Protected Facility Charges: those charges levied on a non-participating applicant for water service from a connection onto a protected facility.

Non-Participating Party: applicants for water service from the protected facility that did not participate in the actual facility installation costs.

Participating Party: any property owner sharing in the construction costs of water facility installation designated as a protected facility. Note: When an applicant requests a protected facility, all properties owned by the applicant that could be served by the new facility will be considered participating parties.

Protected Facility: any water facility installed by private contract in such a manner as to provide water service to any property adjacent to the water facility that did not participate in the costs of the facility.

Refunds: reimbursement of construction costs on protected facilities from the collection of Protected Facility Charges.

B. Policy. Any extension of the Town's water distribution system, installed by private contract, that may potentially provide water service to properties which have not participated in the installation costs, will be designated as a "protected facility." Whenever a water facility is installed as a protected facility, it will be the policy of the Town to refund a portion of the construction costs to the party that financed the original water facility installation through the collection of a protected facility fee, levied against all non-participating applicants for service from the facility. The rate of this fee will be set at fifty percent (50%) of the current installation cost for the minimum size facility installation, based on the lineal footage of the non-participating property fronting the protected facility. This agreement will remain in effect until either the full sum, less the participating parties' pro-rata share, has been refunded or for a period of ten (10) years from the effective date of the agreement. Any balances remaining unpaid after this time shall be considered cancelled, and the Town shall be fully discharged from any further obligation under the agreement.

C. Fee Calculation. An illustration of the fee calculation is as follows: if the average cost for construction of a six (6) inch water line in an undeveloped area is fifteen dollars (\$15.00) per lineal foot, the protected facility fee would be seven dollars and fifty cents (\$7.50) per lineal foot of frontage to the main. This fee will be calculated based on current construction costs. The fee for other protected facilities will be determined by the Utility Director based on the specific facility and the benefit realized by non-participating parties.

D. Procedures.**1. Designation of water facilities as protected.**

a. The Utility Director will have the responsibility of determining whether a facility should be classified as protected based on a review of the plans.

b. The Utility Administrator will then initiate the "Agreement for Construction of Water Facilities Under Private Contract" indicating that portion, if any, of the facility installation relevant to the protected facility section of the agreement.

c. The Utility Director will be responsible for ensuring that all participating properties are noted on the plans and that the plans clearly indicate all protected facilities.

d. The Utility Director will calculate the total refund due based on the length of pipeline specified as protected facilities on the plans and current construction costs.

2. Refunds from non-participating connections to protected facilities.

a. Upon completion and acceptance of the water facilities installed pursuant to a protected facility agreement, the participating party may be eligible for refund of that portion of the cost that is not directly attributable to providing water service solely to participating properties.

b. When application is received by the Town for a water service or water main connection to a protected facility by a non-participating property benefiting from the facility, the Town will collect the appropriate fees. These sums, or portions thereof, shall be refunded to the participating party a pro-rata

share of the refundable portion of the cost of the facility based upon the "as-built" plans of the protected facility installed.

c. In no event will the aggregate amount refunded exceed the full, authorized refundable portion of the cost of the water facility installed. In the event the full authorized amount has not been refunded within ten (10) years from the date of the agreement, any balances remaining unpaid shall be considered cancelled, and the Town shall be fully discharged from any further obligations under the agreement.

d. The Town will maintain an accounting record of each protected facility agreement. Within this record, all protected facility payments and refunds will be monitored and logged. Protected facilities fees will continue to be collected until either the total refund amount has been collected or for a period of ten (10) years from the effective date of the agreement.

e. Waiver of protected facility fees can only be granted by the party that originally financed the installation of the protected facility. The Town will require a notarized letter granting the waiver prior to waiving the fee.

3. Collection of protected facility fees from non-participating properties.

a. As early in the platting and/or plan review process as is practical, the Town Engineer will inform non-participating applicants for service that a protected facility fee is required, whenever their property has frontage on a protected facility and their plans call for service and/or water main connections to that facility.

b. At the time of plan approval, an estimate of the applicable protected facility fee will be calculated based on the current front footage fee. Payment of this fee will be required prior to installation of meters.

(98-28, Added, 07/15/1998)

Compile chapter

TOC < >

EXHIBIT "E"
PROTECTED FACILITIES SCHEDULE

Exhibit “E”

The reimbursement schedule for non-participating parties shall be calculated by the following formula.

$\$149,515.00$ divided by 1660 feet installed (plus appurtances) = $\$90.07/\text{ft}$

$\$90.07$ per linear foot of frontage (non-participating property frontage) divided by 2 (50% per Town Code 15-12-4) = Reimbursement amount.

TOWN OF ORO VALLEY

The Town grants final acceptance of the Water Facilities for the Project known as Sunset Canyon Estates And the two-year warranty period shall begin on _____, 20____.

Philip C. Saletta, P.E., Water Utility Director

ATTEST:

Julie K. Bower, Town Clerk



Town Council Regular Session

Item # F.

Meeting Date: 04/20/2011

Requested by: David Parker

Submitted By:

David Parker,
Development Infrastructure
Services

Department: Development Infrastructure Services

SUBJECT:

Resolution No. (R)11-23, Appointing Town Manager Jerene Watson as Applicant Agent for the Federal Emergency Management Agency, Arizona Department of Emergency Management, Lomas De Oro Wash Project

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

The Lomas De Oro channel stabilization project was originally approved by FEMA/ADEM for study in 2006. The Town Manager at that time, David Andrews, was appointed by Council as the Applicant Agent. The project began construction in January 2011 and should be completed this June. ADEM has requested that the Town update our Applicant Agent to the current Town Manager for signatures on all remaining required paperwork (i.e. reimbursement requests, inspection results, etc.). ADEM has identified the current Town Manager, Jerene Watson, as the Acting Agent to keep all aspects of the project moving forward but does require that we officially change the Applicant Agent by Resolution of the Town Council.

BACKGROUND OR DETAILED INFORMATION:

The Lomas De Oro channel stabilization project is a \$1.85 million FEMA/ADEM project that was approved under a Presidential Disaster Declaration issued after the 2006 monsoon flooding in Pima County. The project includes restoration of eroded wash banks, over 3,000 feet of rock gabion bank protection and the installation of an all weather access box culvert on Lucero Road. Construction began in January 2011 and is scheduled to be complete this June.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (approve, deny) Resolution No. (R)11-23, Appointing Town Manager Jerene Watson as Applicant Agent for the Federal Emergency Management Agency, Arizona Department of Emergency Management, Lomas De Oro Wash Project.

Attachments

Reso 11-23

Applicant Agent Form

RESOLUTION NO. (R)11-23

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, APPOINTING THE TOWN MANAGER JERENE WATSON AS APPLICANT AGENT FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ARIZONA DEPARTMENT OF EMERGENCY MANAGEMENT, LOMAS DE ORO WASH PROJECT

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 Federal Emergency Management Agency (FEMA) approved a \$1.85 million project along the Lomas De Oro Wash that includes repair and improvement of one-half mile of channel banks along the wash; and

WHEREAS, the channel drainage improvement project (the “Project”) along Lomas De Oro Wash is the result of damage that occurred during the monsoon floods in 2006 and should be completed in June 2011; and

WHEREAS, Mayor and Council originally appointed former Town Manager, David Andrews, as the Applicant Agent for the Project; and

WHEREAS, the Arizona Department of Emergency Management (ADEM) requested that the Town update its Applicant Agent for signatures regarding any remaining paperwork, reimbursement requests, reimbursement funds, inspection results or other necessary documents for the Project; and

WHEREAS, it is in the best interest of the Town to appoint Jerene Watson, Town Manager, as Applicant Agent for the Lomas De Oro Wash Project.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley that Jerene Watson, Town Manager, is hereby appointed Applicant Agent for signatures regarding any remaining paperwork, reimbursement requests, reimbursement funds, inspection results or other necessary documents submitted to the Town by the Arizona Division of Emergency Management for the Lomas De Oro Wash Project.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 20th day of April, 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: _____

**ARIZONA DIVISION OF EMERGENCY MANAGEMENT
DESIGNATION OF APPLICANT'S AGENT FORM**

The intent of this **DESIGNATION** is to appoint an **APPLICANT'S AGENT** for the following term:

- For PCA No. _____ only For the period of ____ to ____ Until further notice
 Until further notice for HAZMAT incident

Applicant Name: _____

CERTIFICATION

I, _____, duly appointed and _____ of
(Authorizing Official's Name) (Title)

_____, do hereby certify that the information below is true
(Applicant Name)

and correct, based on a resolution passed and approved by the _____
(Governing Body)

of _____ on the _____ day of _____,
(Applicant Name) (day) (month) (year)

_____ has been designated as the Applicant Agent
(Name of Designated Applicant Agent)

to act on behalf of _____
(Applicant Name)

(Authorizing Official's Signature) (Title) (Date)

Designated Applicant's Agent

Name _____

Title/Official Position _____

Mailing Address _____

City, State, Zip _____

Daytime Telephone Number _____ Fax _____
(Please include area code and extension if not a direct number)

E-mail Address _____ Pager/Cell _____

For ADEM Use Only

Received By: _____
(Initials & Date)

July 2000

Form # AZ PA 204-4



Town Council Regular Session

Item # G.

Meeting Date: 04/20/2011

Requested by: Daniel G. Sharp

Submitted By:

Colleen Muhr, Police
Department

Department: Police Department

SUBJECT:

Resolution No. (R)11-24 Authorizing and approving a first amendment to the lease for the Police Department substation located at Mountain View Plaza

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

The proposed amendment to the lease agreement for the Police Department substation located at Mountain View Plaza would reduce monthly lease expense, and extend the duration of the lease.

BACKGROUND OR DETAILED INFORMATION:

On February 7, 2011, the police department contacted both landlords Town West (Mountain View Plaza located in Sun City) and Washington Federal (located at Magee and Oracle). We requested consideration for the renegotiation of monthly lease base payments in order to reduce the department's overall budget.

Washington Federal sent a letter dated February 24, 2011 declining renegotiations, citing that a base rent reduction of \$3.20 per square foot was enacted in 2008 and that they are unable to negotiate for further savings.

On February 11, 2011 the PD was notified that Town West was willing to lower the base rent rate by \$2.00 per square foot for the remainder of the term, if the Town agreed to extend the lease for an additional four (4) years with annual increases of \$0.50 per square foot.

FISCAL IMPACT:

Total cost for lease the remainder of current fiscal year = \$4,200

Total cost for lease FY 2011/2012 = \$17,100

Total cost for lease FY 2012/2013 = \$17,700

Total cost for lease FY 2013/2014 = \$18,300

Total cost for lease FY 2014/2015 = \$18,900

Total cost for lease the first six months of FY 2015/2016 = \$9,600

Total savings over the term of the amended agreement (April 1, 2011 through December 31, 2015) =

\$11,400

SUGGESTED MOTION:

I MOVE to (approve, deny) Resolution No. (R)11-24, Authorizing and approving a first amendment to the lease for the Police Department substation located at Mountain View Plaza.

Attachments

Reso 11-24

First Amendment

RESOLUTION NO. (R)11-24

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, AUTHORIZING AND APPROVING A FIRST AMENDMENT TO THE LEASE FOR THE POLICE DEPARTMENT SUBSTATION CURRENTLY LOCATED AT MOUNTAIN VIEW PLAZA

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 Lease with Mountain View Plaza, LLC for the Police Department substation located at Mountain View Plaza expires on December 31, 2011; and

WHEREAS, the Town negotiated an amendment to the Lease with Mountain View Plaza, LLC for the Police Department substation, to extend the Lease for an additional four (4) years, ending on December 31, 2015; and

WHEREAS, the Town renegotiated the monthly lease payments, lowering the base rent from \$16.00 to \$14.00 per square foot until the end of the current Lease period of December 31, 2011 with an annual increase of \$.50 per square foot for the remaining four (4) years; and

WHEREAS, it is in the best interest of the health, safety and well being of the residents of the Town of Oro Valley to enter into the First Amendment to the Lease for the Police Department substation located at Mountain View Plaza, attached hereto as Exhibit "A" and incorporated herein by this reference, with Mountain View Plaza, LLC.

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

SECTION 1. The First Amendment to the Lease between the Town of Oro Valley and Mountain View Plaza, LLC, attached hereto as Exhibit "A" and incorporated herein by this reference, for the Police Department substation located at Mountain View Plaza is hereby authorized and approved.

SECTION 2. The Mayor, Chief of Police and other administrative officials are hereby authorized to take such steps as necessary to execute and implement the terms of the First Amendment to the Lease.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 20th day of April, 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”

FIRST AMENDMENT TO LEASE
dated January 1, 2009

TO EXTEND THE LEASE TERM

By and Between

Mountain Vista Plaza, LLC ("Landlord")
And

the Town of Oro Valley on behalf of the Town of Oro Valley Police Department ("Tenant")

RECITALS

- A. WHEREAS, this FIRST AMENDMENT FIRST to Lease dated January 1, 2009, is entered into this ____ day of, _____ 2011, by and between the Town of Oro Valley on behalf of the Town of Oro Valley Police Department ("Tenant") and Mountain Vista Plaza, LLC, ("Landlord"). Landlord and Tenant are hereinafter referred to together as the "Parties";
- B. WHEREAS, Landlord and Tenant entered into the aforementioned Lease for approximately 1,200 square feet of rental area located at 1171 Rancho Vistoso Blvd, Suite #115, in Mountain View Plaza, Tucson, Arizona ("Premises"); and
- C. WHEREAS, the Parties wish to amend and modify the Lease to reflect Tenant's desire to extend the Lease for an additional, consecutive four (4) year term from the expiration date of the existing Lease Term under the following terms and conditions:

AGREEMENT

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is acknowledged by both parties, the parties agree as follows:

- Accuracy of Recitals. The Recitals are true and correct. All terms used herein shall have the same meaning as stated in the Lease unless otherwise specifically stated herein.
- Extension Term. Landlord hereby grants Tenant an additional term under the Lease for an additional, consecutive four (4) year term which shall begin on January 1, 2012 and shall end on December 31, 2015 ("Extension Term").
- Base Rent. The Base Rent of the Lease for the Renewal Term shall be as set forth below :

Lease Calculation	1,200 Sq Ft		
	<u>Per Sq Ft</u>	<u>Annual</u>	<u>Month</u>
Remaining Term			
4/1/2011-12/31/2011	14.00	16,800.00	1,400.00
Extension Term			
1/1/2012-12/31/2012	14.50	17,400.00	1,450.00
1/1/2013-12/31/2013	15.00	18,000.00	1,500.00
1/1/2014-12/31/2014	15.50	18,600.00	1,550.00
1/1/2015-12/31/2015	16.00	19,200.00	1,600.00

Base Rent does not include those additional charges as called for in the Lease.

4. Option Term: Tenant is hereby granted one (1) additional, consecutive year five (5) term to the this Extension Term (“Option Term”) with \$.50 annual increases to Base Rent by giving Landlord no less than 180 days written notice to exercise this Option Term, so long as, Tenant has not been and is not in default of the Lease, as amended from time to time.
5. End of Term. If the Option Term is not exercised by Tenant pursuant to Section 4 hereof, Tenant shall timely vacate the premises and leave it in broom clean condition and as otherwise set forth in the Lease.
6. Effect. Except as amended hereby, the Lease and its terms shall remain in full force and effect provided however, that this First Amendment shall govern and control to the extent that it conflicts with or is inconsistent with any provisions of the Lease, as amended from time to time.
7. Execution. This First Amendment may be executed in separate counterparts by the parties hereto, all of which shall be attached to form a single instrument and agreement. An electronic facsimile of a signature to this First Amendment shall serve as an original signature. This First Amendment shall only become binding and effective upon its execution by both Landlord and Tenant..
8. Ratified and Affirmed. The First Amendment is ratified and affirmed, as so modified and, except as otherwise provided herein, all other terms of the Lease shall remain unchanged.

IN WITNESS WHEREOF, the parties have executed this First Amendment as of the above date.

Landlord:

Tenant:

Mountain Vista Plaza, LLC

Town of Oro Valley

By: _____

By: _____

Dr. Satish I. Hiremath, Mayor

Its: _____

Its: Mayor

Date: _____

Date: _____

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____



Town Council Regular Session

Item # 1.

Meeting Date: 04/20/2011

Requested by: David Williams

Submitted By:

David Ronquillo,
Development Infrastructure
Services

Department: Development Infrastructure Services

SUBJECT:

PUBLIC HEARING - ORDINANCE NO. (O)11-11, AMENDING THE STEAM PUMP VILLAGE PLANNED AREA DEVELOPMENT LOCATED ON THE WEST SIDE OF ORACLE ROAD BETWEEN RAMS FIELD PASS AND HANLEY BOULEVARD

RECOMMENDATION:

Staff recommends approval of the proposed PAD amendment with the unanimous concurrence of the Planning and Zoning Commission, subject to the conditions provided in Exhibit A.

EXECUTIVE SUMMARY:

The request before Town Council involves an amendment to the Steam Pump Village PAD. The substantive items specifically relate to freestanding building pads, convenience uses, development standards, permitted uses including a gas station and other minor administrative and technical items. As specified in the attached applicant's letter (Attachment #2), the majority of items are relatively minor in nature, with the exception of those noted above and addressed in the staff analysis.

As specified by the applicant, the purpose of the amendment is to allow greater flexibility in designing future phases of the Steam Pump Village development. The existing PAD is relatively stringent in terms of permitted uses and development standards. The applicant further states that, due to current economic conditions, the PAD standards must allow more flexibility to attract potential businesses while maintaining a high quality and aesthetically pleasing development as originally envisioned.

BACKGROUND OR DETAILED INFORMATION:

The proposed PAD amendment involves the development known as Steam Pump Village, located on the west side of Oracle Road between Rams Field Pass and Hanley Boulevard. The zoning is PAD - Commercial. The Steam Pump Village PAD covers approximately 41 acres between Oracle Road and the CDO wash. The development has been built in three separate phases, although there are several empty building pads remaining in each phase. A fourth phase remains undeveloped. Existing uses include retail, restaurant, hotel and the Basis charter school.

The Steam Pump Village PAD was first adopted in 1988. Since the adoption of the PAD, six amendments have been approved, the most recent in 2005.

Since September 2009, Town staff has met with the applicant on several occasions to discuss the proposed amendment. The main goal was to express future growth expectations, community demand and Town vision. On October 28, 2009, a Town Council study session was held to discuss some preliminary ideas.

In March 2010, the applicant began the PAD amendment process. Since this date there have been numerous submittals and meetings to discuss concerns and resolve issues. Recently, the applicant submitted an updated PAD document (Attachment #3). The goal of this amendment is to encourage a mix of high quality retail, restaurant, bio tech employment and other office facilities, while also permitting expanded convenience uses.

Planning & Zoning Commission Action:

At their regular meeting of January 13, 2011, the Planning & Zoning Commission recommended conditional approval of the proposed amendments (Attachment #4). The following conditions were specified:

- For a small building pad in Phase 1, removal of the “one story” height restriction but must remain at 30’ (pad #1 in phase 1). The remainder of the property is allowed up to 49’.
- A 50’ setback on the west property line.

Additional information is contained in the Planning & Zoning Commission staff report dated January 13, 2011 (Attachment #5).

STAFF ANALYSIS OF PROPOSED AMENDMENTS

Below is a summary of the substantive changes contained within the PAD amendment:

1. Freestanding buildings and convenience uses

Freestanding Pads

Existing requirement: No more than four freestanding pad buildings less than 5,000 square feet in size may be located within 65 feet of Oracle Road.

Proposed amendment: Applicant requests no more than four freestanding retail structures and four free standing office/medical buildings (total of eight).

Staff response: If two uses are located adjacent to each other then the uses should relate with respect to architectural design, pedestrian amenities, and circulation integrated with each other and the rest of the development. By achieving this, it will prevent the typical commercial strip appearance and function. Specific language has been provided in the PAD. Furthermore, the proposal conforms to the applicable Oracle Road Scenic Corridor Overlay District requirements.

Convenience Uses & Conditional Use Permits

Existing requirement: A total of four convenience uses are permitted and a conditional use permit is required for all convenience uses.

Proposed amendment: Applicant requests to allow a maximum of four convenience uses within multi-tenant buildings and four freestanding convenience uses (total of eight) and also removal of several convenience use standards. Furthermore, one (1) gas station use shall be exempt from the CUP process and procedures.

Staff response: Convenience uses on freestanding pads would be subject to a CUP, with the exception of the gas station. As part of the CUP process staff would evaluate more closely site layout, traffic circulation and building design and confirm the standards and expectations of the PAD are met.

2. Development Standards

Existing requirement: Development Areas A - D have specific standards relating to building height, setbacks and floor area ratio. Each development area has different standards.

Proposed amendment: Applicant requests to establish unified standards for all development areas which include increase in building height, increase in floor area ratio and provide average building setbacks. Building heights would be lower along Oracle Road and increase for buildings along the west side of property (adjacent to the wash). The attached applicant's request letter includes a summary table of these items.

Staff response: Establishing unified standards would simplify the PAD and provide more consistent requirements. The unified standards would allow more flexibility.

3. Permitted Uses

Existing requirement: The PAD addresses specific uses for each development area. In general, uses are limited to retail, restaurant, office, and hotel. Residential use is not permitted.

Proposed amendment: Applicant requests to allow more flexibility with permitted uses. Uses permitted under Town C-N, C-1 and C-2 districts may be permitted. Conditional uses must proceed through the CUP process. This proposal would allow residential uses and additional convenience uses. To maintain a high quality development and prohibit uses that may not be compatible on the site, the applicant has provided a list of prohibited uses. Uses such as auto service, mini storage, sanatorium, pawn shop and pool hall would be prohibited.

Staff response: Uses permitted under the Town C-N, C-1 and C-2 would allow a broader range of uses not envisioned as part of the original pad such as gas stations, residential and other more intense convenience uses. Residential uses should only be permitted if integrated with commercial or employment uses. For a complete list of permitted uses, conditional uses and prohibited uses, please refer to the attached PAD document (Page 61).

Public Notification and Comment

The property has been noticed and posted in accordance with Town requirements.

To comply with the requirements of the Public Participation Ordinance, the required neighborhood meeting was held December 9, 2010. At this meeting, nine residents attended and the items below were discussed:

1. The timing/funding of Rams Field Pass traffic signal
2. Mixed use design for site – how is it defined?
3. Providing a market study for demands on site
4. Height of buildings – provide illustrations
6. Lighting – height of poles and light pollution on adjacent properties
7. Assisted living care facilities do not fit on this site.

No further comments have been submitted since the completion of this report.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to [adopt, adopt with conditions, OR deny], Ordinance No. (O)11-11, AMENDING THE STEAM PUMP VILLAGE PLANNED AREA DEVELOPMENT with conditions as specified in Exhibit A.

Attachments

Ord 11-11

Att 2 Applicant Letter

Att 3 PAD Document (redline)

Att 4 PZC minutes dated January 13, 2011

Att 5 PZC report dated January 13, 2011

Att 6 Quick Trip Site Plan

Att 7 Quick Trip Elevations

ORDINANCE NO. (O)11-11

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA,
AMENDING THE STEAM PUMP VILLAGE PLANNED AREA
DEVELOPMENT LOCATED ON THE WEST SIDE OF ORACLE
ROAD BETWEEN RAMS FIELD PASS AND HANLEY
BOULEVARD**

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 laws of the State of Arizona; and

WHEREAS, the Steam Pump Village Planned Area Development (PAD) was adopted by the Town Council in 1988; and

WHEREAS, an Applicant has requested a land use designation amendment applicable to the Steam Pump Village PAD to allow greater flexibility to attract businesses while intending a high quality and aesthetically pleasing development and to allow greater flexibility in designing future phases of the development; and

WHEREAS, the Applicant's request for a PAD land use designation amendment complies with the Steam Pump Village PAD, the Oro Valley Zoning Code Revised and with the applicable General Plan requirements; and

WHEREAS, on January 13, 2011, the Planning & Zoning Commission recommended approval for the Steam Pump Village PAD land use designation amendment with conditions, attached in Exhibit "B" and incorporated herein by this reference; and

WHEREAS, the Oro Valley Town Council has duly considered the proposed amendment and the Planning and Zoning Commission's recommendations at a duly noticed Public Hearing on April 20, 2011 and finds that the proposed amendment is consistent with the Town's General Plan and the Oro Valley Zoning Code Revised.

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

Section 1. The Steam Pump Village Planned Area Development located on the west side of Oracle Road between Rams Field Pass and Hanley Boulevard is hereby amended as shown in Exhibit "A" to this Ordinance, subject to the conditions contained in Exhibit "B" to this Ordinance.

Section 2. 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 3. 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 on this 20th day of April, 2011.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

APPROVED AS TO FORM:

ATTEST:

Julie K. Bower, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____

EXHIBIT "A"
STEAM PUMP VILLAGE
TOWN COUNCIL
APRIL 20, 2011

1. Revise Section 1.3.A.2(b) to include the following language regarding the gas station use:
 - No outside storage shall be permitted on site
 - No accessory uses such as propane tank filling will be permitted
 - If outdoor water and air service is available for patrons, this area shall be adequately screened from adjacent properties.

2. Steam Pump Village will pay its proportionate share, as defined below, for the traffic signal at the intersection of Oracle Road and Rams Field Pass when warrants are met and approved by the Town of Oro Valley and ADOT. Proportionate share shall be determined by The Town Engineer based on a traffic impact analysis report provided by a registered traffic engineer and assessing the traffic generated and trip distribution benefitting from the traffic signal with respect to the total traffic contribution at this intersection created by the ultimate build-out of both Steam Pump Village and Big Horn Commerce Center developments. The traffic signal shall be installed at no cost to the Town of Oro Valley when warrants are met.



March 23, 2011

Via Electronic Delivery

Town of Oro Valley
Planning Department
Attn: David Ronquillo
11000 N. La Cañada Drive
Oro Valley, Arizona 85737

Re: Steam Pump Village – PAD Amendment

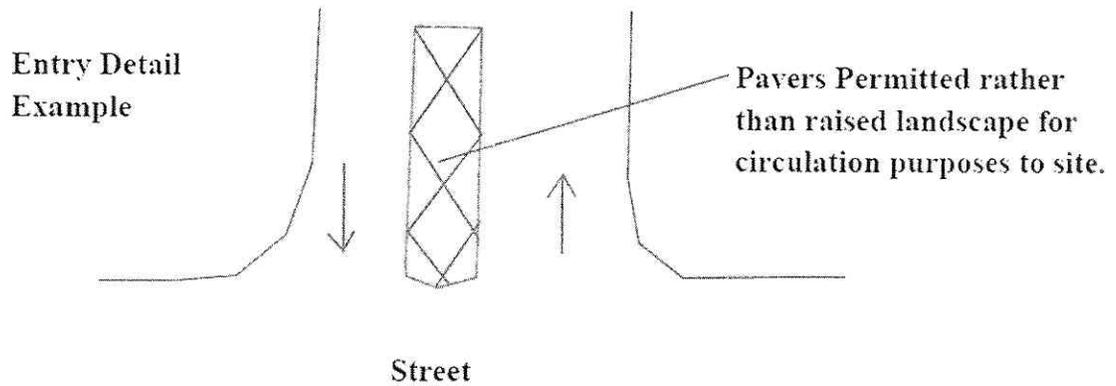
Dear David:

Thank you and the rest of the Town staff for all of your assistance and meeting with us on multiple occasions over the last year to work out these revisions to the PAD. This letter outlines the proposed modifications following our meetings and provides further clarification of the intent of these revisions as well as a sense of background to the requested modification. There are three proposed types of revisions: A) Administrative (clean up and clarifications), B) Technical (dealing with setbacks and similar items), and C) Permitted Uses.

A. Administrative:

1. **Page i** - Included “ *Latest Revision by Ordinance....*” text to include proposed revision.
2. **Various pages** - Revised “Steam Pump Ranch” to “Steam Pump Village” to reflect the name of the project.
3. **Various pages** - Corrected grammatical and formatting errors and general clean up as agreed to with staff to clarify where PAD requirements govern versus other Town of Oro Valley ordinances.
4. **Page 5** - Corrected a typographical error from “hich” to “which”.
5. **Page 8** – Per the Town’s request we updated the Traffic Conditions table to reflect the most current data.
6. **Page 10** – Per the Town’s request we updated the water utility to be Oro Valley Water Utility.

7. **Page 34 (Section 1.2.A)** - Revised the Project Overview to further clarify the expectations for a high end quality development through clarification and specificity on architectural styles and features, pedestrian and site amenities.
8. **Page 34 (Section 1.2.A)** - Changed the wording to “*hotels, multi-family and residential*”. This change simply clarifies that more than one hotel is permitted within Steam Pump Village and the additional residential component (also Item 32).
9. **Page 35 (Section 1.2.B) & Page 49 - Exhibit II B.1** – “Tentative Development Plan” – this exhibit is to remain the same, however the Development Areas A, B, C and D will be combined (Item 32). In addition, based on the newly proposed Master Development Plan system by the Town, this Tentative Development Plan will be replaced upon the approval of a Master Development Plan and Design Guidelines. The new Master Development Plan will serve as the design plan with schematic plans following as new proposed uses come in for a specific pad location for administrative review under the newly proposed system.
10. **Page 35 (Section 1.2.C.2)** - Updates this paragraph to reflect compatibility with the current existing land uses adjacent to Steam Pump Village.
11. **Page 35 (Section 1.2.C.3)** - Removed the words “*one story building height*”. The Steam Pump Village PAD (the “PAD”) provides specific height restrictions in Section 1.3. This change clarifies that buildings may be more than one story, but we of course acknowledge that the height limitations provided in Section 1.3 may not be exceeded.
12. **Page 39 (Section 1.2.H.1)** – An administrative change to the code reference has been changed to reflect the correct zoning code section per requested comments. Per the Town’s interpretation letter dated April 14th, 2010 to Evergreen, Section 27.6 regarding water harvesting will not be required due to our existing master drainage design/plan. In addition, a clarification has been included on the landscape buffers that reference how they have currently been built out in Phases I-III.
13. **Page 41 (Section 1.2.J.2)** – add the wording “*(however alternate designs may be administratively approved by Town staff to meet varying site conditions.) Any proposed changes to the location of an entrance must also be approved by ADOT.*” The PAD currently provides an illustration for a typical project entry section as identified in Exhibit II J.1. However, additional design flexibility is needed to ensure proper vehicular circulation needs (including turning radius requirements) are met. An example of such a change that might be requested if dictated by site circulation requirements could be to replace the raised landscape planter island with decorate concrete or pavers (which would be flush with the pavement and would allow for larger trucks to enter/exit the driveway, but would still provide a high quality design).
Note: This also is reflected in a revision to Exhibit II J.1 on page 57.



14. **Page 42 (Section 1.2.L.1)** – Included a clarification that this is located in the northernmost portion of the Development (Bosque Park deeded to the Town).
15. **Page 51** - Revised Exhibit II D.5/6 Topography per the Town’s request to reflect the current conditions.
16. **Page 52** - Revised Exhibit II E.3/4 Hydrology per the Town’s request to reflect the current conditions.
17. **Page 53** - Revised Exhibit II H.1 Buffer Plan per the Town’s request to reflect the current conditions.
18. **Page 60 (Section 1.3.A)** - Added the word “*design*” to correct the typo.
19. **Page 66 (Section 1.3.A.6.C)** - Clarified that a total of three access points will be provided to the River Park Trail from Steam Pump Village from the development. The intention was to eliminate the words “Each Phase” because this may be phased over more than 4 phases. When the PAD was originally created, Exhibit II L.1/3 (Recreation/Trails) showed two access points from Steam Pump Village to the River Park Trail, while the language in Section 1.3 indicates that each “phase” would include one access point to the River Park Trail. Steam Pump Village has been and will continue to be developed in various “phases” (more “phases” than initially contemplated when the PAD was first drafted.)
20. **Page 76 (Section 1.3.B.1), Page 83 (Section 1.3.B.6) and Page 85 (Section 1.3.B.7)** Changed to remove the term “Steam Pump Ranch Design Review Committee” and include “*Declarant*”. There is an existing Common Operation and Reciprocal Easements Agreement at the shopping center and per that agreement the Declarant is the “termed” reviewing body of proposed design as recorded against the property.
21. **Page 79 (Section 1.3.B.5)** – Clarified that any landscape within the Oracle Road/ SR 77 right-of-way is as permitted by ADOT.

22. **Page 84 (Section 1.3.B.6)** - There is an existing approved Master Sign Program with the Town that serves as the guidelines for signage and the technical requirements as approved by the Town. We revised the language regarding signage technicalities to state that it needs to be compliant with the “*Town approved Master Sign Program*”.
23. **Page 86-87 (Section 1.3.B.7)** – under the proposed Master Development Plan structure, a Design Guidelines will be approved by the Town as a part of the Master Development Plan. Therefore, “Design Guidelines” has been included to replace the terminology of the Design Review. **Note: This is also referenced within the note on page 69.**
24. **Page 89 (Section 1.3.C.3)** - Intentionally omitted “Assessments”. We are committed to working out an equitable agreement based on our proportionate share with the adjacent land owners to share the cost of the future Ram’s Field Pass signal if warrants are met and approved by the Town or Oro Valley and ADOT.

B. Technical:

25. **Page 35 (Section 1.2.C.2)** - Included language regarding building and landscape setback for an office building on the current office pad adjacent to Steam Pump Ranch. This pad has been landscaped and designed as a part of the Phase I development plan to accommodate a future office pad. To clarify the landscape and building setback, we added the following language “*However, the proposed Pad # 1 in Phase I located adjacent to the Steam Pump Ranch complex shall have a landscape buffer of 5’ from the northwest property line (as currently exists), a building setback of 15’ to accommodate a small building and a maximum building height of 30’. In addition, light poles on the westerly property line shall not be permitted over 25’ tall.*” We requested this deviation from the 25’ landscape buffer to allow a building to be built up to the existing condition and as approved in the Phase I Development Plan. **Note: This was also added to Exhibit II H.2 on page 54.**
26. **Page 43 (Section 1.2.M.1)** - Removed typo “Section III.A” and refer to “*the PAD*” since the setback requirements are shown in the table on Page 68 (Section 1.3.A) to eliminate confusion.
27. **Page 66 - (Section 1.3.A.6.f)** - Revised the language limiting the number of freestanding structures less than 5,000 square feet within 65’ of Oracle Road to allow “*No more than 4 freestanding retail and 4 freestanding office/medical buildings less than 5,000 square feet in size may be located within 65 feet of Oracle Road*”. We believe that the current language in the PAD provides an arbitrary restriction without taking into consideration the type, use and configuration of such buildings and the corresponding building, parking and landscape designs that could be contained with a proposed Development Plan for the Town’s consideration. There are numerous scenarios where we believe the Town would agree that Steam Pump Village (which stretches more than three quarters of a mile) could contain multiple smaller buildings

within 65' of Oracle Road and still achieve the desired high quality design and aesthetics.

28. **Page 66 - (Section 1.3.A.7)** - Revised “2011” to “2018”. Steam Pump Village is and will continue to be a “phased” development. However, we share a common goal with the Town to maintain a continuity of design elements and standards regardless of when each phase is developed. Therefore, due to the prior delays we have experienced at the project, the current real estate market, and the potential timeframe to complete the build-out of Steam Pump Village, we requested that the site lighting criteria and standards be permitted to remain consistent with the presently developed phases, with an outside date of 2018.

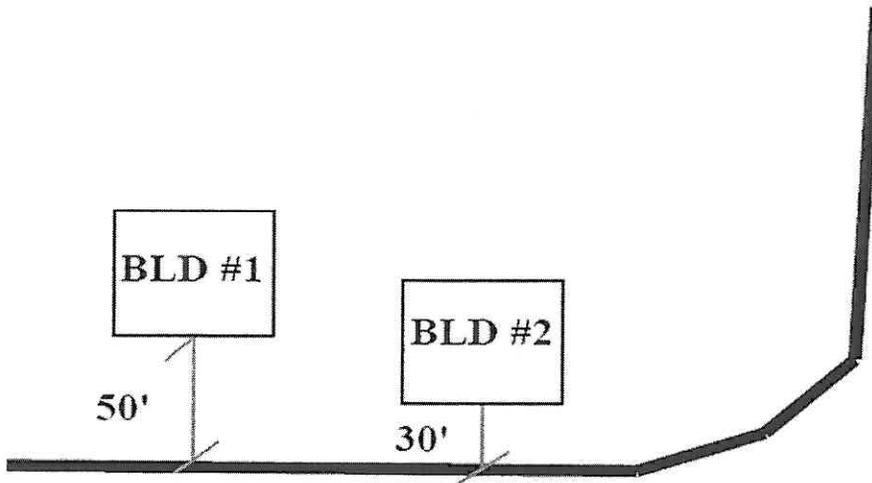
29. **Page 68 - 69 Matrix of development standards** - This has been revised to remove the Areas A, B, C and D and impose unified standards on the entire development (Item 32). We are asking for very few changes in relation to the current PAD as highlighted in the matrix that follows.

Development Standards	Old Area A	Old Area B	Old Area C	Old Area D	PROPOSED AMENDMENT
Maximum Floor Area Ratio (FAR)	0.25	0.25	.35 (retail/office) 1.0 (hotel)	.35 (retail/office) 1.0 (hotel)	Up to 119' from Oracle (.25) 120' or more from Oracle (.35) 1.0 (hotel)
Maximum Building Height	25'	25'	39' - hotel 30' - retail/office 25' - restaurant	39' - hotel 30' - retail/office 25' - restaurant	Up to 100' from Oracle 25' (restaurant) 30' (other uses) 100' to 150' from Oracle 39' 150' or more from Oracle 49' including architectural elements

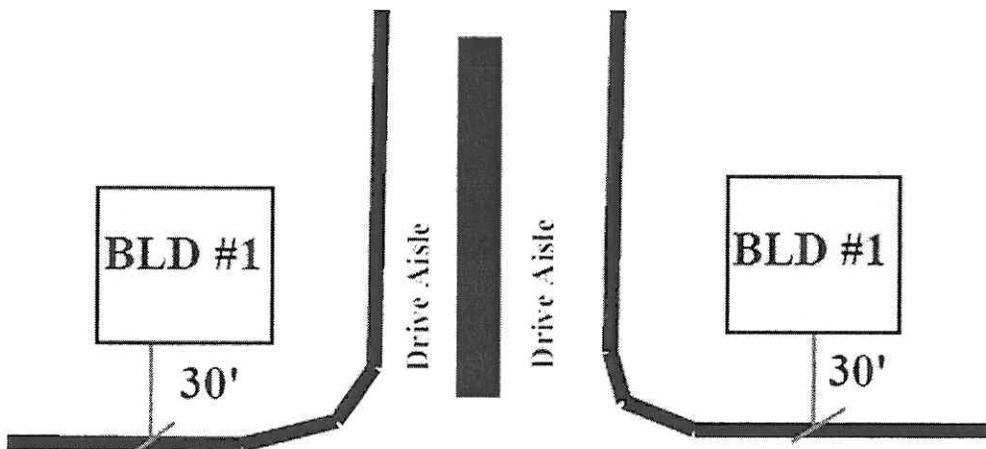
Minimum Building Setback	60' Oracle Road*	60' Oracle Road*	120' average (Oracle) 30' (rear property line)	120' average (Oracle) 30' (rear property line)	120' average (Oracle Road)* 30' (Rear property line) Note: A rear building setback of 50' from the property line is required where the building (or the portion of the building) height will exceed 39'
Minimum Landscaped Open Space	20%	20%	20%	20%	20%; including Phase I detention basin/park and Bosque Park at north end of property.
Landscape Buffers	30' (Oracle Road)	30' (Oracle Road)	30' (Oracle Road) 25' rear property line measured from edge of river park trail	30' (Oracle Road) 25' rear property line measured from edge of river park trail	30' (Oracle Road) 0' (rear property line adjacent to river park trail - due to existing berm & vegetation between the trail and Steam Pump Ranch)

30. **Page 69 - (Section 1.3 Note under Development Standards Matrix)** - Modified the convenience use building setback include in the subsequent note “*and not separated from an adjacent building by a driveway*”. In the instance where two adjacent buildings are located closer than 60’ from Oracle and are *not* separated by a driveway, then there would still be a required 20 foot difference in the building setbacks, providing for a staggered setback (see Example #1). However, where the two buildings would be separated by a driveway, then the 20 foot staggered setback would not apply due to the distance between the buildings and because the setbacks are already broken up by the driveway (see Example #2), but must maintain the average requirements.

Example #1:



Example #2:



31. **Page 84 (Section 1.3.B.6)** – we request the inclusion for permission of one additional monument sign for a gasoline pricing sign. With the proposed changes to the permitted uses (Item 33), one item to provide standard conformance to statutes is to permit a gasoline/convenience station the right to have a gas pricing sign.

C. Permitted Uses:

32. **Page 60-61 (Section 1.3.A Development Areas A, B, C and D)** - We removed the Development Areas and combined the confusing standards for each section. Phase I-III is built with infrastructure. We propose the permitted uses be clarified by modifying the PAD to allow 1) uses within the CN zoning district, 2) additional uses to accommodate a bioscience campus and 3) uses that are not permitted within the development. In addition, we have included a section for residential based on a percentage of the land and proposed total dwelling units. **Note: There are various revisions throughout the PAD to accommodate the removal of references to Areas A, B C and D.**

33. **Page 62-63 (Section 1.3.A.2.a - d, f - g)** - Revised the restrictive qualification for convenience uses to allow more flexibility while still maintaining the high quality development standards for Steam Pump Village.

We look forward to working with you on the presentation materials for the April 20th Mayor and Town Council. Please do not hesitate to call me at (602) 614-0239 with any questions.

Thank you,


Allison Reis

Evergreen Devco Inc.

Cc: Laura Ortiz
Keri Silvyn
Mark Weinberg

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IA.3/4	Existing Zoning/Land Use
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IC. 1	Regional Hydrology
IC.4	Onsite Hydrology
ID. 1	Vegetation Associations
ID.2	Vegetation Density
IE.1	Arizona Game and Fish Department Response Letter
IF. 1	Viewsheds
IF.2	Site Visibility
IF.3	Visual Analysis
IG.1/2/3	Traffic
IH.1	Recreation and Trails
II.1/2	Archaeological Exploration Letter (PAST)
II.1/2	Arizona State Museum Response Letter (Cultural)
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IK.1	Canada Hills Water Company Letter
IIB. 1	Tentative Development Plan
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IID.5/6	Topography
IIE.3/4	Hydrology
IIH.1	Buffer Plan
IIH.2	Bufferyard Sections
III.1	Post-Development Section
IIJ.1	Traffic Volume Analysis
IIJ.1	Typical Project Entry Sections
IIK.1	County Wastewater Management Capacity Response Letter
IIIL. 1/3	Recreation and Trails
IIIB.6	Entry Monumentation Signage
IIIB.6	Wall Signage

AMENDMENT HISTORY

| Amendments pertaining to the Steam Pump RanchVillage PAD:

1. Ordinance: (O) 171
Date: August 10, 1988
2. Ordinance: (O) 92-2
Date: February 5, 1992
Case #: OV9-91-
3. Ordinance: (O) 96-26
Date: July 10, 1996
Case # OV9-96-1
3. Ordinance: (O) 99-52
Date: September 22, 1999
Case #: OV9-99-111
4. Ordinance: (O) 00-01
Date: January 5, 2000
Case #: OV9-99-111
5. Ordinance: (O) 03-37
Date: December 3, 2003
Case #: OV9-99-111
6. Ordinance: (O) 05-42
Date: October 19, 2005
Case #: OV9-05-08

Previous Zoning History:

February 5, 1992 - PAD Ordinance No. (O)92-2
July 10, 1996 - PAD OV9-96-1
September 22, 1999 - PAD Ordinance No. (O) 99-52
January 5, 2000 - PAD (O) 00-01

Section 1.1 SITE INVENTORY AND ANALYSIS

The Site Inventory and Analysis identifies and describes the existing characteristics and conditions of the site. Development opportunities and constraints are analyzed and serve as the basis for the site development design. A composite constraint exhibit is provided at the end of this section for easy reference.

A. Existing Land Uses

1. The subject property, known as Steam Pump ~~Ranch~~.Village, comprises approximately 41.6 acres located on the north side of Oracle Road/Arizona State Route 77, approximately one-quarter mile north of First Avenue, in the Town of Oro Valley. Exhibit IA. 1, Regional Location, shows the property location in a regional context.
2. The property is predominantly vacant, with approximately half of the site as disturbed (agricultural and pasture activities) and the remainder in a natural state. As shown on Exhibit IA.2, Onsite Land Uses, located onsite is a non-functioning heliport with caretaker's dwelling and landing pads, which is now being utilized as a riding stable facility. Immediately south of the rezoning site is the original Steam Pump Ranch site of 15.2 acres that includes ranch buildings and corrals.
3. Exhibit IA.3/4, Existing Zoning/Land Use, indicates the existing zoning and land use within one-quarter mile of the site. The property is surrounded by the following existing zonings and land uses:
 - North - R1-144 (Oro Valley) Canada del Oro Wash and R1-36 Palisades Point subdivision, one to two story custom homes.
 - East - CPI (County) AiResearch, research and development, three stories, 45-foot building height (including mechanical equipment floor).

PAD (Oro Valley) Foothills Business Park office uses, one story, 20 - 25 foot building height.

South - PAD (Oro Valley) La Reserve residential uses, one to two story custom tract homes and two story apartments.

West - PAD (Oro Valley) Rooney Ranch currently vacant

There are no pending rezonings within one-quarter mile of the site.

4. Wells: Three well sites, as shown on Exhibit I.K. 1, Utility Infrastructure, are located offsite and are under the ownership of Mr. John Leiber.

B. Topography

1. The site's topography is comprised of a gently sloping riparian flatland located adjacent to the Canada del Oro Wash. Elevations range from 2626 at the northeast corner of the site to 2592 at the southern property line. There are no restricted peaks/ridges, rock outcrops or slopes of 15% or greater on the site. Topographic features of the site, are shown on Exhibit 113. 1, Topography. The soil for the subject property, as identified on the General Soil Map of Pima County Arizona, U.S. Department of Agriculture, Soil Conservation Service, 1974, is Pinaleno-Nickel-Palos Verdes Association.
2. The predevelopment average cross-slope of the total site, without excluding natural areas, is 4.4%. Table 1 contains the average cross-slope calculations.

**TABLE 1
LENGTH OF CONTOURS**

<u>CONTOUR</u>	<u>LENGTH</u>
2625'	1750'
2620'	2550'

2615'	3100'
2610'	4600'
2605'	1800'
2600'	1450'

2595'	<u>640'</u>
Total	15,890'

Contour Interval = 5'
 Length in Feet = 15,890'
 Area in Acres = 41.65

Average Cross-Slope Calculation

$$\frac{5 \times 15,890 \times .0023}{41.65} = 4.39\%$$

C. Hydrology

1/2/3 Exhibit IC. 1, Regional Hydrology, is an aerial photograph depicting offsite watershed impacts upstream of the subject property. Steam Pump **RanchVillage** has been removed from the 100-year geologic floodplain of the Canada del Oro Wash (CDO) by an extensive flood protection levee along the bank of the CDO adjacent to the site. The CDO Wash flows parallel -with the parcel's western boundary and has a regulatory 100-year flood of 33,000 cubic feet per second. Stormwater runoff associated with the CDO does not directly impact Steam Pump **RanchVillage** due to the channelization and stabilization of the wash and its banks.

There are other local watersheds in the vicinity of the site that originate in the western slopes of the Santa Catalina Mountains. Runoff from those sources do not impact Steam Pump **RanchVillage** as flood control improvements have diverted local flows around the parcel. Runoff generated from the Santa Catalina Mountains is intercepted by the Foothills Collector Channel east of the highway and conveyed southward and westward to the CDO Wash. The 100-year storm flow in the Foothills Collector is approximately 4,300 cubic feet per second.

Local runoff associated with AiResearch and the Foothills Business Park is collected in a drainage channel upstream of Oracle Road and discharged into the Foothills Collector Channel without impacting Steam Pump ~~Ranch~~. Stormwater collected in the median of the highway is discharged into the same channel system described above and does not reach the property. Therefore, the only offsite runoff reaching Steam Pump ~~Ranch~~ is from the western portions of the Oracle Road right-of-way and the levee slope.

- 4/5 The project area, including the adjacent areas of the Oracle Road right-of-way and the levee slope, is divided into two existing conditions' basins by an earthen dike constructed onsite prior to the CDO Wash bank protection improvements. All onsite flow is from northwest to southwest, parallel to the CDO Wash and the highway. Runoff generated from the northeast portion of the site, 39 cfs for the 100-year event, is intercepted by the earthen dike. There is no outlet and, under existing conditions, this runoff ponds and eventually percolates and/or evaporates. The 100-year peak discharge, from the southwest portion of the site for existing conditions is 72 cfs. There are no defined drainageways onsite and therefore no onsite 100-year floodplains have been delineated. This runoff sheet flows across the site to the southwestern boundary and discharges to the existing Foothills Collector Channel (see Exhibit IC.4, Onsite Hydrology). Runoff rates are low for existing conditions because the native soils are sandy, type A soils which are very porous.

The site is not included in a designated 100-year floodplain as determined by the Federal Emergency Management Agency (FEMA) per the Pima County Flood Insurance Rate Map, Panel 040073 1040D, effective September 30, 1992. The FEMA map designates the property as within Zone X, which indicates an area previously inundated by the 100-year flood but is now protected by levee(s) as approved by FEMA with appropriate freeboard. The property is not included in either a critical or balanced basin per Pima County Floodplain Management.

D. Vegetation

1. a. The project site, which is located in the Arizona Upland Subdivision of the Sonoran Desert Scrub Biotic Community (Brown, 1982), was visited in October 1995. One major vegetation community association has been identified on the project site (delineated on Exhibit ID. 1, Vegetation Associations):

- Sonoran Riparian Scrubland Series is located within the Canada del Oro Wash that parallels the site's northern boundary and, previous to the installation of the levee bank protection, this site was considered secondary floodplain of alluvium from the meandering Canada del Oro Wash. Therefore, the onsite vegetation (in non-agricultural/disturbed areas) takes on the appearance of scrubland association of the desert plants dominated by Mesquite, Foothill Palo Verde, Desert Willow and Tamarisk. Cactus communities of Cholla, Prickly Pear, and Pencil Cactus are scattered throughout the site. Groundcover consists of a mixture of Paperflower, Desert Marigold, Filaree, Globemallow, Bursage, Rabbitbrush, and clumps of native grasses, including Tobosa and Bush Muhly. Scrubby understory species occurring sporadically are Catclaw Acacia, Creosote Bush, Crucifixion Thorn, Desert Broom, Mormontea, and Desert Saltbush.

This vegetative community provides scenic values onsite due to the diversity of plant material, but the sparse distribution of canopy plants and low canopy height preclude a high rating for visual screening.

b. No plants currently listed as endangered are known to exist onsite. No visually prominent Saguaro and/or significant individual or groups of trees exist onsite, with the exception of a few large mesquite trees at the extreme northern end of the site (location of proposed natural park area).

2. Exhibit ID.2, Vegetation Density, delineates vegetation density, ~~high~~ which was determined by analysis of aerial photos and onsite visual observations.

The photogrammetric method for defining density of vegetation involves taking an aerial photograph and visually dividing it into similar plant densities. Within these regions, at least three different line segments are randomly drawn. The places where the vegetation intersects the line segment are measured, added, and then divided by the total length of the line. This solution is then multiplied by 100 to give a percentage of plant density along the line. The percentages within a divided area are then averaged together to determine the overall density for the area.

E. Wildlife

1. A letter of confirmation from the habitat specialist at the Arizona Game and Fish Department, Tucson Regional Office, is attached. There are no known rare or endangered floral or faunal species on the property. No aquatic ecosystems are present onsite. Exhibit ID. 1, Vegetation Associations, indicates the location of Class I wildlife habitat.
2. As indicated in the letter from Arizona Game and Fish Department, no unusually high densities or diversity of species is expected to occupy the project site, and therefore Exhibit IE.2 is not required.

F. Viewsheds

1. Exhibit IF. 1, Viewsheds, graphically depicts views and vistas from adjacent properties that could be affected by site development.
 - Views from adjacent residentially developed properties will not be impacted by development of the site due to the elevation difference between the flatland wash bottom elevation of the site (average 2600') and residentially developed bluffs north of the Canada del Oro (2700') and La Reserve (2700'-3000').
 - The viewsheds from AiResearch and Foothills Business Park will not be impacted by site development, as their view orientations are in an

opposite direction towards the rocky ramparts of the Santa Catalina Mountains.

2. Areas of high, medium and low visibility on the site as seen from nearby offsite locations, primarily Oracle Road scenic route, are shown on Exhibit IF.2, Site Visibility. These designations were determined by field observations and topographic/photo reconnaissance. Generally, the low visibility areas from adjacent residentially developed properties occur within the Steam Pump Ranch complex. Medium visibility areas include portions of the site near the existing ranch corrals. High visibility of the site occurs within foreground and middleground visual access from Oracle Road, a scenic highway.
3. The subject property is designated by the Town of Oro Valley as being within the Oracle Road Scenic Corridor Overlay District, which requires rezonings to comply with the requirements of Section 10-405A Visual Analysis and Appendix B View Analysis Criteria of the Oracle Road Scenic Corridor Specific Plan. Exhibit IF.3, Visual Analysis, photographically documents the absence of any existing visual resources on and/or across the proposed development site as well as significant view corridors as defined by the criteria established in Appendix B of the Oracle Road Scenic Corridor Specific Plan. Specifically, photographs nos. 1, 3, and 4 illustrate that intervening bluffs and Palisades Point homes (elevation 2650-2700) on the northside of the Canada del Oro Wash nearly obscure and compromise any views of the Tortolita Mountains as seen from Oracle Road across the subject property (elevation 2600-2625). There are no foreground and/or middle-ground views of the Canada del Oro Wash as the levee obscures any visual access of the wash from Oracle Road across the property. Included as Exhibit IF.3, Visual Analysis, is the View Analysis Criteria and Checklist which documents that the value of offsite scenic resources as seen from Oracle Road across the site are low and therefore are not subject to view corridor requirements.

G. Traffic

1. The area's existing circulation system, onto which the site will have access, is illustrated on Exhibit IG.1/2/3, Traffic. Project access will be from Oracle Road/Arizona State Route 77, a four-lane divided highway with median.
 - a. The following indicates rights-of-way, capacity, volume and other information.

TRAFFIC CONDITIONS

Street	Scenic Route	Existing ROW	Req. ROW	No. of Lanes	Posted Speed	Capacity ADT	1994 ADT	Bike/Ped'n
Oracle Road	yes	200'	200'	4	55	50,000	16,700	bikeable
First Avenue Road	yes	150'	150'	<u>24</u>	45	<u>4540,000</u>	7,700	no Bikeable ↓ Pedestrian

SOURCE: Pima Association of Governments

H. Recreation and Trails

1. Exhibit IH. 1, Recreation & Trails, shows the primary trail along Canada del Oro Wash and the connector trail along La Cholla/Honey Bee Loop along Big Wash, per the Eastern Pima County Trail System Master Plan (August 1989). The only public park within one mile of the subject property is the Catalina State Park, of approximately 5,500 acres, which is a desert park popular for hiking, picnicking and camping.

I. Cultural/Archaeologic/Historic Resources

- 1/2/3 The subject property was surveyed for archaeological resources in August 1991 by Dr. David Stephen, Archaeologist. The purpose of this survey was to locate and describe cultural resources that might be adversely affected by site development. No significant cultural resources were found. Dr. Stephen's letter and a letter from the Arizona State Museum are attached.

The original Steam Pump Ranch was founded in the late 1870's by George Pusch. In order to insure a continuous water supply for the Canada del Oro Ranch,

a vast land holding and profitable cattle operation. of which Steam Pump was a part, Pusch installed a steam powered pump at the present site. Over the years, "Steam Pump" became an essential water stop for cattlemen as they drove their herds throughout the territory. In fact, early maps of Southern Arizona indicated the location of Steam Pump Ranch as an important landmark. Later, Steam Pump Ranch was utilized as a general store and post office.

Currently owned by the Leiber family, only two features of the old Steam Pump Ranch exist; the original adobe ranch house and a water tank (located approximately 350' north of the original adobe ranch house is a modern ranch house complex).

J. Composite Map

1. Exhibit IJ.1, Composite Map, indicates the cumulative number of site inventory characteristics applicable to specific locations onsite. Even though the following site characteristics were analyzed in the preceding section, only the asterisked (*) features occur on the subject property and are shown on the Composite Map:

"Hillside Natural" areas;

Rock outcrops;

Slopes equal to or greater than 15%;

100-year floodplains greater than or equal to 50 cfs;

Sheet flooding areas with flood depths greater than or equal to one foot;

Federally mapped floodway and floodplains;

* Areas of medium or high vegetative densities;

Saguaros or other visually prominent cacti;

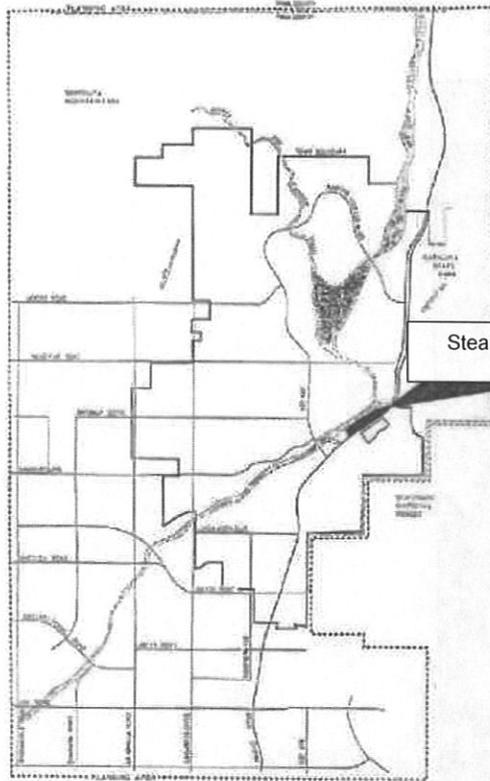
Areas where vegetation facilitates soil stabilization;

Wildlife habitats (Class I);

* Areas onsite that are highly visible from offsite locations.

K. Existing Utility Infrastructure

1. The subject property is well-served by existing utility infrastructure as several utility transmission lines parallel Oracle Road/State Route 77 as shown on Exhibit IK.1, Utility Infrastructure.
 - A four-inch Southwest Gas line exists within a 10-foot easement located onsite adjacent to Oracle Road.
 - Sewer service is provided by a 21-inch main that runs along Oro, this sewer line crosses underneath the road, traverses the northern end of the property and continues north along the west side of the highway.
 - ~~Water service can be provided by a private or municipal water company utilizing the numerous wells within the area in accordance with the rules and regulations of the Arizona Corporation Commission, and Arizona Department of Health Services and other agencies having jurisdiction. It is anticipated that project water service will be provided by Canada Hills Water Company, which has a certificated 100-year assured water supply and a current service area directly south of the PAD site.~~
 - Water service will be provided by the Oro Valley Water Utility.
 - Telephone lines currently run along the east side of Oracle Road.
 - Electric service is provided by a 14kV line that runs along the west side of Oracle Road within the right-of-way. Approximately 1,000 feet south of Canada del Oro bridge, this electric line continues beneath the roadway and then runs along the east side of the highway.



Steam Pump Village

TOWN of ORO VALLEY

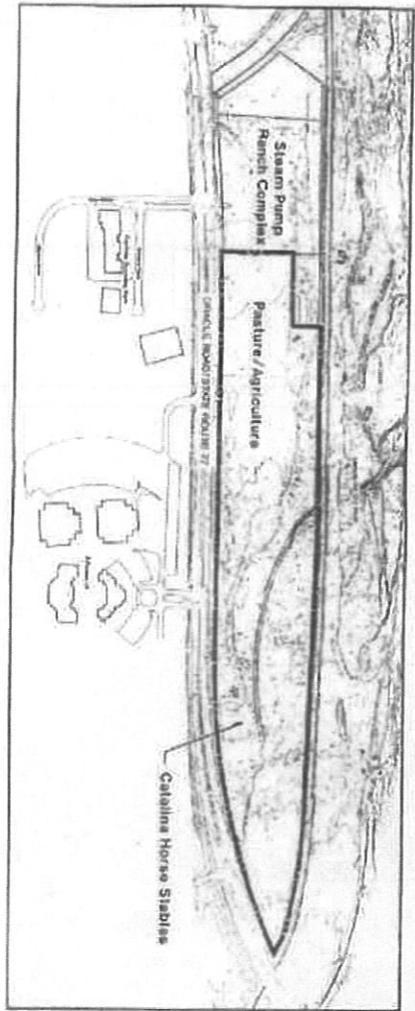
REGIONAL LOCATION

EXHIBIT I A.1

Steam Pump Village

OV 9-99-111



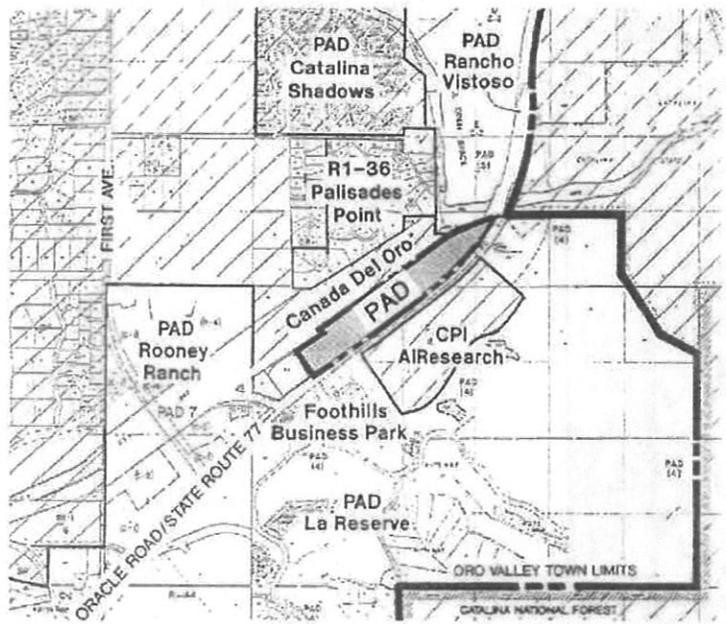


ONSITE LAND USES

SCALE: 1" = 400' EXHIBIT I.A.2

OV 8-00-111





EXISTING ZONING/ LAND USE

EXHIBIT I A.3/4

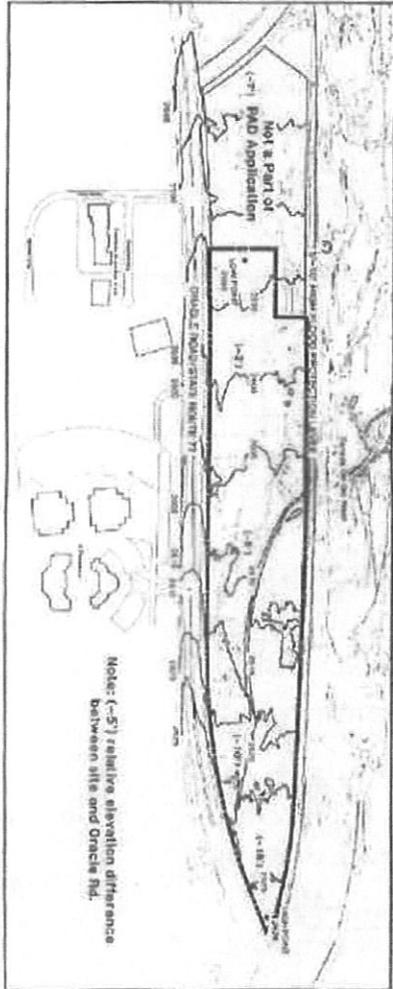
Note: Well locations are shown on Exhibit I K.1 Utility Infrastructure.



SCALE: 1" = 1200'

OV 9-99-111



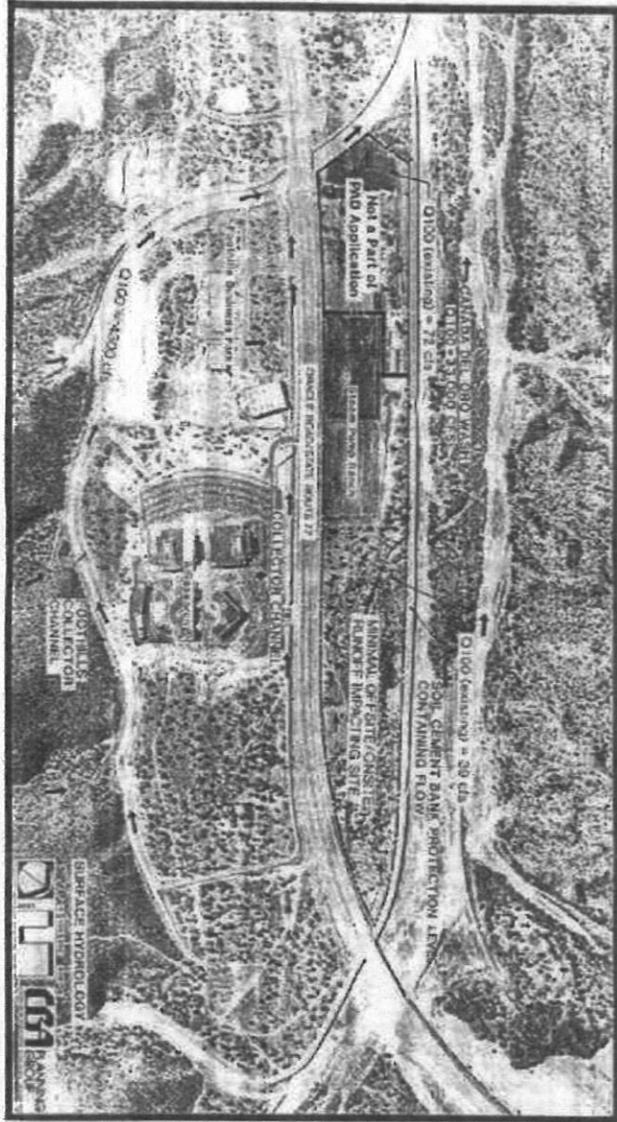


TOPOGRAPHY

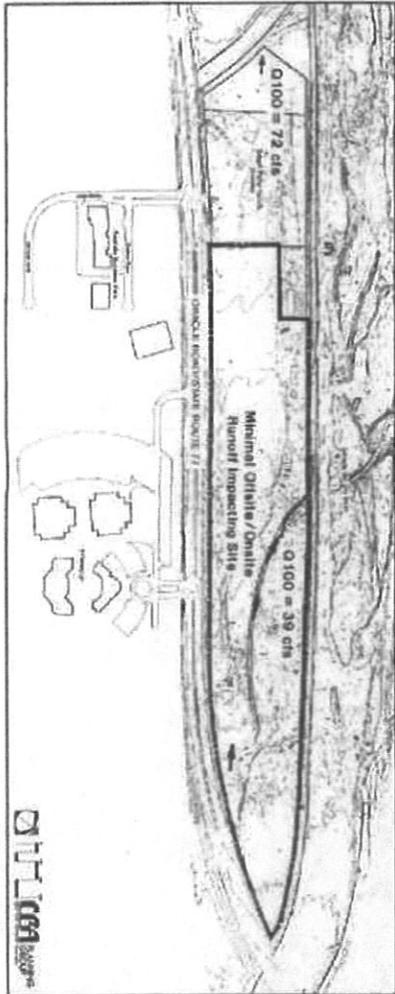
SCALE: 1" = 400' EXHIBIT B.1

OV 9-29-11





OV 9-89-111 REGIONAL HYDROLOGY
EXHIBIT 1.C/174



ONSITE HYDROLOGY

SCALE: 1" = 400' EXHIBIT D.4

DV 5-93-111





REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
ARIZONA-NEVADA AREA OFFICE
3636 NORTH CENTRAL AVENUE, SUITE 780
PHOENIX, ARIZONA 85012-1936

RECEIVED
MAR 2 2000
STANTEC-TUCSON

December 16, 1999

Office of the Chief
Regulatory Branch

Mr. James A. Tress
Westland Resources, Inc.
2343 East Broadway Boulevard, Suite 202
Tucson, Arizona 85719-6007

File Number: 2000-00360-LMR

Dear Mr. Tress:

Reference is made to your application and/or letter of November 22, 1999 in which you inquired as to whether or not a Section 404 permit is required from the U.S. Army Corps of Engineers to develop the Steam Pump Ranch property at (Section 5, 6, & 7, T12S, R14E), Oro Valley, Pima County, Arizona.

Based on the information furnished in your application and/or letter (referenced above), we have determined that your proposed project is not subject to our jurisdiction under Section 404 of the Clean Water Act. Since there are no waters of the United States within the aforementioned proposed project area, no Section 404 permit is required from our office.

The receipt of your application and/or letter is appreciated. If you have questions, please contact Lynn Renish at (602) 640-5385 x 228.

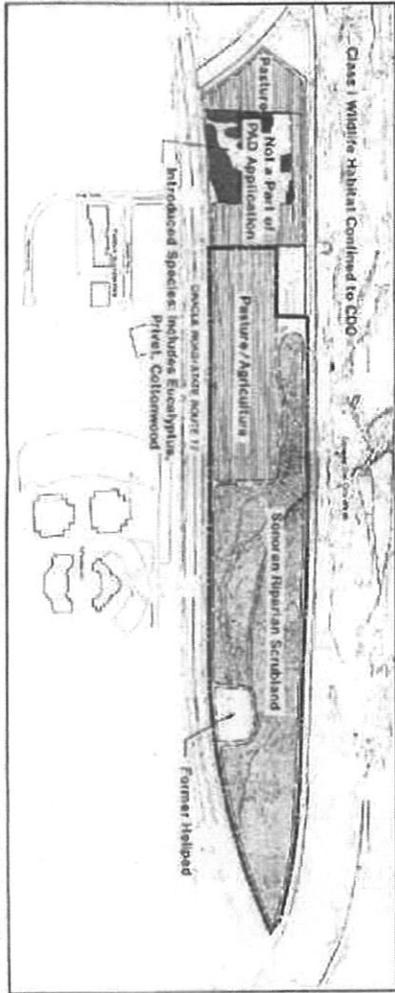
Sincerely,

Cindy Lester

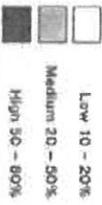
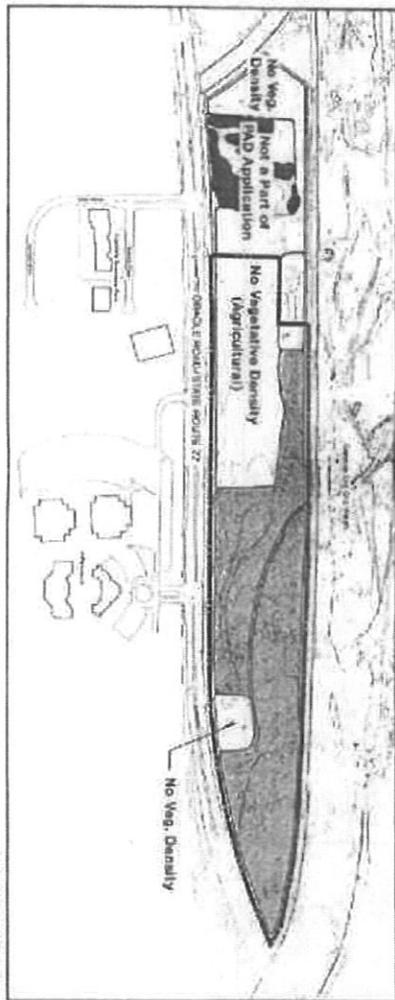
Cindy Lester
Chief, Arizona Section
Regulatory Branch

EXHIBIT I C.4





VEGETATION
 ASSOCIATION
 SCALE: 1" = 400'
 EXHIBIT 1.0.1
 OV 8-93-111



VEGETATION DENSITY

SCALE 1" = 400' EXHIBIT 1.D.2

OV 9-99-111



THE STATE OF ARIZONA



GAME & FISH DEPARTMENT

2221 West Greenway Road, Phoenix, Arizona 85021-4312 (602) 942-3000

Comptroller
Rita Muller
Commissioner
Thomas C. Webb, Jr., Ph.D., Chairman
Philip W. Anderson, Esq.
Gordon K. Whaley, Esq.
Larry Taylor, Nurse
Elizabeth T. Rasmussen, Technician
Director
David L. Steink
Deputy Director
Thomas W. Spalding

555 N. Greasewood, Tucson, AZ 85745 (602) 628-5376

September 6, 1991

Mr. Gordon Stone
Celia Barr Associates
4911 East Broadway
Tucson, AZ 85711

Dear Mr. Stone:

Re: Site Analysis; T12S, R14E, Sec. 5, 6, 7, and 8, (56 acres)
Steam Pump Ranch, CBA File No. 105243-05-0014

The Arizona Game and Fish Department has reviewed the above-referenced project to develop approximately 56 acres in T12S, R14E, Sections 5, 6, 7, and 8 into a Planned Area Development, and we provide the following comments.

The project site is bordered on the southeast by the Tucson-Florence Highway, a major thoroughfare. The site is bordered on the northwest by the Canada del Oro Wash which is classified as Class 1 habitat as "Major Extensions of Riparian Habitat from Protected Areas" on the map of Critical and Sensitive Wildlife Habitats in Eastern Pima County. However, the project site has been hydrologically divided from the Canada del Oro Wash by a soil cement flood protection levee.

Some mesquites exist on the site. These trees would have been considered riparian habitat prior to the flood control levee, but their location on the outside of the current flood control levee decreases their value as riparian habitat. No other riparian or aquatic habitats are present on the project site.

No unusually high densities or diversity of species is expected to occupy the project site. Our Nongame Data Management System has been accessed, and current records do not document the presence of any special status species at the project site. However, the potential exists for the following species to occur there:

-Desert tortoise (*Gerrhonotus carolinensis*) is a U.S. Fish and Wildlife Service (USFWS) candidate Category 2 species and a candidate species on the list of Threatened Native Wildlife in Arizona. It is fully protected under Arizona State Law.

EXHIBIT | E.1



Mr. Gordon Stone

2

September 6, 1991

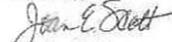
-Gila monster (*Hemidactylus sussexianus*) is a USFWS candidate Category 2C species and is fully protected under Arizona State Law.

- Tunamoc globe-berry (*Tournefortia macrocarpa*) is a USFWS Endangered Species.

We recommend that developers design a plan that will not result in significant impacts to the Canada del Oro Wash. Additionally, mature mesquite trees on the project site might be preserved in place or salvaged. We also recommend that native vegetation be used in all landscaping.

We appreciate the opportunity to review and comment on this project. If we can provide any additional information, please contact Rick Gerhart or me at 628-2376.

Sincerely,

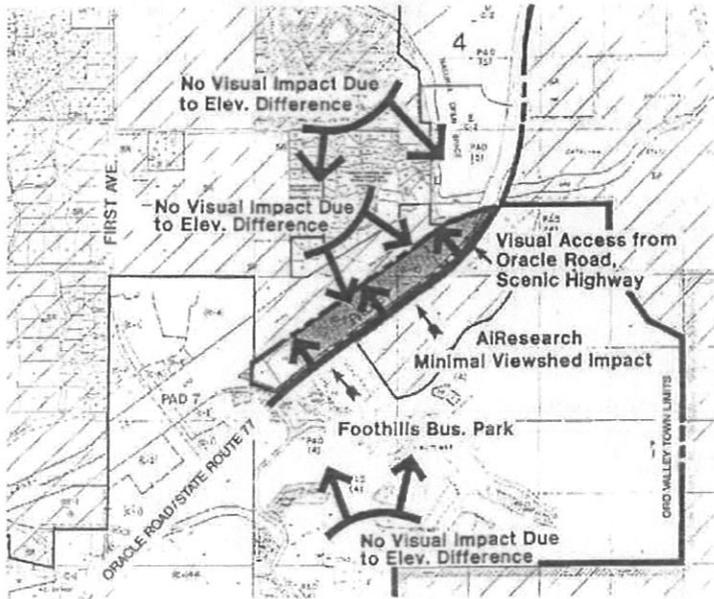

John E. Scott
North Tucson Wildlife Manager

JES

cc: Rick Gerhart, Tucson Habitat Coordinator
Jim Mazzocco, Pima County Planning Department

EXHIBIT | E.1





VIEWSHEDS

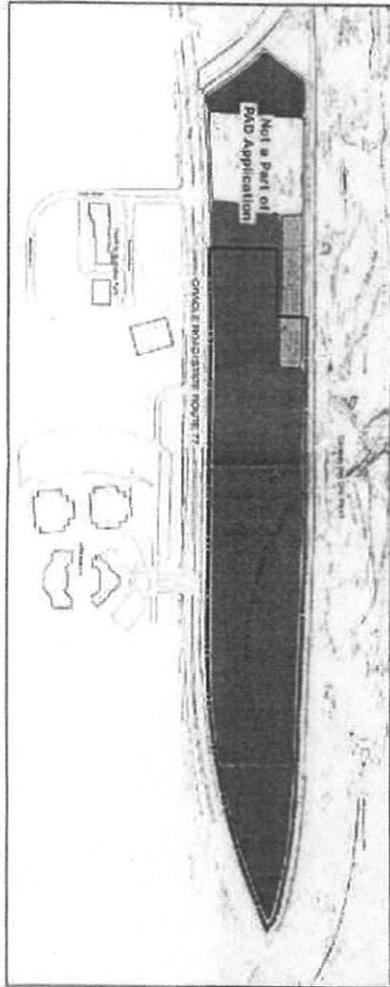
EXHIBIT I F.1

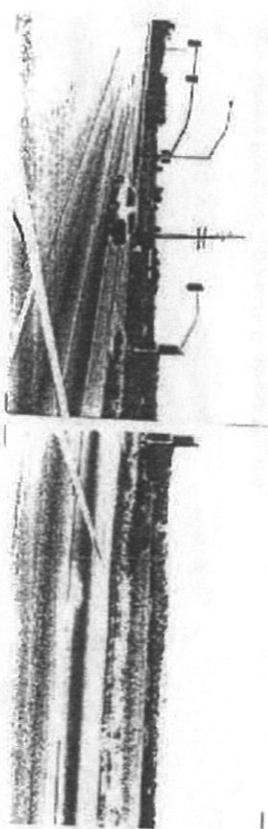


SCALE: 1" = 1200'

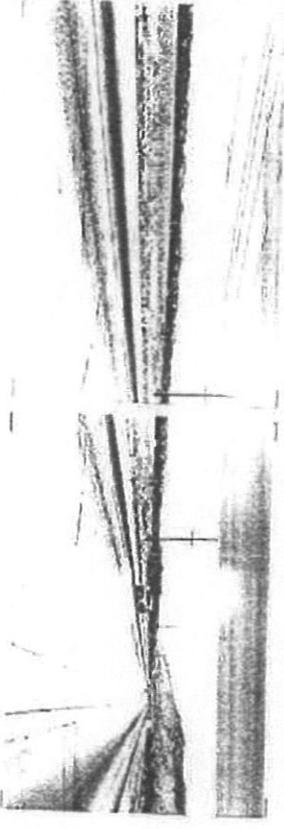
OV 9-99-111







1 Oracle Road looking westerly across the site



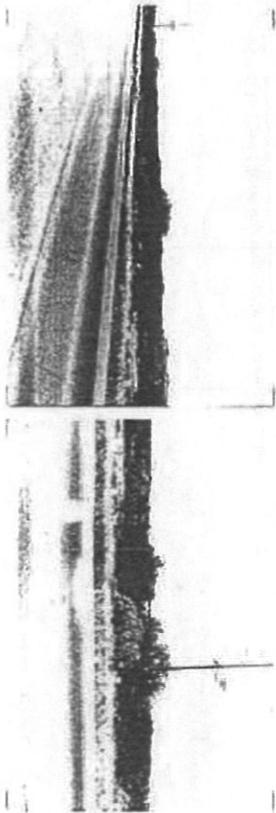
2 Oracle Road looking northerly across the site

VISUAL ANALYSIS

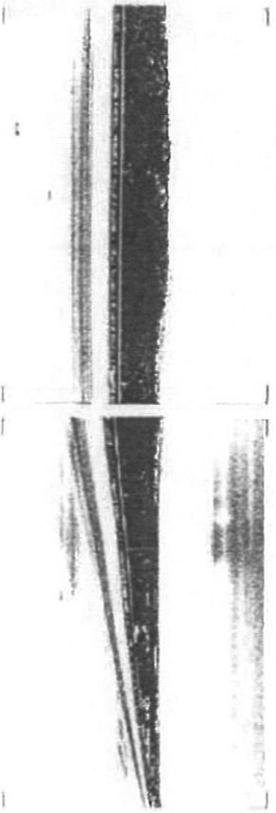
EXHIBIT F.3

CV 9-98-111





3 Oracle Road looking westerly across the site



4 Oracle Road looking northerly across the proposed park site

VISUAL ANALYSIS

EXHIBIT F-3

OV 5-03-11



APPENDIX B

Oracle Road Scenic Corridor Specific Plan View Analysis Criteria

PURPOSE

The Oracle Road Scenic Corridor Specific Plan seeks to protect significant views along the Oracle Road transportation corridor. -The corridor is rich in scenic resources, including views to three mountain ranges, views of foothills and prominent ridges, and views of riparian areas along the Canada del Oro Wash. Oro Valley staff and the applicant have worked hard to ensure compliance with these criteria in developing the viewshed and vegetative requirements for this PAD, which comply with these criteria.

VIEW CATEGORIES

The view analysis criteria for the Oracle Road Specific- Plan include five (5) categories of views, weighted according to their visual importance. The five categories are:

- Background views of the Santa Catalina Mountains
- Background views of the Tortolita Mountains
- Background views of the Tucson Mountains
- Middle-ground views of rolling hillsides and ridges
- Foreground and/or middle-ground views of the Canada del Oro Wash

VIEW TYPES DEFINED

Within each of these categories, there are several view types. The view types are defined as follows:

Significant panoramic background view - this view type consists of a view of an unobstructed or complete view of a large section of a mountain range. As a background, this scenery is set behind foreground and middle-ground views.

Uncompromised view - an uncompromised view provides a window, or "framed," visual access to a significant visual resource that is not compromised by structures or surface disturbance in the foreground or middle-ground.

View compromised by distant structures or surface disturbance - this type provides a window, or "framed" visual access to a significant visual resource that is compromised by structures or surface disturbance in the middle-ground or near background.

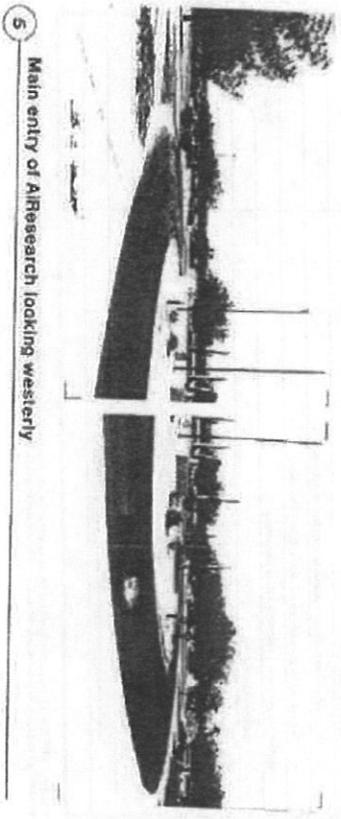
| **View compromised by foreground utilities, signage, and structures** - this type provides a window, or "framed" visual access to a significant visual resource that is compromised by above-ground utilities, structures, or surface disturbance in the foreground.

PARCELS SUBJECT TO VIEW CORRIDOR REQUIREMENTS

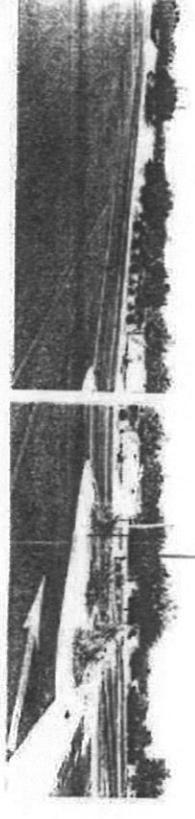
The following table provides weighted values for each of the view types within the five view categories. All views across a subject parcel from the Oracle Road corridor shall be identified and assigned the corresponding numerical value. Any parcel which scores a value of seven (7) or more shall be subject to view corridor requirements.

EXHIBIT I F.3

| **Steam Pump Ranch Village**



5 Main entry of AlResearch looking westerly



6 AlResearch parking lot looking westerly

VISUAL ANALYSIS

EXHIBIT 1 F.3

OV 9-09-111

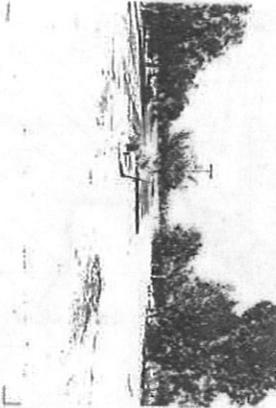


**Grande Road Scenic Corridor Specific Plans
View Analysis Criteria and Checklist**

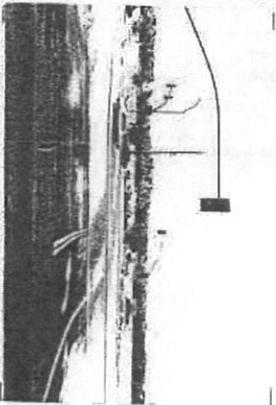
VIEW CLASSIFICATION	WEIGHTED POINTS	VIEWS PRESENT ACROSS SITE?
1. Background views of the Santa Catalina Mountains	10	NA
• Significant panoramic background view		
• Uncompromised view	0	
• View compromised by distant structures or surface disturbance	7	
• View compromised by foreground utilities, signage, structures	0	
2. Background views of the Yrebois Mountains	0	
• Significant panoramic background view	0	
• Uncompromised view	0	
• View compromised by distant structures or surface disturbance	0	6
• View compromised by foreground utilities, signage, structures	0	
3. Background views of the Tucson Mountains	5	NA
• Significant panoramic background view	7	
• Uncompromised views	0	
• View compromised by distant structures or surface disturbance	4	
• View compromised by foreground utilities, signage, structures	3	
4. Middle ground views of rolling hillsides and ridges	3	NA
• Uncompromised views	3	
• View compromised by surface disturbances and/or structures	4	
• View compromised by foreground utilities, signage, utility structures	2	
5. Foreground and/or middle ground views of the Catalina Oro Wash	4	NA
• Uncompromised view of dense vegetation cover within the Catalina Oro Wash	4	
• View compromised by surface disturbances and/or structures	3	
• View compromised by foreground utilities, signage, and/or structures	1	
TOTAL POINTS	6	

INSTRUCTIONS: Using photographs/across of the views across the site from Grande Road, identify the view classifications that are present. Enter the weighted point for each view classification in the right hand column. Total the weighted values for view classification on this property.

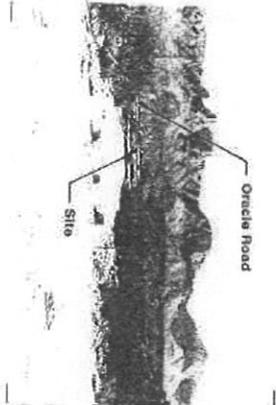
EXHIBIT I F.3



7 Intersection at Foothills Business Park



8 Main intersection of Alhambra



9 Palisades Point looking southerly

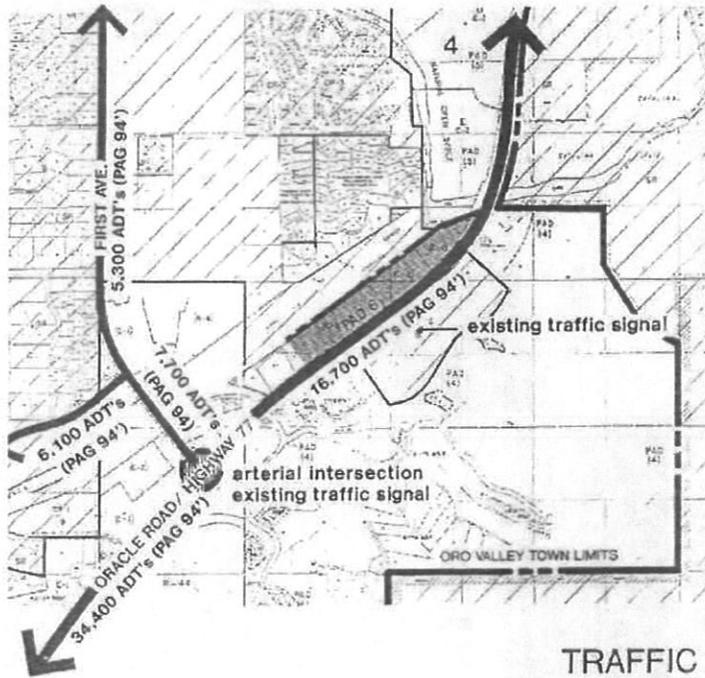


10 Palisades Point looking southerly

VISUAL ANALYSIS
EXHIBIT F.3

OV 9-99-111





TRAFFIC

EXHIBIT I G.1/2/3



SCALE: 1" = 1200'

OV 9-89-111





RECREATION & TRAILS

EXHIBIT I H.1

SCALE: 1.5" = 1 Mile

OV 9-99-111



Section 1.2 LAND USE PROPOSAL

The following land use proposal for Steam Pump ~~Ranch~~Village sets forth design concepts derived from the preceding inventory and analysis of the site's characteristics. Through this process, project planners and the developer have had the opportunity to devise sensitive design responses and mitigation techniques that reflect the characteristics of the site and area. This design and development approach is described in greater detail in the following Land Use Proposal Section.

A. Project Overview

The Steam Pump ~~Ranch Tentative Development Plan, shown on Exhibit 11B. 1, designates~~Village development provides for the development of a mixed-use activity center consistent with the Town of Oro Valley General Plan and the intent of the Oracle Road Scenic Corridor ~~Specific Plan and~~ Overlay District, which designates the subject property as Commercial/Activity Center. The activity center is planned ~~to accommodate a range of differing but complimentary land uses as a high-end retail development to support the vision of the Town of Oro Valley in creating a technology-driven economy. The center will accommodate a range of distinct and complimentary land uses that are physically and functionally integrated. Steam Pump Village will include pedestrian and site amenities such as courtyards, shaded seating areas, pedestrian mall(s), landscaping, and an integrated pedestrian circulation system. Functionally, the center will accommodate a range of differing but complimentary land uses and be designed with amenities and architectural elements to reflect the quality development Oro Valley attracts.~~ Functionally, the center will maximize the benefits of the mixed-use development concept, such as common driveways, internal circulation, shared parking opportunities and spin-off economic benefits among the various activities. Typical uses envisioned in the center include: retail uses, restaurants, entertainment facilities, banks and financial institutions, ~~a hotel~~hotels, medical and professional offices, multi-family, residential, natural open space park and landscaped plazas - all of which are vital services for a high-tech industry and community.

~~Within the activity center are a number of planning areas as delineated on Exhibit 1113. 1. The character and site development guidelines for each planning area is described~~

more fully in the Site-Specific Performance/Development Standards section of this document.

B. Tentative Development Plan

~~A removable acetate overlay of~~ The Tentative Development Plan, ~~Exhibit 1113.1 is contained in the pocket. In accordance with Section 3-104B of the Zoning Code the Tentative PAD will be replaced upon the approval of a Master~~ Development Plan ~~shows surveyed property boundaries for the shopping center. This Master Development Plan will also include a set of Design Guidelines for Steam Pump Village regarding the design and dimensions, aesthetics for future development areas, project access points, natural open space areas, adjacent public rights to be similar to that which is currently constructed.~~

The developer is working with the Town of Oro Valley to develop and adjoining vacant and developed properties implement an expedited conceptual plan review process in the spirit of achieving a "Shovel-Ready" program for Steam Pump.

C. Existing Land Uses

1. Exhibit 11C.1 indicates the requested zoning boundaries for the development. The zoning request is for Planned Area Development (PAD) on 41.64 acres.
22. Existing and proposed offsite land uses include residential, commercial, a State Park, and a major bio-technology research park and medical uses along Innovation Way and within Oro Valley. Steam Pump will complement the existing commercial and provide both retail services, hotel rooms and potential additional office space for expansion of the technology businesses located near the project.
3. The proposed development will have minimal impact on the existing Steam Pump Ranch complex, as adjacent retail uses will be compatible in scale (one-story building height) and architecture to the existing Steam Pump Ranch house/complex, and landscape buffers (25') will be provided alongside common property lines. However, the proposed Pad # 1 in Phase I located adjacent to the Steam Pump Ranch complex shall have a landscape buffer of 5' from the northwest property line (as currently exists), a building setback of 15' to accommodate a small building and a maximum building height

of 30'. In addition, light poles on the westerly property line shall not be permitted over 25' tall.

~~Existing and proposed offsite land uses, including AiResearch, Foothills Business Park, and Rooney Ranch are similar in type and character to the proposed PAD uses and will not be impacted by site development. La Reserve residential areas and Catalina State Park use areas are located one-half mile to two miles, respectively, from the project's development area and therefore will experience minimal impact.~~

D. Topography

1. The Tentative Development Plan design layout is intended to minimize the need for substantial grading and given the relatively flat nature of the site's topography, minimal impact to the natural topography is anticipated.

Generally the site in relation to Oracle Road is 10-15 feet lower at the northern portion and 3-5 feet lower at the central portion. Since none of the site is within the 100-year floodplain, filling of the site for building pads is unnecessary and therefore only minimal fill grading for project access to Oracle Road is anticipated.

2. There are no onsite slopes of 15% or greater.
- 3./4. The subject property's pre-development average cross-slope is less than 15% and exclusion of natural open space in order to take advantage of the allowances provided in the Hillside Development Zone is unnecessary.
- 5./6. Exhibit IID.5/6 shows areas to be graded, revegetated and natural open space. Balanced earthwork grading and disturbance will primarily occur where roads, driveways, building pads and parking areas, are established. It is anticipated that 33 acres, or 80% of the site will be graded, disturbed and revegetated or built upon. (Of the 33 acres it is estimated that approximately 25 acres have already been disturbed by agriculture/ranching activities and previous development, i.e., helipad.) The natural grade of the site is not expected to be changed by more than a few feet and engineering measures will be used to mitigate

impacts from site disturbances and provide positive drainage.

E. Hydrology

1. The Tentative Development Plan has been designed with sensitivity to the hydrologic characteristics of the site. As described in the Inventory and Analysis Section C, Hydrology, the subject property is protected from offsite watershed runoffs due to the extensive flood protection levee along the CDO, which contains the 100-year floodplain, the Foothills Collector Channel and the drainage channel along, Oracle Road. Therefore, the Tentative Development Plan anticipates that the project design will accommodate and direct only onsite generated post-development runoff to natural open space and landscaped areas.
2. There will be no encroachment into the 100-year floodplain of the Canada del Oro Wash, as depicted on Exhibit IIE.3/4.
3. There will be no significant impacts to upstream or downstream properties.
4. Erosion mitigation measures, such as vegetation, will be provided to stabilize graded areas necessary for building pads or parking areas.
5. The Tentative Development Plan conforms to the applicable flood control policies of the Town of Oro Valley General Plan and adopted Pima County policies. Under developed conditions, the 100-year peak discharge is 380 cfs. This is for the entire site, including offsite runoff from the levee and highway.

According to the County Floodplain Ordinance, the site is not located in a balanced basin, and therefore detention is not required. However, due to the mixed-use nature of this project, which is greater than one acre in commercial use, the County may require onsite retention. The threshold retention requirement for commercial developments greater than one (1) acre in size is based on the five-year event. In accordance with the procedures outlined in the Stormwater Detention/Retention Manual, the required retention volume for this project is estimated to be 3.43 acre-feet,

or 149,000 cubic feet. (Assuming a retention basin of three feet deep, an area of approximately 1.5 acres would be required.) This volume may be provided in several basins located throughout the site, dependent upon the final detailed development plan. Specific onsite locations have not been identified at this time.

Ultimate project drainage designs, which will be determined during development plan/hydrology study review and approved by the Town Engineer, will consist of numerous acceptable engineering measures, including natural percolation, dry wells, onsite retention areas and/or conveyance of runoff to the northwestern property line collector channel (adjacent to the CDO Wash levee), which will empty to the Foothills Collector Channel.

6. A master hydrology study for the entire PAD shall be submitted to the Town for review along with submission of the first Development Plan, irrespective of its location within the PAD. A master property owners' association and/or individual lot owners will be responsible for onsite drainage improvements, including control, maintenance, safety and liability of private drainageways, and easements, access lanes, and detention/retention basins.

F. Vegetation

1. The Tentative Development Plan has endeavored to preserve and incorporate into the project significant areas of medium density vegetation by sensitive site planning and, more importantly, the designation of the natural open space park at the northern end of the project. In addition, sensitive site planning will emphasize the preservation of significant native vegetation within project perimeters and landscape areas and salvage by transplantation of significant native vegetation to project entries, focal points and courts/plazas, in accordance with the Native Plant Salvage and Landscape Plan Requirements, Chapter 14 of the Town of Oro Valley Zoning Code

G. Wildlife

-
1. The existing offsite Class I critical riparian habitat, which exists within the Canada del Oro Wash, will be preserved as this area has been dedicated to Pima County and will not be impacted by project development.

H. Buffer Plan

1. Exhibit III.4 This PAD specifies the location of the project bufferyards in accordance with the intent of Article 10-424.5, Oracle Road Scenic Corridor District Regulations/Guidelines and Chapter 1427.6, Native Plant Salvage and Landscape Plan Requirements of the Town of Oro Valley Zoning Code. The landscape buffer along Oracle Road will be 30 feet in width and contain a 40" high landscape screen. Development areas adjacent to the existing Steam Pump Ranch facility will provide 25 feet landscape buffers along the common property lines as have been provided in Phase I-III, except as noted in Section 1.2 C-2.

In addition, design techniques such as interior parking lot landscaping of one canopy tree per 7 spaces, adequate building setbacks from Oracle Road, consistent architecture and landscaping and limited access to Oracle Road will significantly mitigate sound, visibility, lighting and traffic impacts.

2. Exhibit III.2 delineates the ranch complex and Oracle Road bufferyards.

I. Viewsheds

1. The Tentative Development Plan designates the northern natural open space park, perimeter bufferyards and interior project landscaped areas as positive visual elements that will serve to mitigate offsite visual impacts of the project. In addition, the overall project image, also applicable to those areas of high site visibility, will emphasize a consistent architectural treatment, the use of muted earthtone colors and landscaping with indigenous native plant material in order to minimize visual impacts. Projects CC&Rs will be developed to assure architectural and landscaping quality and continuity throughout the Steam Pump

RanchVillage development. Exhibit 111.1 illustrates a post-development section of the site.

J. Traffic

1.

- a. Oracle Road/State Route 77 (200' ROW) will serve as the only access to the project. The Tentative Development Plan proposes that major project entries occur at the three existing median openings along Oracle Road, one of which is signalized, and designates limited right-turn only minor entries at three locations. Internal circulation will consist of a looped parking lot drive that connects all development-**areas** with the signalized major entry at AiResearch and the northern major entry, thus reducing needless turning movements and multiple access points onto Oracle Road.
- b. Project access does not depend on future improvements of Oracle Road, as the existing four-lane divided highway has adequate capacity to serve this project. However, in order to improve traffic safety, subject to Arizona Department of Transportation (ADOT) review and approval, proposed improvements on State Route 77, which shall be constructed by the developer and maintained by ADOT, include the following:

Traffic signal modification at the AiResearch Drive in order to accommodate the additional leg of Drive Number 2 including, lengthening of the existing northbound left-turn lane to 350 feet and widening the S.R. 77 southbound approach to include a separate right-turn lane. At the northernmost drive of this development, a 250-foot long left-turn lane shall be provided in the existing median and median opening for left-turn access. A southbound right-turn lane is also proposed at this location. There is a good potential that a traffic signal will be warranted at this location in the future, particularly with the development of the La Reserve CPI PAD, which has access at this intersection. With potential signalization at this location, interconnect conduit

shall be provided from the signal at Drive 2 to this intersection, a distance of approximately 2,600 feet.

- c. Based upon 1994 ADOT traffic data and PAG projections on the surrounding roadways (Exhibit IG.1/2/3) and the additional approximately 11,953 trips generated from this project, the existing road capacity will remain adequate through the build-out of this project.
 - d. No through traffic to local streets of adjacent subdivisions or development from this project are proposed.
 - e./f. Exhibit IIJ.1 Traffic Volume Analysis, describes the peak hour trips for the proposed Tentative Development Plan and specifies the necessary pavement widths for the internal circulation system and the number of lanes required at access points.
 - g. All necessary circulation system improvements will be completed by the project developer, its successors or assigns.
2. Onsite internal circulation will be conveyed through driveways and parking access lanes that will be designed in accordance with the Town of Oro Valley requirements. Exhibit IIJ.1 illustrates typical project entry sections. (however alternate designs, such as pavers instead of raised landscape medians, may be administratively approved by Town staff to meet varying site conditions.) Any proposed changes to the location, design or material of an entrance in the right-of-way is subject to ADOT approval.
3. Pedestrian ways and bicycle trails will be constructed onsite to interconnect throughout the ~~various project~~ development ~~areas~~ and access the regional Canada del Oro Wash primary trail/riverpark and the La Cholla/Honey Bee Loop connector trail north of the project. (See Exhibit IIL.1/3.)
4. In order to facilitate the use of alternative transit opportunities and reduce vehicular traffic, 5% of commercial area parking spaces will be provided for Park and Ride spaces and bicycle parking facilities will

be constructed ~~for all~~throughout the development areas.

5. The location of driveways Nos. 1, 3 and 5 are conceptual. Justification and location of said driveways will be considered at the time of the Development Plan submittal.

K. Sewers

1. Public sewer service is available for the project by accessing the 21-inch sewer line along the east side of Oracle Road/State Route 77. It is anticipated that one sewer line connection, which is bored underneath Oracle Road to access the existing 21-inch line, will be necessary to serve the development and be located at the southern portion of ~~Development Area A~~the development. The capacity response letter from the Pima County Department of Wastewater Management is included as Exhibit IIK.1.

L. Recreation/Trails

1. Exhibit 11L. 1/3 describes the project recreation areas including the approximately two-acre natural open space park within ~~Development Area D~~the northernmost corner of the development.
2. Minor functional and/or natural open space on each development parcel, i.e. landscaped areas/plazas, etc., will be owned and maintained by individual lot owners. Major project-wide open space features, such as the northern park, project entries/landscaped frontages and trail facilities, will be owned in common and maintained by a master property association.
3. Project access to the regional recreational trail system, i.e., the Canada del Oro primary trail and the La Cholla/Honey Bee Loop connector trail, will be provided by direct connection to the flood protection levee along the CDO. (See Exhibit IIL.1 /3.)

M. Cultural/Archaeological/Historic Resources

-
- 1-~~2~~. Specific performance standards delineated in [Section IIIA Development Area-Athis PAD](#), including landscape [buffer of 25 feet buffers](#), compatible architectural style and building scale, will mitigate impacts and incorporate the Steam Pump Ranch architectural theme into the project.

The architectural theme and character of the existing Steam Pump Ranch complex can be categorized as two distinct architectural styles. The original old adobe ranch house, which dates from the late 1800's and currently is in disrepair, is an example of early Territorial Ranch House architecture. The more modern ranch house complex, constructed in 1939, has characteristics of the Spanish Colonial/Mediterranean Revival style prevalent in the 1930's.

- 3~~2~~. An archaeologist performed a field investigation of the property and no resources were discovered (see Exhibit 11.1/2). If resources are discovered during construction, all earthwork will cease and an archaeologist will be consulted.

P A S T
PROFESSIONAL ARCHAEOLOGICAL
SERVICES AND TECHNOLOGIES

August 21, 1991

Mr. Gordon Stone
Assistant Vice President
Colla Barr Associates
4911 E. Broadway
Tucson, AZ 85711

RE: Report for Steam Pump Ranch
Archaeological Exploration
Legal: W1/2; NE1/4; T12S; R14E; S.7
PAST Job No. 91300

Dear Mr. Stone:

Archaeologists from P.A.S.T. conducted a 1 personday, 47 acre exploration of the subject property on August 17, 1991, located in Pima county in the vicinity of Oro Valley. This exploration consisted of an intensive on-foot coverage of the property by our staff in order to identify and locate any cultural resources, historic or prehistoric, within the property boundaries. Field personnel (D. Stephen) were spaced approximately 20 meters apart and crossed the subject property in a series of contiguous corridors with areas of extreme slope covered less intensively. General conditions were good for conducting the field work. Ground visibility was minimally effected by the presence of trees, shrubs, semi-shrubs, succulents and grasses. The original land-form has been extensively disturbed by historic alterations to the ground surface. Although an occasional isolated prehistoric artifact was noted, there were no surface indications of significant prehistoric archaeological materials on the property. Archives at the Arizona State Museum showed there are no recorded prehistoric sites on the subject property. However, a registered historic site (AZ BB:9:75 ASM; Steam Pump Ranch) is located adjacent to the subject property.

This well known historic site was constructed in the 1870's by George Busch and was a important focal point of early Anglo activities in the area which was to become modern Oro Valley. As such, it retains historic significance for Tucson as well as for the local community and would appear to qualify for inclusion in the National Register of Historic Places. Although the proposed

EXHIBIT II.1/2



Mr. Gordon Stone, Cella Barr Associates
Steam Pump Ranch Archaeological Exploration, Page 2

project may not have a direct adverse impact on this historic site, consideration should be given to potential indirect impacts which might adversely effect this resource. Any steps that could be taken to preserve the historic information associated with this site, not to mention the site itself, should be encouraged.

However, based on the field methods employed and the observable surface indications, there does not appear to be sufficient evidence to warrant further archaeological studies on the subject property except as noted above. Ground disturbing activities on the property should not commence without authorization by the cognizant agency archaeologist(s) and the State Historic Preservation Office, as appropriate.

The likelihood of buried materials being present is moderate. This leaves possible the chance that ground disturbing activities could reveal the presence of cultural resources. In the event such materials are discovered, construction activities should cease and a professional archaeologist be consulted to assess the potential significance of any artifacts or features unearthed.

Thank you for the opportunity to work with you on this project. If I may be of further assistance do not hesitate to contact me.

Cheers,


David V. M. Stephen
Archaeologist

EXHIBIT 11.1/2





ARIZONA STATE MUSEUM
THE UNIVERSITY OF ARIZONA
TUCSON, ARIZONA 85721

August 19, 1991

Mr. Gordon Stone
Assistant Vice President
Celia Barr Associates
4911 East Broadway Blvd.
Tucson, AZ 85711

Dear Mr. Stone:

This letter is being sent in response to yours of August 7th requesting a site file check for your project: Steam Pump Ranch CBA File No. 103243-01-0014. This project is located at T12S R14E Secs 5, 6, 7, and 8.

The Archaeological Site Survey Files at the Arizona State Museum have been consulted with the following results. There have been no archaeological survey projects conducted on the subject property. One site is known for the area and that is AZ 88:9:75, known as the Steam Pump Ranch. Considering the location of the property, the potential for the recovery of cultural remains is low to medium at best. A survey would not necessarily have to be done. However, it is recommended that a thorough documentation project be conducted on the Steam Pump Ranch as it is a potentially eligible site for inclusion in both the State and National Register of Historic Places. Clearance on this property would not be recommended until after archaeological investigations have been completed by a qualified archaeologist.

If you have any questions concerning this statement, please feel free to contact me at 621-4011.

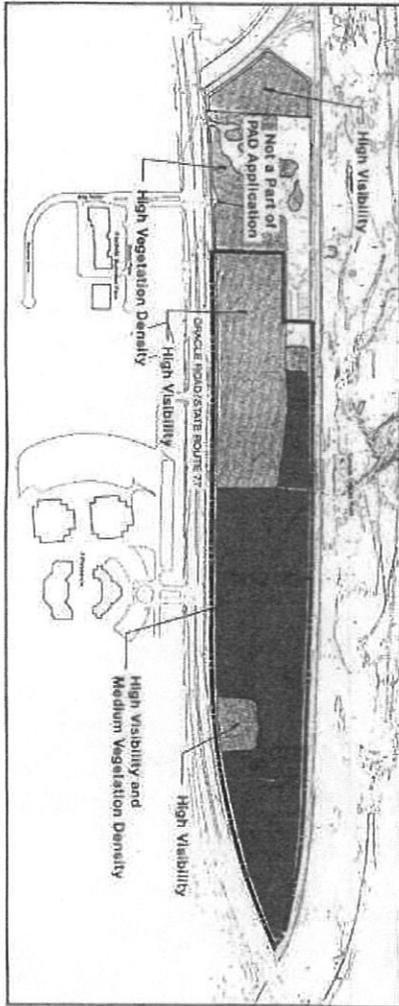
Sincerely,

Shurban
Sharon F. Urban (Miss)
Public Archaeologist

SFU/ajt

EXHIBIT 11.1/2





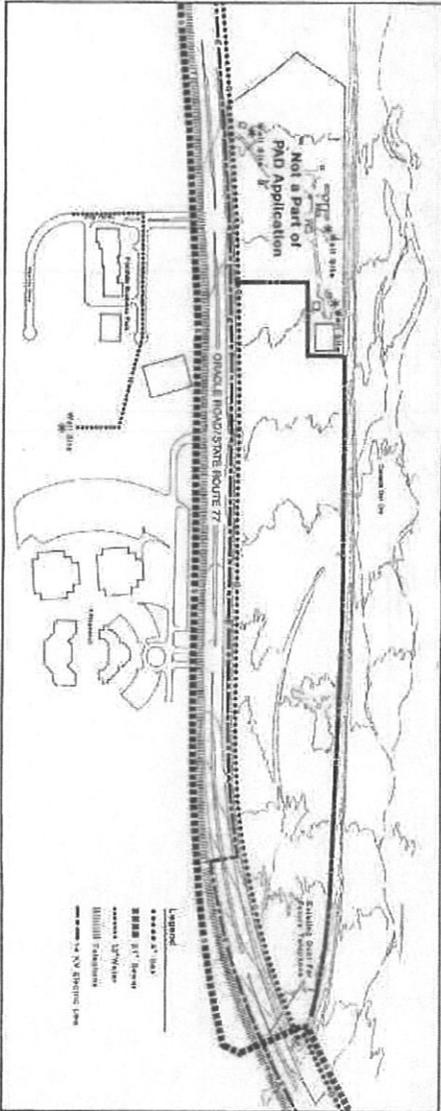
- No Character
- 1 Character
- 2 Characters

COMPOSITE MAP

SCALE: 1" = 400' EXHIBIT J.1

OV 9-99-111



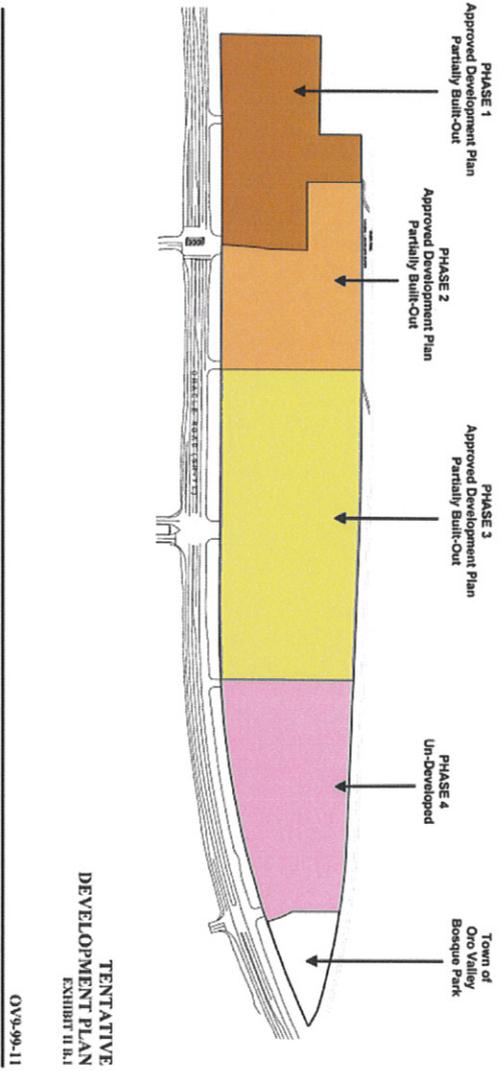


UTILITY
INFRASTRUCTURE

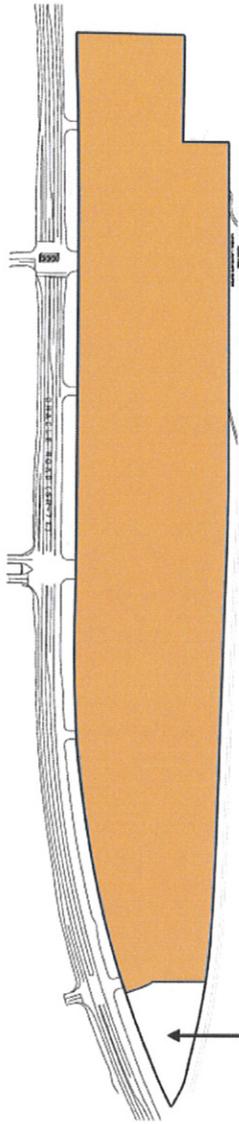
SCALE: 1" = 400' EXHIBIT 1(K)

OV B-94-111





The Tentative Development Plan shall be replaced upon Owners submittal and approval of a Master Development Plan to the Town of Oro Valley. Such new plan shall replace Exhibit II B.1 in the PAD upon approval by the Town Council.

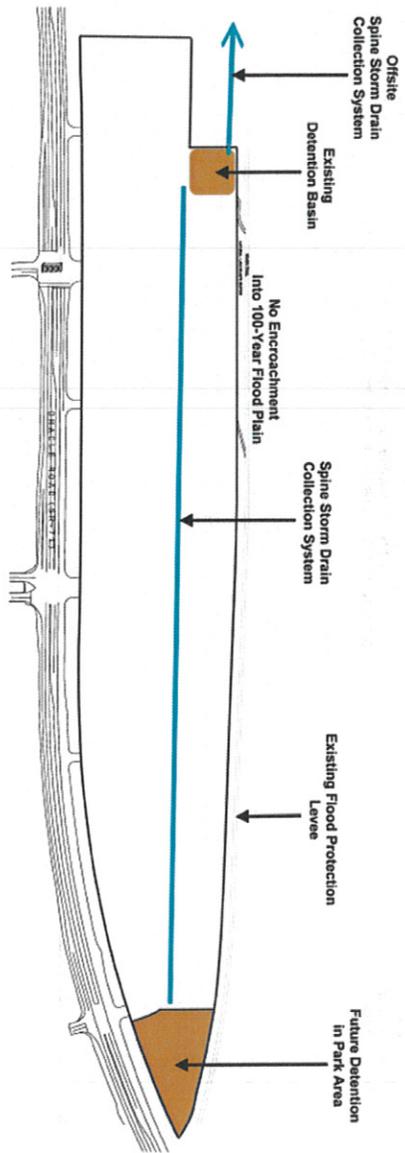


Graded Area Necessary To Establish Driveways Building Pads And Parking Areas

Natural Open Space Park

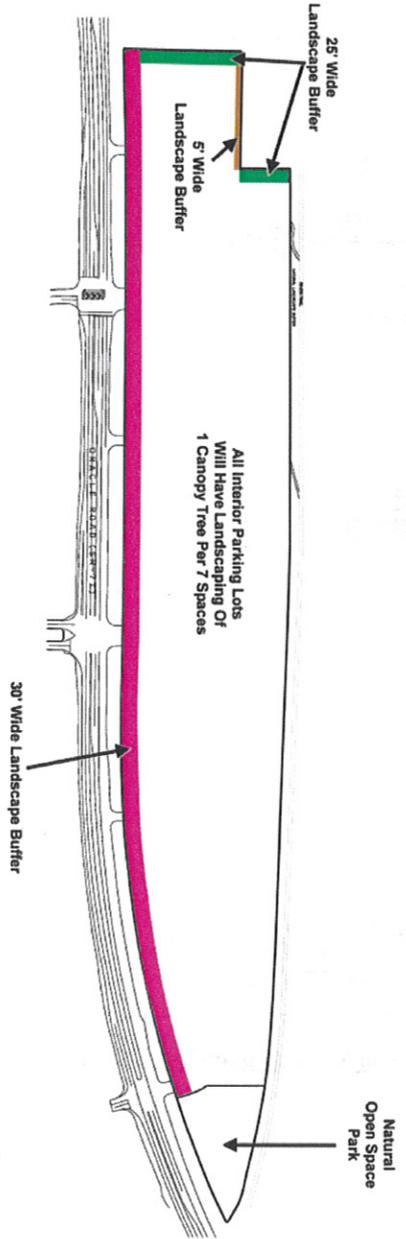
TOPOGRAPHY
EXHIBIT II D.56

OV9-99-11



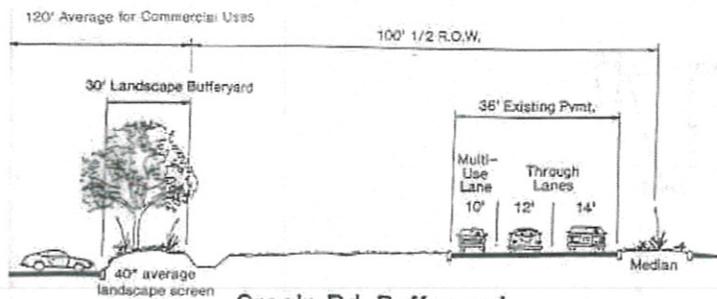
HYDROLOGY
EXHIBIT III.E.34

OY/9-99-11

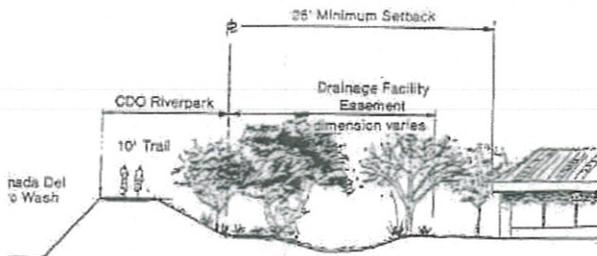


BUFFER PLAN
EXHIBIT II.H.1

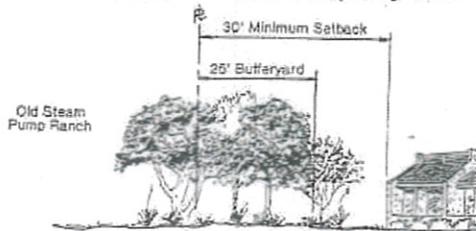
OY9-99-11



Oracle Rd. Bufferyard
 (plants per 100 lf. 4 trees, 4 shrubs, 6 accents)



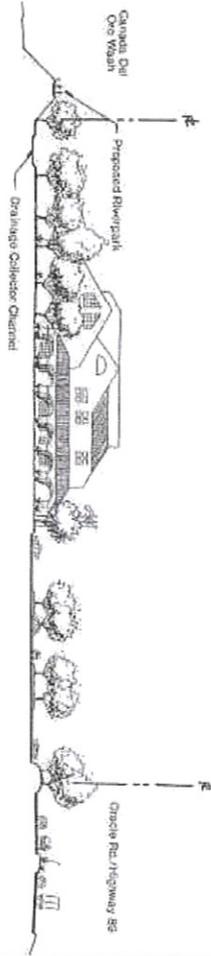
Section of Rear Property Line



Steam Pump Ranch Complex Bufferyard
 (plants per 100 lf. 4 trees, 4 shrubs, 6 accents)

OV9-96-1
 EXHIBIT II H.2

Note: The buffer yard and set-backs for Phase 1 Pad 1 are different per Section 1.2.C.2.



POST
DEVELOPMENT
SECTION

EXHIBIT H.1.1

0V-249-111



Shower Pump Station

Anticipated Site Traffic Volumes
Weekly Total Per Parcel

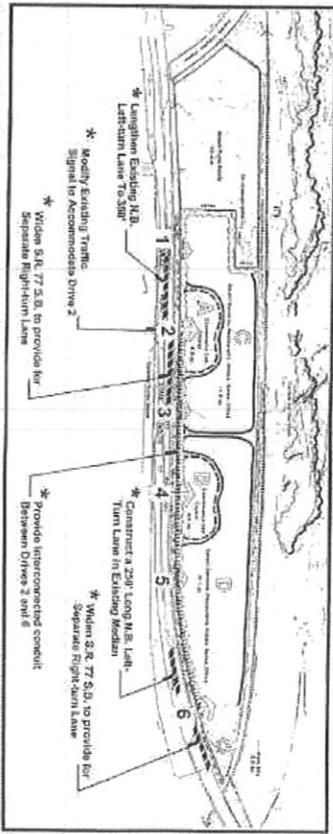
Dev. Area	24 Hour Total Vehicle Trips
A and B	11,502
C	2,151
D	1,185
Total	14,838

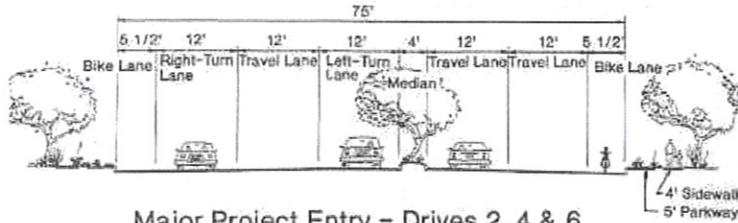
Anticipated Site Traffic Volumes
Weekly Total Per Project Entry

Drive No.	24 Hour Inbound Vehicle Volumes	Minimum Entry Width
1	4,718	2 lanes/30'
2	6,200	4 lanes/32' plus median
3	1,664	2 lanes/30'
4	2,328	2 lanes/30'
5	906	2 lanes/30'
6	2,430	4 lanes/32' plus median
Total	14,235	

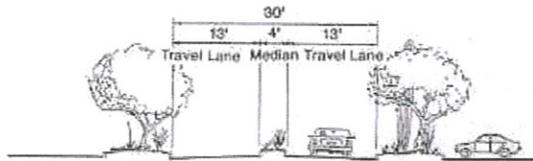
* Improvements Subject to ADOF Requirements and Approval
 Note: See Exhibit B.1.1 for Sections

TRAFFIC VOLUME ANALYSIS
 SCALE: 1" = 400' EXHIBIT B.1.1





Major Project Entry - Drives 2, 4 & 6
(0-200' from Oracle R.O.W.)



Minor Project Entry - Drive 1, 3 & 5

TYPICAL PROJECT ENTRY SECTIONS

EXHIBIT II J.1

OV 9-99-111



Medians may be raised landscape planters or other decorative design such as pavers.



PIMA COUNTY
WASTEWATER MANAGEMENT DEPARTMENT
501 NORTH SPOCK AVENUE
TUCSON, ARIZONA 85717-1107

January 2, 1995

PH 740-8500

GEORGE A. SHWENKO

Devsr

Todd Jaramillo
Celle Barr Associates
4911 East Broadway
Tucson, Arizona 85711-3640

Re: CAPACITY RESPONSE NO. 86-2

Dear Mr. Jaramillo:

We have reviewed your request of December 21, 1993 regarding the availability of sewer service for the following proposed use and property:

A proposed commercial/office development on 41.6 acres between Oracle Road and the Canada Del Oro Wash, northwesterly of a drainageway easterly of First Avenue.

Under existing conditions (actual developments and commitments for service through approved Sewer Service Agreements), there is capacity for this proposed development in the downstream sewerage system and in the existing 21-inch diameter sewer located near the southeasterly side of Oracle Road near the drainageway and/or near Hanley Blvd. A sewer crossing of Oracle Road will require ADOE approval.

This response is not to be construed as a commitment for conveyance capacity allocation, but rather an analysis of the existing sewerage system as of this date.

Should you desire to enter into a Sewer Service Agreement, a Development Plan or Tentative Plat, showing the preliminary sewer layout for the proposed project, must be submitted and approved. To qualify as a public conveyance system, flow must be by gravity to an existing public sewer system. Public sewers may also be required if Wastewater Management determines that there is a flow-through requirement in order to serve upstream parcels.

Should you desire additional information regarding this subject, please contact this office (740-6547).

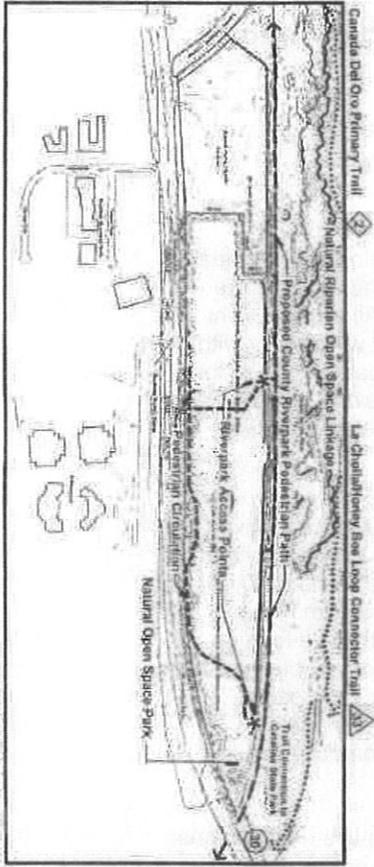
Very truly yours,


Glenn W. Hitt, P.E.
Civil Engineer

Copy: Jerry Stratton
Steve Magall
Capacity Response File/121407

EXHIBIT II K.1





**RECREATION/
TRAILS**

SCALE: 1" = 400' EXHIBIT II.L113

07/18/2011



Section 1.3 PLANNED AREA DEVELOPMENT GUIDELINES STANDARDS

A. Development Performance Standards

The Steam Pump RanchVillage PAD Development Standards establish the design and performance standards that are tailored to the unique qualities of the site. All development within the Steam Pump RanchVillage PAD will comply with the following Development Performance Standards and Design Guidelines, as well as the applicable provisions of the Town of Oro Valley Zoning Code, which have not been amended herein.

The Steam Pump RanchVillage PAD will produce a mixed-use activity center environment that is superior to that provided under traditional CN, C-1 and C-2 standards. The PAD will provide an overall fabric and character for Steam Pump RanchVillage, that draws together the nearly mile-long development site into a unified project of compatible land uses and building architecture, consistent landscape design, integrated signage and entry monumentations, and interconnecting circulation systems for automobiles and pedestrians.

The following summarizes the primary land use designations:

<u>DEVELOPMENT AREA</u>	<u>LAND USE</u>	<u>AREA</u>
<u>*A</u>	<u>Convenience Uses</u>	<u>4.0 acres</u>
<u>*B</u>	<u>Convenience Uses</u>	<u>4.0 acres</u>
<u>C</u>	<u>Retail/Services</u>	<u>14.5 acres</u>
<u>D</u>	<u>Retail/Services</u>	<u>19.1 acres</u>

Development Areas A, B, C and D no longer have any regulatory meaning because they were eliminated in the 2011 PAD Amendment.

Any use permitted under CN, C-1 and C-2, as well as all convenience uses, are permitted land uses as of right in this PAD. All uses in the CN, C-1 and C-2 zoning districts which

require a Conditional Use Permit ("CUP") shall also be permitted so long as a CUP is obtained through the Town's CUP process or as otherwise permitted in this PAD.

Other similar enterprises or businesses of the same class, which in the opinion of the Zoning Administrator is no more detrimental than the enterprises or businesses enumerated above shall also be permitted.

The following land uses are permitted (subject to obtaining a conditional use permit if required in the CN, C-1 or C-2 zone by the Oro Valley Zoning Code):

Conference Center

Community Buildings and Recreation Facilities

Scientific Laboratory, Research and Fabrication

Light Manufacturing

Hospitals

Urgent Care, Mature Adult Retirement Quarters, Rehabilitative Care Facility, Skilled Nursing Care Facility, Assisted Living Facility

In addition, up to 12 acres may be used for multi-family/residential purposes with a maximum of 300 dwelling units permitted, or a maximum of 4 acres may be used if the use is not integrated within a multi-use building.

The following uses shall not be permitted in the development:

Sanatorium

Auto Services (unless in conjunction with new auto sales and service bays are adequately screened from Oracle)

Taxidermist

Pool Hall (unless in conjunction with a permitted restaurant use)

Fortune Telling

Lumberyard

Mini storage facility

Helistop

Adult book store, theatre or amusement facility

Pawn shop

Flea Market

Massage Parlor (but the foregoing shall not prohibit a health club, a day spa, physical therapy rehabilitation center or other business using only licensed massage therapists, licensed physical therapists or other licensed health care professionals for massage or physical therapy)

Junk Yard

1. A maximum building height of 39 feet will be permitted for the entire site, excepts where otherwise noted, provided that the architecture provides visual relief to avoid bulk concerns.

2. Convenience Use Requirements: Convenience uses shall be permitted subject to the following conditions:

a. _____

a. Subject to all the requirements as specified in Section 25.1G of the zoning code with the exception of the following:

i. Locational requirements

ii. Number of convenience uses

iii. Timing of development

iv. Minimum building site associated with gas stations and/or automotive services

b. One (1) gas station use shall be exempt from the Town of Oro Valley conditional use permit process and procedures. Any conditions specific to this gas station use shall be included in the staff recommendations associated with the approval of the 2011 PAD Amendment. Up to a maximum canopy height of 20' is permitted subject to approval by the Planning and Zoning Administrator.

a-c. _____ A maximum of four convenience uses within multi-tenant buildings and four convenience uses within freestanding pads shall be permitted on-site, with the following conditions:

• _____ A maximum of two drive-through or drive-in convenience

No use pads, limited to Area A or B

b-d. _____ A maximum of two non-pad permit will be required for convenience uses, which must be part of a primary cluster of within multi-tenant buildings, unless it has a drive-through component.

• _____ Drive-through or drive-in convenience uses are prohibited, except for coffee shops with a drive thru component

• _____ One of the two non-pad convenience uses shall only be permitted upon completion of a movie theatre on-site

• _____ There will be no fast food or gas station convenience uses. Only coffee shops with a drive thru component will be permitted within the fast food convenience use category.

e-e. _____ Financial institutions shall not be included as a convenience use in this PAD.

Formatted: Bullets and Numbering

~~d.f. b.~~ All convenience uses shall be subject to the convenience use regulations of the OVZCR. Only if deemed necessary by Town Staff, upon submittal of any development plan containing a convenience use ~~shall include~~ a traffic study shall be prepared by a qualified traffic engineer to ensure safe access and free flow of traffic both internally and externally, and adequate stacking areas for drive-throughs.

g. Developer shall work with the Town of Oro Valley to ensure drive-thru lanes are located appropriately for traffic circulation and to minimize visibility from Oracle Road.

h. If two convenience uses are located adjacent to each other then the uses should relate to each other with respect to architectural design, pedestrian amenities and circulation integrated with each other and the rest of the development.

(Ord. 99-52)
(Ord. 05-42)

3. All landscaping shall be in conformance with the landscape requirements listed in the Oro Valley Zoning Code Revised (OVZCR).

Oro Valley Zoning Code Revised Section 24.5(D)(1)(d), related to significant vegetation, does not apply to this PAD. Instead, the following requirements shall apply to Phases III and IV:

- a. Significant vegetation, as defined in the ORSCOD section of the Zoning Code, and within 100 feet of Oracle Road shall be treated as follows:
- A minimum of 30% of significant vegetation within 100 feet of the Oracle Road right-of-way in Phases III and IV shall be preserved in place. Any significant vegetation not preserved in place shall be transplanted or mitigated as follows: 1 – 24" box same species per each 4" – 6" tree removed, 1 – 36" box same species per each 7" – 9" tree removed, 2 – 36" box same species per each 10" – 15" tree removed, 3 – 36" box same species per each 16" + tree removed shall apply to all significant vegetation removed, as identified on Exhibit E. Additionally, five understory plants selected

from the supplemental native plant list, Addendum C of the Code, will be planted for each mitigated or transplanted tree, and any cacti or other protected plants removed from site or destroyed will be replaced with the same size and species of plant.

- Removal of significant vegetation that results in less than 30% of significant vegetation being preserved or transplanted shall require a mitigation standard at double the above amounts for such vegetation.
 - Compliance with this condition shall be approved administratively by the Zoning Administrator, and can be appealed by the applicant to DRB and Town Council as part of the development plan approval for Phases III and IV.
- b. Trees shall be provided along the east side of the River Park Trail where the existing slope permits, with clusters of larger trees located where connections into the development occur, as generally depicted in the Typical Plan Views attached as Exhibit F, and where the existing slope permits.
- c. Transplanted and mitigated vegetation will be located along the Oracle Road right-of-way, along the River Park Trail, and within courtyards and other pedestrian gathering areas. Efforts will be made to group larger trees within the courtyard and pedestrian areas, in between buildings, and along Oracle Road.
- d. Existing native vegetation along Oracle Road will be preserved in place and incorporated into the final design whenever possible. Preserved existing vegetation along Oracle Road will be supplemented with plantings of additional new or transplanted native trees and shrubs in conformance with the species requirements of the Oracle Road Scenic Corridor Overlay District and the required landscape bufferyard. Supplemental native tree plantings will be grouped to enhance existing trees and to emulate the original species composition.

(Ord. 05-42)

4. The following conditions shall apply to the architectural design of all future development on-site:
 - Buildings shall be designed to express human scale at the ground or pedestrian level.
 - Variations in roof lines shall be used to add interest and to reduce the scale of larger buildings.
 - The mass of large buildings shall be broken up by dividing into basic geometric components, with intersecting wall planes.
 - Facades shall be articulated to reduce the scale and mass of buildings, and provide elements of visual interest. This is to be accomplished by:
 - Ground level facades shall have one-story pedestrian scale features for at least 2/3rds of the horizontal length of the side of a building. These features may include windows, entry areas, arcades, and / or overhangs (awnings, trellis, etc.)
 - Facades greater than 100' in length shall be broken by recesses or off-sets. Alternatively, the horizontal length may be broken by vertical elements. Off-sets or vertical elements shall be of sufficient size to effectively mitigate the visual impact of the horizontal line and mass.

(Ord. 99-52)

5. The parking provision and design requirements of the OVZCR shall apply, with the following exceptions:
 - A 1 space per 300 square feet parking ratio shall apply.
 - The location of parking spaces are to be distributed across the site, with a goal of 75% maximum of the parking occurring in front of the buildings, with 25% minimum of the spaces located to the sides and rear of the structures.

(Ord. 99-52)

6. The development shall be subject to the following design requirements:
 - a. Buildings in Phase III shall be situated so as to create a pedestrian feel with strong pedestrian connections. Phase III will create an atmosphere of "park and walk", where a customer will park once and be able to comfortably and safely walk to any of the businesses. The pedestrian connections in Phase III will be shaded with landscaping or other shade elements and a courtyard effect will be created by using outdoor seating, planters,

consistent decorative lamp post lighting, specialty pavers or paving, and/or public art.

- b. Steam Pump Village will provide strong vehicular and pedestrian connections. Driveways and pedestrian linkages shall connect each of the Phases in a minimum of two (2) locations.

Each Phase

- c. The development shall include a minimum of one three pedestrian access point points to the River Park Trail.
- d. Expanses between the buildings shall be minimized or mitigated to facilitate pedestrian movement throughout the site, in a manner consistent with Phase I and Phase II.
- e. Phase IV shall be designed in a manner to provide visual and pedestrian access to the open space mesquite bosque that is prescribed for preservation.
- f. No more than 4 freestanding structures retail and 4 freestanding office/medical buildings less than 5,000 square feet in size may be located within 65 feet of Oracle Road.

(Ord. 05-42)

- 7. ~~7.~~ Project lighting shall conform to C-2 zoning provisions of the OVZCR existing as of October 19, 2005 (date PAD Amendment was approved) and shall apply until January 1, 2011-2018. On January 1, 2014-2018, the OVZCR lighting requirements in effect on that date and as may be amended in the future by the Town of Oro Valley shall apply to any development within the PAD.

- 8. This PAD addresses with specificity the building placement, vegetation, building heights and other elements specific to Steam Pump Village. Therefore, Section 24.5 of the Oro Valley Zoning Code does not apply.

(Ord. 05-42)

DEPARTMENT OF THE ARMY
 WASHINGTON, D. C. 20315
 FORM NO. 10
 1-67
 (Rev. 1-67)

1. Name of the project 2. Location 3. Date of completion 4. Name of the contractor 5. Name of the engineer	6. Description of the project 7. Amount of money expended 8. Name of the sponsor 9. Name of the recipient	10. Name of the recipient 11. Address of the recipient 12. City and State of the recipient 13. Zip code of the recipient
14. Name of the recipient 15. Address of the recipient 16. City and State of the recipient 17. Zip code of the recipient	18. Name of the recipient 19. Address of the recipient 20. City and State of the recipient 21. Zip code of the recipient	22. Name of the recipient 23. Address of the recipient 24. City and State of the recipient 25. Zip code of the recipient
26. Name of the recipient 27. Address of the recipient 28. City and State of the recipient 29. Zip code of the recipient	30. Name of the recipient 31. Address of the recipient 32. City and State of the recipient 33. Zip code of the recipient	34. Name of the recipient 35. Address of the recipient 36. City and State of the recipient 37. Zip code of the recipient
38. Name of the recipient 39. Address of the recipient 40. City and State of the recipient 41. Zip code of the recipient	42. Name of the recipient 43. Address of the recipient 44. City and State of the recipient 45. Zip code of the recipient	46. Name of the recipient 47. Address of the recipient 48. City and State of the recipient 49. Zip code of the recipient
50. Name of the recipient 51. Address of the recipient 52. City and State of the recipient 53. Zip code of the recipient	54. Name of the recipient 55. Address of the recipient 56. City and State of the recipient 57. Zip code of the recipient	58. Name of the recipient 59. Address of the recipient 60. City and State of the recipient 61. Zip code of the recipient

~~DEVELOPMENT AREA A~~ — 4.0 acres (net usable)

~~Primary Uses:~~ — Convenience Use

~~Secondary Uses:~~ — Retail/Services

~~Restaurant~~

~~Bank/Financial Institution~~

~~Professional and Medical Offices~~

~~Property Development Standards for Primary Uses, Secondary Uses refer to standards for Development Areas C and D:~~

1)	Maximum Floor Area Ratio (FAR):	<p>0.25 <u>Up to 119' from Oracle (.25)</u></p> <p>0.35 <u>120' or more from Oracle (.35)</u></p> <p>1.0 <u>1.0 (hotel)</u></p>
2)	Maximum Building Height:	<p>Up to 100' <u>Up to 100' from Oracle</u></p> <p>25' <u>25' (restaurant)</u></p> <p>30' <u>30' (other uses)</u></p> <p>100' to 150' <u>100' to 150' from Oracle</u></p> <p>39' <u>39'</u></p> <p>150' or more from Oracle <u>150' or more from Oracle 49' including architectural elements</u></p>
3)	Minimum Building Setbacks:	<p>60' <u>120' average (Oracle Road)*</u></p> <p>30' <u>30' (Rear property line)</u></p> <p>Note: A rear building setback of 50' from the property line is required where the building (or the portion of the building) height will exceed 39'</p>
4)	Minimum Landscaped Open Space:	<p>20% <u>20%; including Phase I detention basin/park and Bosque Park at north end of</u></p>

5)	Landscape Buffers:	<u>property.</u> 30' (Oracle Road) 0' (rear property line adjacent to river park trail – due to existing berm & vegetation between the trail and Steam Pump Ranch).
----	--------------------	---

*60 feet from Oracle Road for any convenience use ~~or on property contiguous to Drive No. 4 in Exhibit II J.1.~~ All other uses shall be set back an average of 120 feet along the *entire* Oracle Road project frontage. Any building located less than 60 feet from Oracle Road and not separated from an adjacent building by a driveway must have a setback that is at least 20 feet closer to or further away from Oracle Road than another adjacent building ~~within the same Development Area (A or B).~~ The 20 feet is measured based on the closest wall to Oracle Road for each building.

(Ord. 05-42)

Note: The design standards of the Oro Valley Zoning Code, including Parking and Loading Requirements, Signs, and Native Plant Salvage and Landscape Plan Requirements ~~and Oracle Road Scenic Corridor Specific Plan and Overlay District~~ are required for this development Area, unless modified herein.

The Oro Valley Design Guidelines apply to this development Area until a Master Development Plan and Design Guidelines have been approved by the Town.

The following uses are prohibited: hazardous materials and storage, heavy equipment manufacturing, refining and salvaging facilities, outdoor equipment storage facilities, outdoor auto repair or painting, adult entertainment establishments and motels as defined in the OVZCR (Section 2-101, Nos. 208 & 209).

Restrictions apply to quantity, design, and type of convenience uses as indicated in the Development Performance Standards Section 1.3, A2.

~~DEVELOPMENT AREA B~~ ——— ~~4.0 acres (net usable)~~

~~Primary Uses:~~ ——— ~~Convenience Use~~

~~Secondary Uses:~~ ——— ~~Retail/Services~~
~~Restaurant~~
~~Bank/Financial Institution~~
~~Professional and Medical Office~~

~~Property Development Standards for Primary Uses, Secondary Uses refer to standards for Development Areas C and D:~~

1)	Maximum Floor Area Ratio (FAR):	0.25
2)	Maximum Building Height:	25'
3)	Minimum Building Setbacks:	60' (Oracle Road)*
4)	Minimum Landscaped Open Space:	20%
5)	Landscape Buffers:	30' (Oracle Road)

~~*60 feet from Oracle Road for any convenience use. All other uses shall be set back an average of 120 feet along the entire Oracle Road project frontage. Any building located less than 60 feet from Oracle Road must have a setback that is at least 20 feet closer to or further away from Oracle Road than another adjacent building within the same Development Area (A or B). The 20 feet is measured based on the closest wall to Oracle Road for each building~~

~~(Ord. 05-42)~~

~~Note: The design standards of the Oro Valley Zoning Code, including Parking and Loading Requirements, Signs, Native Plant Salvage and Landscape Plan Requirements and Oracle Road Scenic Corridor Specific Plan and Overlay District are required for this Development Area, unless modified herein.~~

~~The Oro Valley Design Guidelines apply to this Development Area.~~

~~The following uses are prohibited: hazardous materials and storage, heavy equipment manufacturing, refining and salvaging facilities, outdoor equipment storage facilities, outdoor auto repair or painting, adult entertainment establishments, and motels as defined in the OVZGR (Section 2-101, Nos. 208 & 209).~~

~~Restrictions apply to quantity, design, and type of convenience uses as indicated in the Development Performance Standards Section 1.3, A2.~~

DEVELOPMENT AREA C — 14.5 acres

- Primary Uses:**
- Retail/Services
 - Restaurant (not drive-through)
 - Hotel, as defined in OVZCR Section 2-101
 - Bank/Financial Institution
 - Professional and Medical Office
 - Movie Theater
 - Full-Service Hotel — (A full-service hotel has room service, meeting spaces, and food and beverage service. The food and beverage services may be located off-property if located within Development Areas B and C, meeting spaces can be off-property if located within Development Area B, C or D.)
 - Conference Center

(Ord. 96-26)

Property Development Standards:

1)	Maximum Floor Area Ratio (FAR):	0.35 (retail/office) 1.0 (hotel)
2)	Maximum Building Height:	39' (hotel) 30' (retail/office) 25' (restaurant)
3)	Minimum Building Setbacks:	120' average (Oracle Road) 30' (Rear property line)
4)	Minimum Landscaped Open Space:	20%
5)	Landscape Buffers:	30' (Oracle Road) 25' (rear property line, measured from edge of riverpark trail)

Note: The design standards of the Oro Valley Zoning Code, including Parking and Loading Requirements, Signs, Native Plant Salvage and Landscape Plan Requirements and Oracle Road Scenic Corridor Specific Plan and Overlay District are required for this Development Area, unless modified herein.

The Oro Valley Design Guidelines apply to this Development Area.

The following uses are prohibited: hazardous materials and storage; heavy equipment manufacturing, refining and salvaging facilities; outdoor equipment storage facilities; outdoor auto repair or painting; adult entertainment establishments and motels as defined in the OVZCR (Section 2-101, Nos. 208 & 209).

DEVELOPMENT AREA D — 19.1 acres, including 2-acre park

Primary Uses: — Retail/Services
Restaurant (not drive-through)
Hotel, as defined in OVZCR Section 2-101
Bank/Financial Institution
Professional and Medical Office
Movie Theater

Property Development Standards:

1)	Maximum Floor Area Ratio (FAR):	0.35 (retail/office) 1.0 (hotel)
2)	Maximum Building Height:	39' (hotel) 30' (retail/office) 25' (restaurant)
3)	Minimum Building Setbacks:	120' average from Oracle Road) with an 80' average setback if used to reduce the amount of parking in front of the buildings (Ord. 99-52) 30' (Rear property line)
4)	Minimum Landscaped Open Space:	20%, including 2-acre park
5)	Landscape Buffers:	30' (Oracle Road) 25' (rear property line, measured from edge of riverpark trail)

Note: The design standards of the Oro Valley Zoning Code, including Parking and Loading Requirements, Signs, Native Plant Salvage and Landscape Plan Requirements and Oracle Road Scenic Corridor Specific Plan and Overlay District are required for this Development Area, unless modified herein.

The Oro Valley Design Guidelines apply to this Development Area.

The following uses are prohibited: hazardous materials storage, heavy equipment manufacturing, refining and salvaging facilities, outdoor equipment storage facilities, outdoor auto repair or painting, adult entertainment establishments and motels as defined in the QVZCR (Section 2-101, Nos. 208 & 209).

B. Design Guidelines

1. Introduction and Purpose

The Design Guidelines have been developed as an overall center. The purpose of these guidelines is to ensure consistently high quality development that will enhance the setting of this unique site. They provide a documented basis for evaluating and directing the planning and design of improvements to each parcel.

The guidelines are design criteria to be used by project developers, builders, architects, engineers, landscape architects and other professionals to maintain the design quality proposed herein. They are also presented to give guidance to Steam Pump Ranch Village Design Review Committee, Town staff, Development Review Board, Planning and Zoning Commission and Town Council in their review of development projects within the Steam Pump Ranch Village PAD Plan Area, as applicable. All elements of design review are subject to development review in accordance with Chapter 322 of the Oro Valley Zoning Code Revised and conformance with the General Plan and any other adopted sector, neighborhood or area plans.

~~To ensure a high level of design quality and consistency, each Design Review Committee and written approval obtained prior to submittal to the Town of Oro Valley for final approval.~~

~~Enforcement of the Design Guidelines will be the responsibility of the Steam Pump Ranch Design Review Committee, which will review all proposals for construction for conformity to the PAD and the project design philosophy. The Design Review Committee will consist of five (5) regular members and one (1) alternate member, all of whom shall be appointed as stipulated in the Declaration of Covenants, Conditions and Restrictions. In addition, one (1) design advisor from the master plan development team will serve as a non-voting member responsible for coordination with Builder/Owner for implementation of the Guidelines. The committee will select one of the members to function as chairperson. Decisions will be determined~~

~~by a simple majority vote, unless otherwise required, with a quorum consisting of three (3) members.~~

Enforcement of the Design Guidelines will be the responsibility of the Declarant as stipulated in the Common Operation and Reciprocal Easement Agreement.

The following goals form the basis for these guidelines:

- Encouragement of imaginative and innovative site design in a manner sensitive to topography, natural vegetation and views;
- Cohesiveness and compatibility among various developments within the project;
- Variety, interest and high standards of architectural and landscape design;
- Implement the policies and standards with respect to Parking and Loading Requirements, Signs, and Native Plant Salvage and Landscape Plan Requirements ~~and Oracle Road Scenic Corridor Specific Plan and Overlay District~~ in the Oro Valley Zoning Code.

2. Circulation

a. Interior circulation design shall consider:

- natural contours of the land
- soil characteristics
- drainage patterns
- stormwater runoff
- safety features
- economy of construction
- convenience and economy of use

b. Pedestrian linkages shall be integrated with the circulation system.

-
- c. Circulation design shall provide for:
 - a safe and adequate means of ingress and egress of vehicular and pedestrian traffic to and within the project
 - access of emergency vehicles necessary to serve the project area
 - d. Access control shall be exercised along Oracle Road/State Route 77 to ensure adequate traffic flows are maintained in compliance with Arizona Department of Transportation requirements.
 - installation of an acceleration/deceleration lane may be phased in as development of the parcel warrants, or as prescribed by ADOT.
3. Infrastructure
- a. Storm drainage facilities shall ensure the acceptance and disposal of storm runoff without damage to streets or adjacent properties.
 - b. Utility easements shall be provided as required to facilitate an appropriate service network within the project area.
 - c. All proposed utility facilities, such as electrical and telephone lines, shall be visually screened through undergrounding or appropriate vegetative screening for above-ground transformers/pedestals.
4. Site Development
- a. Setbacks
 - Avoid long linear vistas and building edges within the variations in setbacks.
 - Random setbacks of buildings and landscaping are encouraged.

b. Parking

- Parking shall be provided in accordance with Oro Valley Zoning Code Chapter 11 in place at the time of PAD approval. Parking areas shall be designed to facilitate both vehicular and pedestrian movements.
- Parking areas shall incorporate both landscaping and screening to make them visually compatible with their surroundings.

5. Landscape Guidelines

The landscape concept for Steam Pump ~~Ranch~~ Village is essential in achieving a unified development character for the project area. The project character is reinforced through the coordinated design and selection of landscape and paving materials, street furniture and lighting. To achieve the desired design continuity, guidelines are required for the following elements: streetscapes, project entries, street furniture/lighting, walls and fences and buffering/screening.

Landscape materials should enhance the major architectural design elements through the coordinated use of flower and leaf colors, tree forms, plant material masses, and lighting.

- Grouped masses of plant material should be designed to texture, density and form on both the vertical and horizontal planes.
- Landscaping design shall establish project identity and accentuate common entrance areas. Landscaping should be interspersed within parking areas and used to screen parking areas and non-residential storage areas.
- Native and drought-tolerant plant material shall be used and non-~~droughttolerant~~drought tolerant plant material will be limited to 25% of the landscaped area.

-
- Appropriate plant materials should be used to define space, create a visual image and separate differing land uses.
 - Landscaping shall consider solar rights of adjacent structures.
 - Landscaping and walls or a combination, shall be utilized to visually screen and/or physically enclose outdoor storage areas, loading docks and ramps, transformers, storage tanks, and other appurtenant items of poor visual quality.
 - All landscaped areas will utilize underground drip irrigation.
 - All landscaping shall comply with Oro Valley Zoning Code Revised (OVZCR) ~~and the Oracle Road Scenic Corridor Specific Plan and Overlay District~~ unless stated otherwise within this PAD.

- Streetscapes

Generally, parking lot design shall emphasize efficient circulation patterns, which allow for reduced speeds, variations of views and flexibility of building orientations. Setbacks of buildings will be varied to create an interesting Oracle Road street scene.

In order to achieve a uniform landscape theme within the Plan Area, the areas within the medians, parking strips, and streetscape setback areas shall have a coordinated landscape palette.

Parking areas which are situated along Oracle Road shall be screened by a combination of landscape berm or vegetative screen or walls with an average height of 40" measured from the parking surface.

Landscaping ~~will be~~ permitted by ADOT within the Oracle Road/State Route 77 right-of-way to provide a continuity of landscape character between the project and right-of-way streetscape.

- Project Entries

Primary and secondary project entries on Oracle Road serve to introduce and define the limits and character of the Steam Pump **RanchVillage** activity center. The landscape concept at these project entries is intended to announce the project theme through the use of decorative walls, special signing, enriched accent landscaping and a widened roadway.

Entries into interior sites will consist of defined areas and should include such features as monumentation, signage, and native and introduced vegetation. All entries shall be consistent with the project's integrated design program of landscaping, monumentation, signage and lighting.

- Street Furniture/Lighting

Numerous styles and designs for street furniture would be acceptable for project consistency is obtained from the Steam Pump **RanchVillage** Design Review Committee. Street furniture should include light standards, walkway and bollard lighting, benches, litter receptacles and plant containers.

- The design of light fixtures and their structural support shall be architecturally compatible with the surrounding buildings and be located, as much as possible, within landscaped areas/planters.
- Light fixtures should exhibit a degree of aesthetic attractiveness, complementing adjacent building architecture, the landscape theme and street furniture design and conform to Town design standards as embodied in the Zoning Code.

- Walls and Fences

A combination of landscaping, walls and fences shall be used to define property boundaries, screen or buffer elements of poor visual quality (i.e., parking, loading docks) and provide onsite security. The walls and fences within the project shall be designed of similar materials, colors and general style as the primary buildings on a site. Grape-stake wooden and chainlink fences will not be permitted in bufferyards.

The following materials are recommended for walls and fences subject to the Steam Pump RanchVillage Design Review Committee approval:

- ◇ split rail
- ◇ wrought iron
- ◇ brick
- ◇ natural rock
- ◇ cement stucco over CMU
- ◇ split face block

- Buffering and Screening

Loading dock areas shall be set back, recessed, screened or a combination of these, so as not to be visible from streets or neighboring properties.

Electrical equipment shall be mounted on the interior of buildings where possible. When interior mounting is not practical, such equipment shall be installed where it is screened from public view. In no case shall exterior electrical equipment be mounted on the streetside or primary exposure side of any building. Roof mounted mechanical equipment shall be screened by a parapet of sufficient height or other screening device that will appear as an integrated part of the building.

Transformers and other utility structures may be installed in underground vaults. Where this is impossible, they shall be screened from view from streets and surrounding area, utilizing specified walls and planting.

All refuse containers shall be visually screened with a 6'-0" high wall of material which matches the building architecture, so that it is not visible from streets or adjacent property. A recessed dumpster location may be incorporated as an alternate to the above screening method.

- Landscape Plant Palette

The following recommended plant list is provided to assist developers and builders of Steam Pump **Ranch Village** in making appropriate plant material selections for their specific site landscape requirements while achieving a consistent overall design theme. The listed plant materials place emphasis on the use of native plant materials and drought-tolerant species.

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>
Trees:	
Abyssinian Acacia	Acacia abyssinica
Acacia	Acacia species
Chilean Mesquite	Prosopis chilensis
Velvet Mesquite	Prosopis velutina
Foothill Palo Verde	Cercidium microtheca
Blue Palo Verde	Cercidium floridum
Desert Willow	Chilopsis linearis
Heritage Oak	Quercus virginian
Western Hackberry	"Heritage" Celtis reticulata
Shrubs:	
Agave	Agave species
Feathery Cassia	Cassia artemisioides
Red Bird of Paradise	Caesalpina pulcherrima
Texas Ranger	Leucophyllum frutescens
Purple Hopbush	Dodonea viscosa
Purple Fountain Grass	'Purpurea'
Desert Spoon	Pennisetum cupreum
Ocotillo	Dasyliirion wheeleri
Heavenly Bamboo	Fouquieria splendens
Xylosma	Nandina domestica Xylosma congestum

Fan and Date Palms, Common Bermuda Grass, Mulberry Trees and Olive Trees are specifically excluded from use in the landscaping of this PAD.

6. Signage Standards

The purpose of the signage standards is to contribute to an integrated well-planned, high quality environment envisioned for the Plan Area. These standards shall set forth a system of reasonable, non-discriminatory criteria to regulate and control the size, location, type and quality of signs.

Plans for signs shall be reviewed by the ~~Steam Pump Ranch Design Review Committee~~ Declarant under the Common Operation and Reciprocal Easement Agreement as part of the architectural and design

controls to ensure aesthetic treatment and compatibility ~~with~~within the ~~other~~ development ~~areas~~ and the surrounding properties. Project signage will be in accordance with the Town ~~Sign Code and approved at development plan and/or subdivision plat review level and will include a hierarchy of sign sizes, colors, materials and lettering styles to express the importance of the information.~~Master Sign Program.

~~Project signage will consist only of Entry Monumentation Signage and individual building Wall Signage. Project Entry Monumentation Signage will be on each side of major project entrance drives and be limited to maximum project logo sign area of 50 square feet, maximum lettering height of 3'-0" and no part of logo closer than 1'-0" to top of entry wall (refer to Exhibit III B.6). Individual building Wall Signage will not exceed four feet maximum for any sign character and will not contain more than one square foot of sign area for each linear foot of building front foot, not to exceed a maximum of 150 square feet. A typical wall signage detail is shown on Exhibit III B.6.~~

All light sources, either internal or external, used to illuminate signage shall be placed or directed away from public streets, sidewalks or adjacent premises so as not to cause glare or reflection that may constitute a traffic hazard or nuisance.

Any sign located on vacant or unoccupied property, that was erected for a business which no longer exists, or any sign which pertains to a time, event or purpose which no longer exists, shall be removed within 30 days after the use has been abandoned.

An additional monument sign shall be permitted to advertise gasoline pricing (as required by state law), so long as such sign is designed to be consistent with the appearance of the shared monument sign as approved in the Master Sign Program. The pricing sign shall be located on the parcel where the gasoline use is operated.

All signage shall be designed to conceal bracing, angle-iron, guy wires, cables or similar devices.

The exposed backs of all signs visible to the public shall be suitably covered, finished and properly maintained.

All signs shall be maintained in good repair, including display surface, which shall be kept neatly painted or posted.

7. Architectural Guidelines

It is the intent of the Steam Pump ~~Ranch~~Village activity center to promote a high quality of overall design that establishes a special project environment and identity. Architecture or building design, materials, colors and textures shall be consistent with or of equal quality with surrounding elements, such as other buildings, landscaping, street furniture, plaza areas and signage. All architecture is intended to appear as an integrated part of an overall design theme. To ensure a high level of architectural quality and consistency, each project will be reviewed by the ~~Steam Pump Ranch~~Declarant under the recorded Common Operation and Reciprocal Easement Agreement Steam Pump Village Design Review Committee and written approval obtained prior to submittal to the Town of Oro Valley for final approval.

The following guidelines are not intended to limit designs, but to provide a flexible framework to accomplish an overriding design concept and to encourage quality development.

Building architecture shall be ~~conform to in conformance with the Architectural Design Guidelines within for Steam Pump Village approved by the Oracle Road Scenic Corridor Specific Plan and Overlay District, February 2, 1994, and should adhere to one of four architectural styles: Territorial, Southwest Traditional, Pueblo, and Spanish Colonial Town.~~

Avoid long, unarticulated building facades. Buildings with varied front setbacks are strongly encouraged.

Conceal service areas and storage areas within the building themselves or by screening walls of a material and color consistent with the building architecture or appropriate screening approved by the Design Review Committee.

Avoid long linear vistas and building edges, both within the development envelope and along the streetscape, through setback variations.

Buildings shall be sited in a manner that will complement the adjacent buildings and landscape. Building sites shall be developed in a coordinated manner to provide order and diversity.

There is a wealth of building materials to choose from. It is not the intent of these guidelines to limit the ingenuity of the individual designer, but to emphasize the coherence of the project. Since new materials are continually being developed, this particular area of design restriction will necessarily be reevaluated and shall be subject to revision by the Design Review Committee as approved by the Town's Staff as a part of the Master Development Plan. The recommended building materials are provided to maintain a visual quality throughout the phasing of the development and to provide criteria for the review of the development.

Exterior finished building materials should consist predominantly of masonry and/or wood frame with a masonry or stucco exterior finish. The use of large expanses of glass, particularly highly reflective glass, is discouraged, due to the obtrusive glare and low energy efficiency. In general, subdued earthtone colors are recommended; however, the use of strong accent colors of materials and graphics are encouraged to create tasteful variety and interest.

Flat roofs with parapet walls to screen rooftop equipment are appropriate, although building with angular forms and changes in roof planes are encouraged.

All exterior wall elevations of buildings facing streets are to have architectural treatment approved by that is consistent with that of the Design Review Committee Guidelines

In the event an electrical transformer is located outdoors on any site, it shall be screened from view with a wall or solid landscaping.

All fire and other sprinkler pipes shall enter buildings at the lowest possible point and shall be screened with landscaping.

All changes to the exterior of any of the existing buildings must have prior approval of the ~~Design Review Committee~~ Town Staff and in accordance with the Design Guidelines. Minor changes may be administratively approved by the Planning Manager. More significant changes, as determined by the Planning Manager, must be approved by the Development Review Board.

All roof and ground mounted mechanical equipment shall be screened from public view on all sides by an enclosure which is an integral part of the overall building design and volume.

No mechanical equipment shall be exposed on the wall surface of a building.

All gutters and downspouts shall be integrated with the building architecture.

Vents, louvers, exposed flashing, overhead doors and service doors shall be painted consistent with the color scheme of the building.

Overlay District of the Oro Valley Zoning Code, shall be adhered, excluding the required 150' building setback and 100' landscape buffer per Employment and Institutional Regulations, Section 10-407132.

C. Plan Administration

1. Implementation

Development will be implemented in conformance with the regulations and guidance contained within the Steam Pump RanchVillage PAD. This section contains the procedures for administration of the provisions contained herein.

Adoption - The Steam Pump RanchVillage PAD Plan will be processed in and may be amended from time to time in accordance with such provisions.

Administration and Enforcement - The PAD shall be administered and enforced by the Town Planning Manager and ~~Zoning Director and~~ Building Official ~~with~~.

Input from the Steam Pump RanchVillage Design Review Committee is encouraged.

Minor Changes - The Planning and Zoning Director may allow minor changes to the criteria set forth in the Steam Pump RanchVillage PAD Plan, provided said changes are not in conflict with the overall intent as expressed in the Plan. Minor changes do not include anything which alters allowable uses, building heights, floor area ratios, and landscape coverages or parking requirements. Any changes must conform to the Town of Oro Valley Zoning Code or as modified herein. Significant changes to the PAD will be governed by the Planning and Zoning Department's significant change policy.

Amendments - The approved Steam Pump RanchVillage PAD Plan may be amended from time to time by the Town of Oro Valley. Proposed amendments shall be submitted by the Owner to the Planning and Zoning Director for review along with a report describing the proposed amendments and recommendations. All amendments shall conform to the procedures outlined under Article Section 22.3-4 of the Oro Valley Zoning Code.

Severability - If any provision, sentence, clause, section or subsection or phrase of this Plan is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion or portions of this Plan.

2. Consistency

All of the provisions of the Steam Pump RanchVillage PAD, as well as any land use authorized by the Plan, shall be consistent with the Town of Oro Valley General Plan, adopted July 10, 1996 (Focus 20-20). Consistency shall mean that the Steam Pump RanchVillage PAD, as described herein, is in conformance with the objectives, policies, general land uses and programs specified in the Oro Valley General Plan, Oro Valley Zoning Code Revised (adopted March 13, 1981,

Ordinance No. 58) and the Oro Valley Convenience Use Ordinance. Where standards are not specified,

the Oro Valley Zoning Code Revised shall govern development.

3. ~~Assessments~~Intentionally omitted

~~Prior to the issuance of any permits for grading or construction on Steam Pump Ranch, a Development Opportunity Assessment, will be prepared to reflect required offsite Oracle Road improvements and will stipulate each Development Area A through D, or portion thereof, be required to escrow with the Town an amount equal to a pro rata share of the road improvements based upon the acreage of the development area or portion thereof. It is anticipated that ADOT will fund one-half the cost of future traffic signalization.~~

4. ~~Convenience Uses~~Intentionally omitted

~~Restrictions apply to quantity, design, and type of convenience uses as indicated in the Development Performance Standards Section 1.3, A2.~~

~~(Ord. 05-42)~~

5

4. PAD Vesting

The PAD zoning shall be ordinances and become vested upon completion of \$500,000 worth of improvements. The following improvements shall be required:

- The Riverpark Trail is be constructed by the developer along the full length of the rear property line, and is to be built as a minimum 12' wide asphalt path in accordance with AASHTO standards.
- Construction of main water and wastewater trunk lines on-site
- Construction of two entrances to the project site.

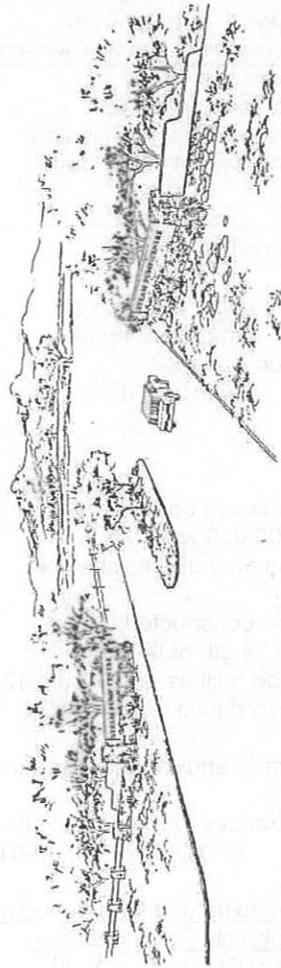
(Ord. 99-52; 00-01)

The conditional zoning shall be extended for a period of five years from the date of approval of ordinance no. 99-52, that being the 22nd day of September, 1999.

(Ord. 00-01)

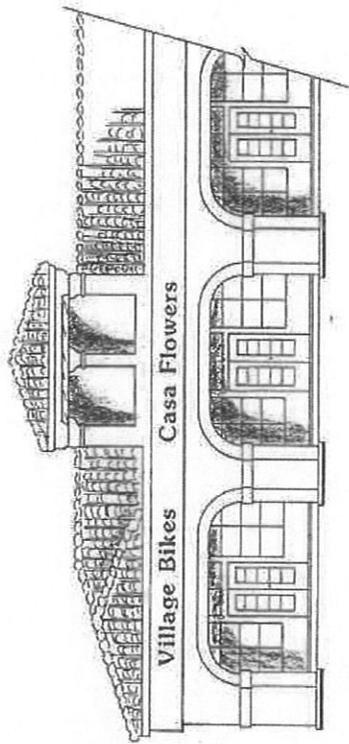
On December 3, 2003, the Town Council by Ordinance No. (0) 03-37 extended the conditional zoning by one year to September 22, 2005.

(Ord. 03-37)



ENTRY MONUMENTATION SIGNAGE
EXHIBIT III B.6

for illustrative purposes only



WALL SIGNAGE
EXHIBIT III B.6

for illustrative purposes only

APPENDIX A

BIBLIOGRAPHY

General Plan, Town of Oro Valley, adopted by Mayor and Council,
December 19, 1990.

Old Steam Pump Ranch, National Register of Historic Places, Inventory and
Nomination Form, Jo Anne Kipps, March 12, 1980.

Oracle Road Scenic Corridor Specific Plan and Overlay District, adopted by
Mayor and Council, Town of Oro Valley, February 2, 1994.

Steam Pump Ranch Planned Area Development District, Cella Barr
Associates, adopted August 10, 1988, Ordinance No. 171.

Steam Pump Ranch Planned Area Development District, Cella Barr
Associates, adopted February 5, 1992, Ordinance No. (O) 92-2

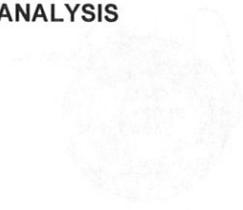
Steam Pump Ranch Planned Area Development District, Cella Barr
Associates, adopted July 10, 1996, OV9-96-1

U.S. Highway 89 Access Control Study, Arizona Department of
Transportation, May 10, 1991.

Zoning Code Revised, Town of Oro Valley, adopted March 13, 1981.

APPENDIX B

TRAFFIC IMPACT ANALYSIS



Faint, illegible text, likely bleed-through from the reverse side of the page. The text appears to be organized into several lines or paragraphs, but the characters are too light to transcribe accurately.

TRAFFIC IMPACT ANALYSIS
STEAM PUMP RANCH
PLANNED AREA DEVELOPMENT
TOWN OF ORO VALLEY

January 31, 1996
CBA File No. 1-05243-08-0014
DRB00358.00R

CELLA BARR ASSOCIATES
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Tucson, Arizona 85711



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DRB00238.00X

1.0 INTRODUCTION

The Steam Pump Ranch Planned Area Development (PAD) comprises approximately 42 acres located on the west side of U.S. 89 (Oracle Road) in the Town of Oro Valley. The site contains approximately 4,100 linear feet of frontage along SR 77 beginning at approximate SR 77 milepost (MP) 80.00. The purpose of this traffic impact analysis is to investigate potential future traffic impacts, access and traffic control requirements, and general site development traffic recommendations as part of the Steam Pump Ranch Site Analysis and PAD submittal for the Town of Oro Valley.

Site-specific parcel development within the Steam Pump Ranch PAD rezoning areas will most probably require ADOT-approved Traffic Impact Reports prior to issuance of driveway permits. This analysis is intended as a more general overview of traffic impacts and general requirements prior to the more detailed Traffic Impact Studies required by ADOT for specific sites. ADOT's U.S. 89 Access Control Study was reviewed as a part of this analysis and in the development of the PAD access control strategy.

2.0 EXISTING AND FUTURE TRAFFIC CONDITIONS

SR 77 in the project vicinity is a four-lane, divided, high-speed arterial with fairly limited access. The existing right-of-way is 200 feet with cross-section elements including a 16-foot-wide raised median and 10-foot-wide paved multi-use lanes (shoulders). Existing land uses in the area are described in the PAD Site Inventory and Analysis. The site is located between the Tangerine Road tie-in to SR 77 and First Avenue and is across from the existing AiResearch facility. There are four median openings adjacent to the site, the southernmost at Hanley Boulevard, two at AiResearch and the northernmost one accessing Pusch Ridge Riding Stables.

Existing traffic data for SR 77 was obtained from hourly counts provided by ADOT and ADOT's U.S. 89 Access Control Study. ADOT also provided 1994 Average Daily Traffic (ADT) volumes for the segment of SR 77 between First Avenue and Tangerine Road. Existing traffic data are as follows:

ADT	=	24,400
K	=	8.5% (PM)
D	=	58% (SB, PM)
T	=	5%

In addition, afternoon peak hour intersection turning movement counts were conducted at Hanley Boulevard/SR 77 (the location of Foothills Business Park) and the signalized intersection at AiResearch/SR 77. Peak hour turning movement summaries are in the Appendix.

Future traffic volume projections were obtained from the Pima Association of Governments Transportation Planning Division (PAG). The year 2015 24-hour traffic projection for this segment of SR 77 is 42,600 vehicles. The tentative build-out of this project is estimated to be the year 2006. The year 2006 24-hour traffic projection is 33,550 vehicles. Future requirements of SR 77, as indicated by PAG year 2015 projections, show an ultimate need for widening the facility to a six-lane divided roadway in order to accommodate future traffic volumes.

3.0 TRAFFIC GENERATOR CHARACTERISTICS

The Steam Pump Tentative Development Plan contains five new development parcels with mixed use commercial activities. The following table shows each parcel's acreage, type of facility and estimated square footage:

TABLE 2

**STEAM PUMP RANCH – ESTIMATED
SQUARE FEET GROSS LEASABLE AREA (GLA)**

<u>Parcel</u>	<u>Land Use</u>	<u>Acres</u>	<u>Square Feet GLA</u>
A	Entertainment Complex (Shopping Center)	14.5	150,000
B	Retail Services (Shopping Center)	12.0	68,000
C	Hotel	6.0	*250 rooms
D	Professional Office (General Office)	9.1	80,000

* Hotel-site-generated traffic is estimated from the total number of occupiable rooms.

The access control to the four parcels consists of limiting access to six driveway locations along the site's frontage with SR 77 as shown in Exhibit 1. Three drives are located at existing median openings. The three other drives will provide for right-turn maneuvers only.

A four-lane divided collector roadway is proposed to extend internally approximately 3,100 linear feet from Drive No. 2 to Drive No. 6, which are approximately 2,600 feet apart on SR 77. This will provide for internal circulation needs, particularly for the retail facilities.

Anticipated site-generated traffic volumes were developed utilizing ITE's Trip Generation, 5th Edition. Parcel A, which contains a mix of retail, entertainment and restaurants has been combined with Parcel B (retail) because, together, they exhibit the characteristics of a shopping center. The combined square footage of Parcels A and B is 218,000. The following table shows the anticipated average weekday total vehicle trip ends:

TABLE 3

**STEAM PUMP RANCH
ANTICIPATED DAILY TRIPS**

<u>Parcel</u>	<u>ITE Land USE Code</u>	<u>Average Weekday Vehicle Trip Ends</u>
A and B	820	11, 502
C	310	2, 141
D	710	1, 185
TOTAL =		14, 828

Morning and afternoon peak hour volumes were developed for the various parcels and are shown in the following table:

**TABLE 4
ANTICIPATED PEAK HOUR
SITE-GENERATED TRAFFIC VOLUMES**

<u>Parcel</u>	<u>A.M. Peak Hour</u>			<u>P.M. Peak Hour</u>		
	<u>Enter</u>	<u>Exit</u>	<u>Total</u>	<u>Enter</u>	<u>Exit</u>	<u>Total</u>
A and B	162	95	257	539	539	1,078
C	100	66	166	99	85	184
D	143	18	161	27	131	158
TOTAL	405	179	584	665	755	1, 420

The estimate of an approach/departure distribution for site traffic and its assignment to the roadway is essential in determining the traffic impact of a development. The future viability of the retail/commercial parcel will depend, in part, on trips generated from residential PADS to the north, including Rancho Vistoso and SaddleBrooke. Distribution of site-generated traffic volumes for the retail parcel (A and B) and hotel (C) is estimated for the year 2006 at 65% to and from the south and 35% to and from the north. The vast majority of employment base for the office facilities is assumed to be from Tucson. Distribution of site-generated traffic volumes for Parcel D in the year 2000 is estimated at 80% to and from the south and 20% to and from the north.

In order to evaluate anticipated traffic volume conditions, peak hour site-generated traffic volumes and turning movements are combined with projected year 2006 (project build-out) peak hour background volumes. Year 2006 peak hour volumes have been developed utilizing the existing and future traffic data discussed under "Existing and Future Traffic

Conditions." The greatest impact of intersection operations will occur during the P.M. peak hour with high commercial use and exiting employees from Parcels A, B and D.

In order to anticipate intersection operations at Drive No. 2, existing peak hour volumes were utilized for the AiResearch facility intersection approach at Drive No. 2. At the Drive No. 6 intersection location, the existing Pusch Ridge Riding Stables drive approach is within the La Reserve PAD. Twenty acres of campus park industrial (CPI) type use are planned to access this drive. P.M. peak hour traffic volumes for this type of facility were estimated at 237 vehicles (79% exiting) based on ITE land use code 130.

Total site-generated traffic on SR 77 was adjusted to account for pass-by trips for the shopping center facility of Parcels A and B. This results in a net total of new site-generated traffic on SR 77 of 11,953 vehicles as compared with 14,828 total daily trip ends. The pass-by distribution was applied to the P.M. peak hour site-generated traffic volumes in developing anticipated year 2006 combined P.M. peak hour volumes. Exhibit I shows the anticipated year 2006 P.M. peak hour combined intersection turning movement volumes of the proposed six drives for Steam Pump Ranch. Pass-by volumes were estimated at 25% for total daily generation rates and calculated at 34.5% for P.M. peak hour generation volumes.

4.0 OPERATIONAL CHARACTERISTICS

4.1 Traffic Signal Warrants

Traffic control signals should not be installed, unless one of more of the signal warrants -in the Manual of Uniform Traffic Control Devices are met. In addition, it should be shown that a traffic signal will improve the overall safety and/or operation of the intersection.

In the previous Traffic Impact Analysis for the Steam Pump Ranch PAD (January 20, 1992), which has similar characteristics to this development, traffic signal warrants were investigated for Drive No. 6 which provides access to the internal collector roadway. Opposite the drive is the proposed access for the La Reserve PAD CPI parcel of 20 acres. Traffic warrants investigated included the following:

- Warrant 1, Minimum Vehicular Volume
- Warrant 2, Interruption of Continuous Traffic
- Warrant 8, Combination of Warrants
- Warrant 9, Four Hour Volumes
- Warrant 11, Peak Hour Volume

The warrants were investigated based on a full build-out of Steam Pump Ranch and the La Reserve PAD CPI parcel (anticipated year 2000 combined traffic volumes). Within the volume warrants, only left-turns were considered for the minor-street approaches. In investigating the eight-hour minimum volume requirements of the warrants, the eight highest volume hours were developed by adjusting peak hour volumes based on existing K-factors for SR 77 and adjusting Drive No. 6 volumes based on hourly variations of shopping center traffic contained within ITE's Trip Generation. Based on the investigation, the following signal warrants were met or exceeded:

- Warrant 2, Interruption of Continuous Traffic
- Warrant 9, Four Hour Volumes
- Warrant 11, Peak Hour Volume

From an operational and safety standpoint, with the current PAD proposal, this intersection would not function acceptably without a traffic signal due to the high left-turn demand from both Steam Pump Ranch and the La Reserve CPI and the lack of acceptable gaps with the high through volumes on SR 77.

4.2 Capacity Analysis

The capacity analysis utilized for SR 77 is in accordance with the 1994 Highway Capacity Manual (HCM). Techniques utilized are for multi-lane highways (Chapter 7), signalized intersections (Chapter 9), unsignalized intersections (Chapter 10), and urban and suburban arterials (Chapter 11). The FHWA Highway Capacity Software (HCS) Release 2 was utilized and pertinent worksheets and summaries are contained in the Appendix.

Level of service (LOS) criteria for highway segments are primarily based on average running speed, percent time delay and capacity utilization. LOS criteria for intersections are based on expected delay to the approaching traffic. Table 5 provides a generalized LOS definition for both highway segments and intersections.

TABLE 5

LEVEL OF SERVICE DEFINITIONS

	<u>Highway Segment</u>	<u>Intersection</u>
LOS A:	Free-flow condition	Little or no delay
LOS B:	Free-flow with increased delays	Short traffic delays
LOS C:	Noticeable platoon formation	Average traffic delays
LOS D:	Approaching unstable traffic flow	Long traffic delays
LOS E:	Unstable traffic flow, intense platooning	Very long traffic delays
LOS F:	Heavily congested, forced flow	Extreme delays with forced queuing

Capacity analysis was performed utilizing existing peak hour volumes, anticipated year 2006 P.M. peak hour background volumes and the anticipated year 2006 P.M. peak hour combined traffic volumes shown in Exhibit 1. Factors used in the analysis include T = 5% on SR 77 and a peak hour factor of 0.90. At the signalized intersections of Drives Nos. 2 and 6, a 100-second cycle and three-phase operation with SR 77 left-t8rj lags was utilized for the year 2006 analyses. Results of the analysis are as follows:

TABLE 6
STEAM PUMP RANCH
EXISTING AND YEAR 2006 INTERSECTION LOS
P.M. PEAK HOUR

<u>Stop Controlled Intersections</u>	<u>Approach</u>	<u>LOS</u>		
		<u>Existing 1996</u>	<u>Year 2006 Background</u>	<u>Year 2006 Combined</u>
Hanley Blvd. AiResearch	WB Right	A	B	B
	WB Left	F	F	F
	WB Right	A	B	B
	WB Left	E	F	F
Drive #1	EB Right	-	-	C
Drive #2	EB Right	-	-	D
	EB Left	-	-	F
Drive #3	EB Right	-	-	B
Drive #5	EB Right	-	-	B
<u>Signalized Intersections</u>				
Drive #2/ AiResearch	EB	-	-	D
	WB			C
	NB			C
	SB			C
Overall Intersection		B	B	C
Drive #6/ La Reserve CPI	EB	-	-	C
	WB	-	-	C
	NB	-	-	B
	SB	-	-	B
Overall Intersection		-	-	C

A multi-lane highway capacity analysis was performed for the highest SR 77 hourly directional volumes which are southbound from the site during the P.M. peak hour. With an input hourly direction volume of 1,970, a LOS C was achieved.

In addition, an arterial analysis was performed across the site's frontage on SR 77 to assess the impact of an additional traffic signal and progression feasibility. The most critical segment is between the signals at Drives Nos. 2 and 6. During the P.M. peak hour, this segment could operate at a LOS B northbound and LOS B southbound. This is based, however, on free flow speeds of 40 mph and average segment speeds (accounting for intersection delay) of 30 mph and less.

Overall, acceptable levels of service could be maintained on SR 77 with the development of Steam Pump Ranch. Specific improvements required in order to maintain acceptable traffic operations are discussed below.

4.3 Traffic Control Requirements

Specific traffic control changes are required along SR 77 in order to achieve acceptable LOS at the project build-out. Proposed improvements include the following and are also shown in Exhibit 2:

- Lengthen the existing northbound left-turn lane at Drive No. 2 to a minimum 350 feet.
- Modify the existing traffic signal at the AiResearch Drive to accommodate the new Drive No. 2 leg.
- Widen the SR 77 southbound approach to Drive No. 2 to provide for a separate right-turn lane.
- Construct a minimum 250-foot-long northbound left-turn lane in the existing median on approach to the existing median opening at Drive No. 6.
- Widen the SR 77 southbound approach to Drive No. 6 to provide for a separate right-turn lane.
- Provide interconnect conduit between Drives Nos. 2 and 6 for future interconnect needs of a traffic signal at Drive No. 6. A traffic signal; however, should not be installed until it is warranted.

Separate right-turn lanes are recommended at Drives Nos. 2 and 6, not only to remove decelerating vehicles from the through lanes, but to encourage right turns at these major entry points. A continuous acceleration/deceleration lane was previously proposed across the site's frontage; however, there is insufficient distance between some of drives to provide a true acceleration lane (60 mph design speed) and follow it by a deceleration lane. Right turns from the minor drives with stop control should only be made when acceptable gaps are present on SR 77 and not predicated on a merge requirement. There is presently a 10-foot multi-use lane outside the through lanes that can be utilized by right-turning vehicles into the minor drive locations.

5.0 CONCLUSION

The proposed Steam Pump Ranch PAD is anticipated to generate approximately 11,953 new daily vehicular trips on SR 77 and 14,828 total daily vehicular trips. SR 77, a four-lane divided arterial, has sufficient capacity for the site-generated traffic through the anticipated build-out time frame of the project.

Proposed access to the site consists of two major entry points at existing median openings which are connected internally with a proposed collector roadway. The four other access points will provide for right-turn maneuvers only. Drive No. 2 has an existing traffic signal that presently services AiResearch. With the addition of site traffic, this intersection will continue to operate at acceptable levels of service. At Drive No. 6, across from the La Reserve CPI, a traffic signal may be warranted in the future due both to Steam Pump Ranch development and the La Reserve CPI anticipated traffic.

General traffic control requirements for the site development are as proposed in Chapter 4. These recommendations will require approval from ADOT which will occur during the permitting process of parcel development. Traffic impact studies, in accordance with ADOT requirements, will be required for any parcel development accessing onto SR 77. Parcels A and B, containing shopping center type facilities, will be the largest traffic generator, and thus the key project in implementing recommended improvements to SR 77.

6.0 APPENDIX

CONCLUSION

The first part of the report discusses the background and objectives of the study. It also outlines the methodology used for data collection and analysis. The second part presents the results of the study, which show that there is a significant positive correlation between the variables under investigation. The final part of the report discusses the implications of these findings and offers suggestions for further research.

The study was conducted using a quantitative research design. Data was collected through a series of surveys administered to a representative sample of the population. The data was then analyzed using statistical software to identify patterns and relationships. The results indicate that the variables are interrelated in a way that suggests a causal link. This finding is important as it provides insight into the underlying mechanisms of the phenomenon being studied.

In conclusion, the study has successfully identified a positive relationship between the variables. The findings have important implications for the field and suggest that further research is needed to explore the underlying causes and effects. The methodology used in this study provides a solid foundation for future research in this area.

File Name HANLEL96PM.HCO
Streets: (N-S) SR 77 (E-W) HANLEY
Major Street Direction.... NS
Length of Time Analyzed... 60 (min)
Analyst..... DRB
Date of Analysis..... 1/29/96
Other Information..... YR 1996 PM PEAK

Two-way Stop-controlled Intersection

	Northbound			Southbound			Eastbound			Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	2<	0	1	2	0	0	0	0	1	0	1
Stop/Yield			N			N						
Volumes	884	31		12	1191					80		23
PHF	.94	.94		.91	.91					.9		.9
Grade	0			0			0			0		
MC's (%)	0	0		0	0					0		0
SU/RV's (%)	0	0		0	0					0		0
CV's (%)	1	0		0	1					0		0
PCE's	1.01	1.1		1.1	1.01					1.1		1.1

Adjustment Factors:

Vehicle Maneuver	Critical Gap (tg)	Follow-up Time (tf)
Left Turn Major Road	5.50	2.10
Right Turn Minor Road	5.50	2.60
Through Traffic Minor Road	6.50	3.30
Left Turn Minor Road	7.00	3.40

(will be 2-step)

WorkSheet for TWSC Intersection

Step 1: RT from Minor Street	WB	EB

Conflicting Flows: (vph)	468	
Potential Capacity: (pcph)	811	
Movement Capacity: (pcph)	811	
Prob. of Queue-free State:	0.96	

Step 2: LT from Major Street	SB	NB

Conflicting Flows: (vph)	915	
Potential Capacity: (pcph)	553	
Movement Capacity: (pcph)	553	
Prob. of Queue-free State:	0.97	

Step 4: LT from Minor Street	WB	EB

Conflicting Flows: (vph)	2102	
Potential Capacity: (pcph)	48	
Major LT, Minor TH		
Impedance Factor:	0.97	
Adjusted Impedance Factor:	0.97	
Capacity Adjustment Factor due to Impeding Movements	0.97	
Movement Capacity: (pcph)	47	

Intersection Performance Summary

Movement	FlowRate v(pcph)	MoveCap Cm(pcph)	SharedCap Csh(pcph)	Avg.Total Delay	LOS	Delay By App
WB L	98	47	*		F	*
WB R	29	811		4.6	A	
SB L	14	553		6.7	B	0.1

Intersection Delay = 78.1

* The calculated delay was greater than 999.9 sec.

File Name HANLEY06PMCOMB.HCO
Streets: (N-S) SR 77 (E-W) HANLEY
Major Street Direction... NS
Length of Time Analyzed... 60 (min)
Analyst..... DRB
Date of Analysis..... 1/29/96
Other Information..... YR 2006 PM PK BACKGRD

Two-way Stop-controlled Intersection

	Northbound			Southbound			Eastbound			Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	2<	0	1	2	0	0	0	0	1	0	1
Stop/Yield			N			N						
Volumes	1167	31		12	1574					60		23
PHF	.94	.94		.91	.91					.9		.9
Grade	0		0		0		0			0		0
MC's (%)	0	0	0	0	0					0		0
SU/RV's (%)	0	0	0	0	0					0		0
CV's (%)	1	0	0	1						0		0
PCE's	1	1.1		1.1	1					1.1		1.1

Adjustment Factors

Vehicle Maneuver	Critical Gap (tg)	Follow-up Time (tf)
Left Turn Major Road	5.50	2.10
Right Turn Minor Road	5.50	2.60
Through Traffic Minor Road	6.50	3.30
Left Turn Minor Road	7.00	3.40

WorkSheet for TWS Intersection

Step 1: RT from Minor Street	WB	EB
Conflicting Flows: (vph)	599	
Potential Capacity: (pcph)	688	
Movement Capacity: (pcph)	688	
Prob. of Queue-free State:	0.96	
Step 2: LT from Major Street	SB	NB
Conflicting Flows: (vph)	1198	
Potential Capacity: (pcph)	390	
Movement Capacity: (pcph)	390	
Prob. of Queue-free State:	0.96	
Step 4: LT from Minor Street	WB	EB
Conflicting Flows: (vph)	2768	
Potential Capacity: (pcph)	18	
Major LT, Minor TH		
Impedance Factor:	0.96	
Adjusted Impedance Factor:	0.96	
Capacity Adjustment Factor due to Impeding Movements	0.96	
Movement Capacity: (pcph)	17	

Intersection Performance Summary

Movement	FlowRate v(pcph)	MoveCap Cm(pcph)	SharedCap Csh(pcph)	Avg.Total Delay	LOS	Delay By App
WB L	98	17	*		F	*
WB R	29	688		5.5	B	
SB L	14	390		9.6	B	0.1

Intersection Delay = 250.5

* The calculated delay was greater than 999.9 sec.

File Name HANLEY06PMCOMB.HCO
Streets: (N-S) SR 77 (E-W) HANLEY
Major Street Direction... NS
Length of Time Analyzed... 60 (min)
Analyst..... DRB
Date of Analysis..... 1/29/96
Other Information..... YR 2006 PM PK COMB.

Two-way Stop-controlled Intersection

	Northbound			Southbound			Eastbound			Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	2	0	1	2	0	0	0	0	1	0	1
Stop/Yield			N			N						
Volumes	1482	31		12	1958					80		23
PHF	.94	.94		.91	.91					.9		.9
Grade	0			0			0			0		
MC's (%)	0	0		0	0					0		0
SU/RV's (%)	0	0		0	0					0		0
CV's (%)	1	0		0	1					0		0
PCE's	1	1.1		1.1	1					1.1		1.1

Adjustment Factors

Vehicle Maneuver	Critical Gap (tg)	Follow-up Time (tf)
Left Turn Major Road	5.50	2.10
Right Turn Minor Road	5.50	2.60
Through Traffic Minor Road	6.50	3.30
Left Turn Minor Road	7.00	3.40

WorkSheet for TWSC Intersection

Step 1: RT from Minor Street	WB	EB
Conflicting Flows: (vph)	756	
Potential Capacity: (pcph)	573	
Movement Capacity: (pcph)	573	
Prob. of Queue-free State:	0.95	
Step 2: LT from Major Street	SB	NB
Conflicting Flows: (vph)	1513	
Potential Capacity: (pcph)	264	
Movement Capacity: (pcph)	264	
Prob. of Queue-free State:	0.95	
Step 4: LT from Minor Street	WB	EB
Conflicting Flows: (vph)	3468	
Potential Capacity: (pcph)	6	
Major LT, Minor TH		
Impedance Factor:	0.95	
Adjusted Impedance Factor:	0.95	
Capacity Adjustment Factor due to Impeding Movements	0.95	
Movement Capacity: (pcph)	6	

Intersection Performance Summary

Movement	FlowRate v(pcph)	MoveCap Cm(pcph)	SharedCap Csh(pcph)	Avg.Total Delay	LOS	Delay By App
WB L	98	6	*		F	
WB R	29	573		6.6	B	*
SB L	14	264		14.4	C	0.1

Intersection Delay = 643.1

* The calculated delay was greater than 999.9 sec.

File Name AIREAS96.HCO A
Streets: (N-S) SR77 (E-W) AIRESEARCH
Major Street Direction... NS
Length of Time Analyzed... 60 (min)
Analyst..... DRB
Date of Analysis..... 1/29/96
Other Information..... 1996 PM PK

Two-way Stop-controlled Intersection

	Northbound			Southbound			Eastbound			Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	2	1	1	1	0	0	0	0	1	0	1
Stop/Yield			N			N						
Volumes		900	1	1	976					20		5
PHF		.94	.94	.91	.91					.9		.9
Grade		0		0			0			0		
MC's (%)		0	0	0	0					0		0
SU/RV's (%)		0	0	0	0					0		0
CV's (%)		1	0	0	2					0		0
PCE's		1	1.1	1.1	1					1.1		1.1

Adjustment Factors

Vehicle Maneuver	Critical Gap (tg)	Follow-up Time (tf)
Left Turn Major Road	5.00	2.10
Right Turn Minor Road	5.50	2.60
Through Traffic Minor Road	6.00	3.30
Left Turn Minor Road	6.50	3.40

WorkSheet for TWSC Intersection

Step 1: RT from Minor Street	WB	EB
Conflicting Flows: (vph)	450	
Potential Capacity: (pcph)	819	
Movement Capacity: (pcph)	819	
Prob. of Queue-free State:	0.99	
Step 2: LT from Major Street	SB	NB
Conflicting Flows: (vph)	901	
Potential Capacity: (pcph)	638	
Movement Capacity: (pcph)	638	
Prob. of Queue-free State:	1.00	
Step 4: LT from Minor Street	WB	EB
Conflicting Flows: (vph)	1878	
Potential Capacity: (pcph)	87	
Major LT, Minor TH		
Impedance Factor:	1.00	
Adjusted Impedance Factor:	1.00	
Capacity Adjustment Factor due to Impeding Movements	1.00	
Movement Capacity: (pcph)	87	

Intersection Performance Summary

Movement	FlowRate v(pcph)	MoveCap Cm(pcph)	SharedCap Csh(pcph)	Avg.Total Delay	LOS	Delay By App
WB L	24	87		57.0	F	
WB R	7	819		4.4	A	46.5
SB L	1	638		5.7	B	0.0

Intersection Delay = 0.6

File Name AIREAS96.HCO ⁷⁸
Streets: (N-S) SR77 (E-W) AIRESEARCH #4
Major Street Direction... NS
Length of Time Analyzed... 60 (min)
Analyst..... DRB
Date of Analysis..... 1/29/96
Other Information..... 2006PM BACKGROUND

Two-way Stop-controlled Intersection

	Northbound			Southbound			Eastbound			Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	2	1	1	1	0	0	0	0	1	0	1
Stop/Yield			N			N						
Volumes	1170	1		1	1341					20		5
PHF	.94	.94		.91	.91					.9		.9
Grade	0			0			0			0		
MC's (%)	0	0		0	0					0		0
SU/RV's (%)	0	0		0	0					0		0
CV's (%)	1	0		0	2					0		0
PCE's	1	1.1		1.1	1					1.1		1.1

Adjustment Factors

Vehicle Maneuver	Critical Gap (tg)	Follow-up Time (tf)
Left Turn Major Road	5.00	2.10
Right Turn Minor Road	5.50	2.60
Through Traffic Minor Road	6.00	3.30
Left Turn Minor Road	6.50	3.40

WorkSheet for TWSC Intersection

Step 1: RT from Minor Street	WB	EB
Conflicting Flows: (vph)	585	
Potential Capacity: (pcph)	700	
Movement Capacity: (pcph)	700	
Prob. of Queue-free State:	0.99	
Step 2: LT from Major Street	SB	NB
Conflicting Flows: (vph)	1171	
Potential Capacity: (pcph)	474	
Movement Capacity: (pcph)	474	
Prob. of Queue-free State:	1.00	
Step 4: LT from Minor Street	WB	EB
Conflicting Flows: (vph)	2512	
Potential Capacity: (pcph)	37	
Major LT, Minor TH		
Impedance Factor:	1.00	
Adjusted Impedance Factor:	1.00	
Capacity Adjustment Factor due to Impeding Movements	1.00	
Movement Capacity: (pcph)	37	

Intersection Performance Summary

Movement	FlowRate v(pcph)	MoveCap Cm(pcph)	SharedCap Csh(pcph)	Avg.Total Delay	LOS	Delay By App
WB L	24	37		243.2	F	
WB R	7	700		5.2	B	195.6
SB L	1	474		7.6	B	0.0
Intersection Delay =				1.9		

File Name AIREAS96.HCO
Streets: (N-S) SR77 (E-W) AIRESEARCH Drive #4
Major Street Direction... NS
Length of Time Analyzed... 60 (min)
Analyst..... DRB
Date of Analysis..... 1/29/96
Other Information..... 2006PM COMBINED

Two-way Stop-controlled Intersection

	Northbound			Southbound			Eastbound			Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	2	1	1	1	1	0>	1	1	0>	1	1
Stop/Yield			N			N						
Volumes	73	1323	1	1	1534	68	5	0	57	20	0	5
PHF	.95	.94	.94	.91	.91	.95	.95	.95	.95	.9	.95	.9
Grade		0			0			0			0	
MC's (%)	0	0	0	0	0	0	0	0	0	0	0	0
SU/RV's (%)	0	0	0	0	0	0	0	0	0	0	0	0
CV's (%)	0	1	0	0	2	0	0	0	0	0	0	0
PCE's	1.1	1	1.1	1.1	1	1.1	1.1	1.1	1.1	1.1	1.1	1.1

Adjustment Factors

Vehicle Maneuver	Critical Gap (tg)	Follow-up Time (tf)
Left Turn Major Road	5.00	2.10
Right Turn Minor Road	5.50	2.60
Through Traffic Minor Road	6.00	3.30
Left Turn Minor Road	6.50	3.40

WorkSheet for TWSC Intersection

Step 1: RT from Minor Street	WB	EB

Conflicting Flows: (vph)	662	1534
Potential Capacity: (pcph)	640	231
Movement Capacity: (pcph)	640	231
Prob. of Queue-free State:	0.99	0.71

Step 2: LT From Major Street	SB	NB

Conflicting Flows: (vph)	1324	1602
Potential Capacity: (pcph)	401	296
Movement Capacity: (pcph)	401	296
Prob. of Queue-free State:	1.00	0.71

Step 3: TH from Minor Street	WB	EB

Conflicting Flows: (vph)	2999	2932
Potential Capacity: (pcph)	29	32
Capacity Adjustment Factor due to Impeding Movements	0.71	0.71
Movement Capacity: (pcph)	21	23
Prob. of Queue-free State:	1.00	1.00

Step 4: LT from Minor Street	WB	EB

Conflicting Flows: (vph)	2960	2966
Potential Capacity: (pcph)	20	20
Major LT, Minor TH Impedance Factor:	0.71	0.71
Adjusted Impedance Factor:	0.78	0.78
Capacity Adjustment Factor due to Impeding Movements	0.55	0.77
Movement Capacity: (pcph)	11	15

Intersection Performance Summary

Movement	FlowRate v(pcph)	MoveCap Cm(pcph)	SharedCap Csh(pcph)	Avg.Total Delay	LOS	Delay By App
EB L	6	15	> 15	> 381.5	> F	56.0
EB R	66	231		21.8	D	
WB L	24	11	> 11	> *	> F	
WB R	7	640		5.7	B	
NB L	85	296		17.0	C	0.9
SB L	1	401		9.0	B	0.0

Intersection Delay = 21.3

* The calculated delay was greater than 999.9 sec.

File Name DRIV1.HCO
 Streets: (N-S) SR 77 (E-W) DRIVE NO 1
 Major Street Direction.... NS
 Length of Time Analyzed... 60 (min)
 Analyst..... DRB
 Date of Analysis..... 1/29/96
 Other Information..... 2006 PM COMB

Two-way Stop-controlled Intersection

	Northbound			Southbound			Eastbound			Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	0	0	0	2<	0	0	0	1	0	0	0
Stop/Yield			N			N						
Volumes				1854	.56				116			
PHF				.95	.95				.95			
Grade	0			0			0			0		
MC's (%)				0	0				0			
SU/RV's (%)				0	0				0			
CV's (%)				2	0				0			
PCE's				1.02	1.1				1.1			

Adjustment Factors

Vehicle Maneuver	Critical Gap (tg)	Follow-up Time (tf)
Left Turn Major Road	5.50	2.10
Right Turn Minor Road	5.50	2.60
Through Traffic Minor Road	6.50	3.30
Left Turn Minor Road	7.00	3.40

WorkSheet for TWSC Intersection

Step 1: RT from Minor Street	WB	EB
Conflicting Flows: (vph)		955
Potential Capacity: (pcph)		454
Movement Capacity: (pcph)		454
Prob. of Queue-free State:		0.70

Intersection Performance Summary

Movement	FlowRate v(pcph)	MoveCap Cm(pcph)	SharedCap Csh(pcph)	Avg.Total Delay	LOS	Delay By App
EB R	134	454		11.2	C	

Intersection Delay = 0.6

File Name DRIVE3.HCO
Streets: (N-S) SR 77 (E-W) DRIVE NO 3
Major Street Direction... NS
Length of Time Analyzed... 60 (min)
Analyst..... DRB
Date of Analysis..... 1/29/96
Other Information..... 2006 PM COMB

Two-way Stop-controlled Intersection

	Northbound			Southbound			Eastbound			Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	0	0	0	2<	0	0	0	1	0	0	0
Stop/Yield			N			N						
Volumes				1568	43				62			
PHF				.95	.95				.95			
Grade	0			0			0			0		
MC's (%)				0	0				0			
SU/RV's (%)				0	0				0			
CV's (%)				2	0				0			
PCE's				1	1.1				1.1			

Adjustment Factors

Vehicle Maneuver	Critical Gap (tg)	Follow-up Time (tf)
Left Turn Major Road	5.50	2.10
Right Turn Minor Road	6.50	2.60
Through Traffic Minor Road	6.50	3.30
Left Turn Minor Road	7.00	3.40

WorkSheet for TWSC Intersection

Step 1: RT from Minor Street	WB	EB
Conflicting Flows: (vph)		806
Potential Capacity: (pcph)		541
Movement Capacity: (pcph)		541
Prob. of Queue-free State:		0.87

Intersection Performance Summary

Movement	FlowRate v(pcph)	MoveCap Cm(pcph)	SharedCap Csh(pcph)	Avg.Total Delay	LOS	Delay By App
EB R	72	541		7.7	B	

Intersection Delay = 0.3

File Name DRIV5.HCO
Streets: (N-S) SR 77 (E-W) DRIVE NO 5
Major Street Direction... NS
Length of Time Analyzed... 60 (min)
Analyst..... DRB
Date of Analysis..... 1/29/96
Other Information..... 2006 PM COMB

Two-way Stop-controlled Intersection

	Northbound			Southbound			Eastbound			Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	0	0	0	2<	0	0	0	1	0	0	0
Stop/Yield			N			N						
Volumes				1537	39				65			
PHF				.95	.95				.95			
Grade		0		0			0			0		
MC's (%)				0	0				0			
SU/RV's (%)				0	0				0			
CV's (%)				2	0				0			
PCE's				1	1.1				1.1			

Adjustment Factors

Vehicle Maneuver	Critical Gap (tg)	Follow-up Time (tf)
Left Turn Major Road	5.50	2.10
Right Turn Minor Road	5.50	2.60
Through Traffic Minor Road	6.50	3.30
Left Turn Minor Road	7.00	3.40

WorkSheet for TWSC Intersection

Step 1: RT from Minor Street	WB	EB
Conflicting Flows: (vph)		788
Potential Capacity: (pcph)		552
Movement Capacity: (pcph)		552
Prob. of Queue-free State:		0.86

Intersection Performance Summary

Movement	FlowRate v(pcph)	MoveCap Cm(pcph)	SharedCap Csh(pcph)	Avg.Total Delay	LOS	Delay By App
EB R	75	552		7.5	B	

Intersection Delay = 0.3

HCM: SIGNALIZED INTERSECTION SUMMARY Version 2.4 01-29-1996
 Center For Microcomputers in Transportation

Streets: (E-W) AIRESEARCH (N-S) SR77
 Analyst: DRB File Name: EXST96AIRES.HC9
 Area Type: Other 1-29-96 PM PK
 Comment: EXIST VOL,4-5PM

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes			2				2	1		1	2	
Volumes			226				907	7		1	976	
Lane Width			12.0				12.0	12.0		14.0	12.0	
RTOR Vols						0			0			0
Lost Time			3.00				3.00	3.00		3.00	3.00	

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left					*			
Thru					*			
Right					*			
Peds					*			
WB Left		*						
Thru					*			
Right					*			
Peds		*						
NB Right								
SB Right								
Green		15.0A				55.0P		
Yellow/AR		5.0				5.0		
Cycle Length: 80 secs Phase combination order: #1 #5								

Intersection Performance Summary

Lane	Group:	Adj Sat	v/c	g/C	Delay	LOS	Approach:	Delay	LOS
Mvmts	Cap	Flow	Ratio	Ratio			Delay	LOS	
WB L	767	3610	0.338	0.213	20.4	C	20.4	C	
NB T	2579	3619	0.389	0.712	3.5	A	3.5	A	
NB R	1151	1615	0.006	0.712	2.5	A			
SB L	207	290	0.005	0.712	2.5	A	3.6	A	
SB T	2579	3619	0.418	0.712	3.6	A			
Intersection Delay = 5.4 sec/veh Intersection LOS = B									
Lost Time/Cycle, L = 6.0 sec Critical v/c(x) = 0.400									

HCM: SIGNALIZED INTERSECTION SUMMARY Version 2.4 01-29-1996
 Center For Microcomputers In Transportation

Streets: (E-W) AIRESEARCH (N-S) SR 77
 Analyst: DRB File Name: 06PMAIRESBKGD.HC9
 Area Type: Other 1-29-96 06PMPK
 Comment: 2006 PM PK BACKGROUND

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes				2			2	1		1	2	
Volumes				226			1180	10		1	1360	
Lane Width				12.0			12.0	12.0		14.0	12.0	
RTOR Vols						0			0			0
Lost Time				3.00			3.00	3.00		3.00	3.00	

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left					NB Left			
EB Thru					EB Thru	*		
EB Right					EB Right	*		
EB Peds					EB Peds	*		
WB Left	*				SB Left	*		
WB Thru					SB Thru	*		
WB Right					SB Right			
WB Peds	*				SB Peds			
NB Right					EB Right			
SB Right					WB Right			
Green	15.0A				Green	55.0P		
Yellow/AR	5.0				Yellow/AR	5.0		
Cycle Length:	80 secs				Phase combination order:	#1 #5		

Intersection Performance Summary

Lane	Group	Mvmts	Cap	Adj Sat Flow	v/c Ratio	g/C Ratio	Delay	LOS	Approach:	Delay	LOS
WB	L	767		3610	0.319	0.213	20.3	C	20.3	C	
NB	T	2579		3619	0.506	0.712	4.1	A	4.1	A	
	R	1151		1615	0.010	0.712	2.5	A			
SB	L	114		160	0.009	0.712	2.5	A	4.6	A	
	T	2579		3619	0.583	0.712	4.6	A			

Intersection Delay = 5.6 sec/Veh Intersection LOS = B
 Lost Time/Cycle, L = 6.0 sec Critical v/c(x) = 0.523

HCM: SIGNALIZED INTERSECTION SUMMARY Version 2.4 01-29-1996
 Center For Microcomputers In Transportation

Streets: (E-W) AIRESEARCH/DR 2 (N-S) SR 77
 Analyst: DRB File Name: DR4AIRES06PM.HC9
 Area Type: Other 1-29-96 PM
 Comment: 2006 PM PK COMBINED

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	> 1	1	1	1	> 1	<	1	2	1	1	2	1
Volumes	150	1	119	226	2	2	251	1244	10	1	1565	64
Lane Width	14.0	12.0	12.0	12.0	12.0		14.0	12.0	12.0	14.0	12.0	12.0
RTOR Vols			30			0			0			10
Lost Time	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left	*					*		
EB Thru	*					*		
EB Right	*					*		
EB Peds	*					*		
WB Left	*	*					*	
WB Thru	*	*					*	
WB Right	*	*					*	
WB Peds	*	*					*	
NB Right								*
SB Right								*
Green	19.0A	5.0A			51.0P	9.0A		
Yellow/AR	4.0	4.0			4.0	4.0		

Cycle Length: 100 secs Phase combination order: #1 #2 #5 #6

Intersection Performance Summary

Lane	Group	Mvmts	Cap	Adj Sat	Flow	v/c	Ratio	g/C	Delay	LOS	Approach	Delay	LOS
EB	LT	206		1029		0.773	0.200		39.8	D		34.7	D
	R	323		1615		0.288	0.200		25.9	D			
WB	L	310		1805		0.384	0.180		28.8	D		24.7	C
	LTR	473		1630		0.260	0.290		20.8	C			
NB	L	331		1925		0.798	0.260		38.2	D		18.8	C
	T	1882		3619		0.730	0.520		15.2	C			
	R	840		1615		0.013	0.520		8.8	B			
SB	L	331		1925		0.003	0.260		14.5	B		22.0	C
	T	1882		3619		0.919	0.520		22.4	C			
	R	840		1615		0.067	0.520		9.1	B			

Intersection Delay = 21.6 sec/veh Intersection LOS = C
 Lost Time/Cycle, L = 6.0 sec Critical v/c(x) = 0.825

Streets: (E-W) DR6/LA RESERVE (N-S) SR 77
 Analyst: DRB File Name: DR6LARES06PM.HC9
 Area Type: Other 1-29-96 PM PK
 Comment: 2006 COMBINED VOL.

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	1	<	1	1	<	1	2	1	1	2	1
Volumes	99	3	85	150	2	35	55	1233	45	5	1341	14
Lane Width	14.0	12.0		14.0	12.0		14.0	12.0	12.0	14.0	12.0	12.0
RTOR Vols			20			5			5			3
Lost Time	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left	*							
Thru	*							
Right	*							
Peds	*							
WB Left	*							
Thru	*							
Right	*							
Peds	*							
NB Right					*			
SB Right					*			
Green	25.0A				51.0P	8.0A		
Yellow/AR	6.0				6.0	4.0		
Cycle Length: 100 secs Phase combination order: #1 #5 #6								

Intersection Performance Summary

Lane	Group	Cap	Adj Sat Flow	v/c Ratio	g/C Ratio	Delay	LOS	Approach: Delay	LOS
EB	L	477	1704	0.218	0.280	21.0	C	20.9	C
	TR	451	1610	0.157	0.280	20.6	C		
WB	L	410	1466	0.385	0.280	22.4	C	22.0	C
	TR	435	1554	0.078	0.280	20.1	C		
NB	L	312	1925	0.186	0.240	18.5	C	13.7	B
	T	1954	3619	0.697	0.540	13.7	B		
	R	831	1538	0.051	0.540	8.3	B		
SB	L	297	1834	0.017	0.240	13.5	B	14.8	B
	T	1954	3619	0.759	0.540	14.9	B		
	R	863	1599	0.014	0.540	8.1	B		

Intersection Delay = 15.1 sec/veh Intersection LOS = C
 Lost Time/Cycle, L = 6.0 sec Critical v/c(x) = 0.551

HCS: Arterial Release 2.1

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*****
File Name ..... SR771.HC1
Arterial..... SR 77
From/To..... HAN/AIRES
Direction ..... N
Analyst..... DRB
Time of Analysis..... PM PK
Date of Analysis..... 01/29/96
Other Information... COMB 2006 VOL
  
```

A. Description of Arterial

Seg.	Intersection File Name	Street Name	Length (mi)	Art. Class	Free Flow Speed (mph)	Flow Sect.
1	DR4AIRES.HC9 DR6LARES.HC9	DR 4 /AIRES DR 6	0.50	1	* 55	1

* Free flow speed is out of bounds of Table 11-4. Free-flow speed will be used as arterial speed to compute running times.

B. Intersection Delay Estimates

Seg.	C	g/C	v/c	c	Arrival			D2	Inter. Stopped Delay	Inter. Total Delay	Inter. LOS
					Type	D1	DF				
1	100	0.54	0.697	1954	3	12.9	1.000	0.8	13.7	17.8	B

C. Arterial Level of Service

Seg.	Sect.	Running Time	Int. Total Delay	Other Delay	Section		Arterial Speed (mph)	Arterial LOS
					Sum of Time	Sum of Length (mi)		
1	1	32.7	17.8	0.0	50.5	0.50	35.6	A

```

Grand sum of time:      50.5
Grand sum of length:   0.50 mi
Arterial Speed:       35.6 mph
Arterial LOS:         A
  
```

HCS: Arterial Release 2.1

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*****
File Name ..... SR771.HC1
Arterial..... SR 77
From/To..... NAN/AIRES
Direction ..... S
Analyst..... DRB
Time of Analysis.... PM PK
Date of Analysis.... 01/29/96
Other Information.... COMB 2006 VOL
  
```

A. Description of Arterial

Seg.	Intersection File Name	Street Name	Length (mi)	Art. Class	Free Flow Speed (mph)	Speed Sect.
1	DR4AIRES.HC9 DR6LARES.HC9	DR 4 /AIRES DR 6	0.50	1	* 55	1

* Free flow speed is out of bounds of Table 11-4. Free-flow speed will be used as arterial speed to compute running times.

B. Intersection Delay Estimates

Seg.	C	g/C	v/c	c	Arrival				Inter. Stopped	Inter. Total	Inter. LOS
					Type	D1	DF	D2	Delay	Delay	
1	100	0.54	0.759	1954	3	13.6	1.000	1.3	14.9	19.3	B

C. Arterial Level of Service

Seg.	Sect.	Running Time	Int. Total Delay	Other Delay	Section Sum of Time	Section Sum of Length (mi)	Arterial Speed (mph)	Arterial LOS
1	1	32.7	19.3	0.0	52.0	0.50	34.6	B

```

Grand sum of time:      52.0
Grand sum of length:   0.50 mi
Arterial Speed:       34.6 mph
Arterial LOS:         B
  
```

HCS: Multilane Highways Release 2.1

File Name SR772006.HC7
 Facility Section..... SR 77
 From/To..... HANLEY-AIRESEACH
 Analyst..... DRB
 Time of Analysis..... 2006 PMPK
 Date of Analysis..... 01/29/96
 Other Information.... PMPK COMBINED

A. Adjustment Data	Direction 1	Direction 2
Volume	1550	1970
Percentage of Trucks and Buses	5.0	5.0
Percentage of Recreational Vehicles		
Ideal Free-Flow Speed	1.0	1.0
Peak-Hour Factor or Peak 15 Minutes	60.0	60.0
Lane Width	0.92	0.92
Access Points per Mile	12.0	12.0
Distance from Roadway Edge	10.0	10.0
Type of Median	2.0	2.0
	D	D

B. Adjustment Factors								
Terrain Type	E	E	F	F	F	F	F	F
	T	R	HV	M	LW	LC	A	
LEVEL	1.50	1.20	0.97	0.00	0.00	3.60	2.50	
	1.50	1.20	0.97	0.00	0.00	3.60	2.50	

C. Level of Service Results	Direction 1	Direction 2
Service Flow Rate (Vp)	865	1100
Average Passenger Car Speed (mph)		
Free Flow Speed (mph)	54	54
Density (pcpmpl)	16	20
Level of Service (LOS)	B	C

HCS: Arterial Release 2.1

File Name SR771.HC1
 Arterial..... SR 77
 From/To..... HAN/AIRES
 Direction S
 Analyst..... DRB
 Time of Analysis.... PM PK
 Date of Analysis..... 01/29/96
 Other Information... COMB 2006 VOL

A. Description of Arterial

Seg.	Intersection File Name	Street Name	Length (mi)	Art. Class	Free Flow Speed Sect. (mph)
1	DR4AIRES.HC9 DR6LARES.HC9	DR 4 /AIRES DR 6	0.50	1	* 45

* Free flow speed is out of bounds of Table 11-4. Free-flow speed will be used as arterial speed to compute running times.

B. Intersection Delay Estimates

Seg.	C	g/C	v/c	c	Arrival			Inter.	Inter.	LOS	
					Type	D1	DF	D2	Stopped Delay		Total Delay
1	100	0.54	0.759	1954	3	13.6	1.000	1.3	14.9	19.3	B

C. Arterial Level of Service

Seg.	Sect.	Running Time	Int.		Section		Arterial Speed (mph)	Arterial LOS
			Total Delay	Other Delay	Sum of Time	Sum of Length (mi)		
1	1	44.0	19.3	0.0	63.3	0.50	28.4	B

Grand sum of time: 63.3
 Grand sum of length: 0.50 mi
 Arterial Speed: 28.4 mph
 Arterial LOS: B

HCS: Arterial Release 2.1

```

*****
File Name ..... SR771.HC1
Arterial..... SR 77
From/To..... HAN/AIRES
Direction ..... N
Analyst..... DRB
Time of Analysis..... PM PK
Date of Analysis..... 01/29/96
Other Information.... COMB 2006 VOL
  
```

A. Description of Arterial

Seg.	Intersection File Name	Street Name	Length (mi)	Art. Class	Free Flow Speed (mph)	Flow Sect.
1	DR4AIRES.HC9 DR6LARES.HC9	DR 4 /AIRES DR 6	0.50	1	* 45	1

* Free flow speed is out of bounds of Table 11-4. Free-flow speed will be used as arterial speed to compute running times.

B. Intersection Delay Estimates

Seg.	C	g/C	v/c	c	Arrival			D2	Inter. Stopped Delay	Inter. Total Delay	Inter. LOS
					Type	D1	DF				
1	100	0.54	0.697	1954	3	12.9	1.000	0.8	13.7	17.8	B

C. Arterial Level of Service

Seg.	Sect.	Running Time	Int. Total Delay	Other Delay	Section		Arterial Speed (mph)	Arterial LOS
					Sum of Time	Sum of Length (mi)		
1	1	44.0	17.8	0.0	61.8	0.50	29.1	B

```

Grand sum of time:      61.8
Grand sum of length:   0.50 mi
Arterial Speed:       29.1 mph
Arterial LOS:         B
  
```

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, Special Chair
Don Cox, Vice Chair
Alan Caine, Commissioner
John Buette, Commissioner
Robin Large, Commissioner
Mark Napier, Commissioner

ABSENT: Robert La Master, Commissioner

PLEDGE OF ALLEGIANCE

Special Chair Swope led the audience in the Pledge of Allegiance.

CALL TO THE AUDIENCE (Non Agenda Items Only)

Joe Hornat, Oro Valley Resident, Oro Valley Council Member, commented on the current Planning and Zoning Commission. Mr. Hornat's goal for the Planning and Zoning Commission is to see the commission well versed in the code and handling the different items accordingly.

1. **Election of Chair, discussion and possible action to nominate and elect a Planning and Zoning Commission Chair.**

MOTION: A motion was made by Commissioner Caine and seconded by Commissioner Buette to nominate Commissioner Swope as Chair from today through January 30, 2012.

MOTION carried, 6-0.

2. **Election of Vice-Chair, discussion and possible action to nominate and elect a Planning and Zoning Commission Vice-Chair.**

MOTION: A motion was made by Vice Chair Cox and seconded by Commissioner Caine to nominate Commissioner Cox as Vice-Chair from today through January 30, 2012

MOTION carried, 6-0.

3. **Public Hearing: Evergreen-Steam Pump LLC., requests approval of a Planned Area Development (PAD) amendment for Steam Pump Village. The amendment will include revisions to the PAD relating to convenience uses, building heights, administrative clean**

up and changes to development standards and permitted uses. The site is located on the west side of Oracle Road between Rams Field Pass and Hanley Boulevard, OV910-001.

David Ronquillo, Planning Division Senior Planner, presented the following:

- Application Context
- Location Map
- Summary of Proposed Amendment
- Reason for Request
- General Plan Designation
- General Plan - Applicable Policies
- Staff Analysis - Substantive Items
- Adjacent Residential Homes
- Building Height Section - Looking North
- Project Timeline
- Summary

David Williams, Oro Valley Planning Division Manager added staff would like to see the building height step down as it gets closer to the river park.

Commissioner Cox asked if there was anything currently planned for the Steam Pump Ranch property. Mr. Williams said only single stories adjacent to that site because of the historic rural nature of the property.

Commissioner Caine asked if the document given to the commission was the proposed PAD amendment the applicant proposed. Mr. Ronquillo responded that the PAD document reflects all the changes.

Commissioner Caine asked for clarification that this is not the final document that staff is proposing. Mr. Williams said rather than asking the applicant to keep revising and giving us new versions, staff forwards a version that is marked up like the one you have with any additional changes.

Commissioner Caine asked whether the staff recommendation on the modifications of the PAD was included on the marked up version. Mr. Williams responded yes.

Chair Swope asked if the revisions the applicant makes and provided back to staff would come back before the commission. Mr. Williams said it is not our practice to ask for a clean document before we go to council, this way everybody will be able to see the changes that are being made in the strike out format.

Commissioner Caine commented that the commission would like to see the revisions. Mr. Williams said if that is the pleasure of the commission, staff understands.

Commissioner Caine commented that it is common practice for drive-through uses to go through the conditional use approval process, and if whether that is the case in this instance. Mr. Ronquillo responded yes.

Commissioner Buette asked if the number of convenience uses are doubling from four to eight. Mr. Ronquillo replied yes.

Commissioner Buette asked what is the allowable number of convenience uses and why does the PAD state it is exempt from the number of convenience uses. Mr. Williams said that the number of convenience use is limited by the site area, you can only have one per 4.5 acres of site.

Commissioner Buette asked if there are any limitations on drive through conveniences under the new proposal. Mr. Ronquillo said the amendment states convenience uses would be limited to eight, four with a multi tenant building or four individual. So there is a limitation on how many businesses that can have a drive-through on that site.

Commissioner Large asked how residential uses will be integrated with commercial or employment uses and in what manner. Mr. Williams said it is a horizontal integration verses a vertical.

Chair Swope commented staffs response section was vague and lead to a number of questions from the commission. It doesn't tell us specifically what staff was agreeing to or not agreeing to in terms of the heights, setbacks and other requirements. It would have been helpful if there had been more specificity and direction.

Chair Swope asked if there were any view impact analysis conducted to show what kind of impact it might have on the Palisades neighborhood. Mr. Williams said we did look at elevations and the nearest homes are about 40 feet higher than the elevation at Steam Pump Ranch.

Chairman Swope asked for clarification on gas stations, convenience stores and other uses that are conditional under C-N, C-1 and C-2. They are now going to be allowed but as a conditional use, is that correct. Mr. Ronquillo said that is correct, unless specifically prohibited on the list on page 69.

Chair Swope added that in the applicant's letter there was a fair amount of discussion about gas stations, yet on page 69 auto services are prohibited use.

Mr. Williams commented that gas stations are not auto service per our code definitions, they are a distinct use.

Vice Chair Cox asked what are the building heights currently on the property. Mr. Williams replied that the tallest structure is hotel. Paul Keesler, Oro Valley Permitting Manager, added that the height of the hotel is 39 feet.

Vice Chair Cox asked if any complaints were filed regarding the current heights of buildings during the neighborhood meeting. Mr. Williams responded none that staff was aware of.

Keri Silvyn, from Lewis and Rocca, representing Evergreen LLC, presented the following:

- Total Project Size - 40 Acres
- Major Onsite/Offsite Improvements
- Master Detention System
- Park Improvement
- Public Art
- Pedestrian Pathway and Utility Extensions
- Parking, Lighting, utilities, Etc.
- Vision now
- Site Plan

Phase I Pad A
Existing PAD Area's A, B, C & D
Design Guidelines Comparison Table
Cross Section & Photograph Location
Cross Section 1
Cross Section 2
Permitted Uses
Prohibited Uses
Convenience Use Requirements
Conditions

Commissioner Caine asked if the applicant wanted to raise the building height from the current 30 feet to 39 feet which is separate from the general requirements to allow 49 feet in certain areas. Ms. Silvyn responded yes.

Commissioner Caine asked if the vacant pad was the only vacant site adjacent to the historic area. Ms. Silvyn said yes.

Vice Chair Cox read a sentence from the staff report which stated "the applicant's main reason for the amendments is to allow greater flexibility in designing future phases of the Steam Pump Village development", and went on to ask if that was a fair assessment. Ms. Silvyn replied yes.

Vice Chair Cox read from the staff report stating "the applicant states that the PAD standards must allow more flexibility to attract potential businesses", would that also be a fair statement. Ms. Silvyn said yes.

Vice Chair Cox asked since the economic down turn, have you been approached by potential tenants that you had to turn away because of the restrictions on the PAD currently. Ms. Silvyn replied yes.

Vice Chair Cox asked the applicant for the specific fast food uses proposed for the site. Ms. Silvyn said no specific tenants at the current time.

Vice Chair Cox asked if the only building height request is the small pad that is immediately adjacent to what is commonly referred to as Steam Pump Ranch. Ms. Silvyn said there are actually two building height changes. One is the additional 5 feet for architecture on that site. The other is overall different height nomenclature which is similar to what currently exists.

Vice Chair Cox asked if the applicant would be able to live with single story language taken out. Ms. Silvyn said yes.

Vice Chair Cox asked if staff can live with single story language taken out. Mr. Williams replied that the biggest concern was the additional five feet obstructing mountain views, staff prefers single story appearance and is fine with single story language taken out.

Commissioner Buette asked if there are any clustering of convenience uses planned with space in between. Ms. Silvyn said yes.

Commissioner Buette commented that he wanted some assurance that it will not be a line of convenience uses similar to other locations. Mr. Williams commented that there is no preclusion from that happening.

Commissioner Buette asked Mr. Silvyn if she would address the issue of convenience use spacing. Chair Swope commented that these are items the commission could talk about as part of conditions.

Commissioner Napier wanted confirmation that eliminating the single story provision would be sufficient and no additional height is requested above the 30 feet for the site. Ms. Silvyn said it is not preferred but would be comfortable with regard to the building pad in the corner of Phase one amending the wording to be a 30 foot height limitation and strike out single story as separate from rest of the height requirements.

Chair Swope asked if staff is okay with these height changes. Mr. Williams said staff was okay with these height changes.

Commissioner Napier commented that he would rather see it in writing clearly stating the 50 foot setbacks. Chair Swope commented that could be one of the conditions attached to our motion.

Chair Swope asked if staff has the ability to make sure that this kind of development meets architecture and design. Mr. Williams said yes we do.

Chair Swope asked, if the applicant considered dedicated parking for trail users for the three pedestrian access point to river park trail. Ms. Silvyn replied yes.

Chair Swope asked if we have comparable densities in the town similar to 25 units per acre. Mr. Williams said the Town does not.

Bill Adler, OV Resident, stated that there is incompatibility with this proposal.

Chair Swope commented that staff is in agreement with the PAD as provided to the commission and the only area in conflict is building height and that small yellow pad.

Todd Otis, OV resident, stated what is best for the Town is the proposed convenience and gas station uses. The applicant is asking for 20 percent site coverage open space and wants the benefits of the park, which is ten percent of the site.

Discussion:

Commissioner Caine commented that clarification is needed in a lot of areas and the height issue needs to be cleaned up along with what staff would like to see in the amendment spelled out more clearly.

Commissioner Napier asked whether anything in this amendment would compromise the architectural character of the this development. Commissioner Napier wanted assurance that future developments would have the architectural character that the Town desires for that parcel. Mr. Williams replied correct.

Commissioner Buette commented that he would like further discussion about the convenience spacing.

Vice Chair Cox asked if staff wanted a condition that there will be no single family residences. Mr. Williams said staff was comfortable as written.

Vice Chair Cox asked if staff is clear on the 50 foot setback. Mr. Williams replied yes.

Vice Chair Cox commented that he is in support of the motion on the table.

Commissioner Large asked Ms. Silvyn if 30 feet was adequate for the proposed building heights. Ms. Silvyn said the applicant desired the additional 5 feet, but would make it work with 30 feet and meet all of the standards of the Town.

Commissioner Large asked if the 50 foot setback would be okay with the applicant as there are residents that have concerns with the current proposal. Ms. Silvyn said there were no adjacent property owner's concerns.

Commissioner Large commented that she is comfortable with motion on the table.

MOTION: A motion was made by Commissioner Napier and seconded by Vice Chair Cox approve with a modification to include a 50 foot setback on the west property line and removal of the single story limitation from the yellow pad. Building heights on the yellow pad must remain at 30 feet (PAD number 1 Phase 1).

MOTION carried, 6-0.

Break 7:52

Resume meeting 8:04

4. [Public Hearing: Proposed amendments to Oro Valley Zoning Code Revised Section 27.3, Public Artwork Provisions by updating standards for in-lieu fees, use of in-lieu fees for maintenance of publicly owned artwork, and provision of in-lieu fees for art in remote locations, OV710-006.](#)

David Williams, Planning Division Manager, presented the following:

Amendments to Public Artwork Provisions
Fee-in-lieu of Artwork Provisions
Artwork in Remote Locations
Maintenance of Public Artwork
Project Timeline
Recommendation

Commissioner Caine asked how permit valuations are calculated. Mr. Williams said it is calculated from the building permit valuation and the expense of the improvements for the site.

Commissioner Napier asked if this valuation method is being proposed to prevent the developer from deflating their construction budget. Mr. Williams responded that no, this is not the purpose of tonight's amendment.

Commissioner Caine asked if the wording in section D might be missing. Mr. Williams offered that staff would be comfortable striking the wording "ten thousand dollars \$10,000" from the draft.

MOTION: A motion was made by Commissioner Napier and seconded by Vice Chair Cox to recommend that the Town Council approve proposed amendments to Oro Valley Zoning Code Revised Section 27.3, Public Artwork Provisions, OV710-006, by amending the Town Zoning Code as specified in Exhibit A.

Commissioner Caine requested staff's input about possibly applying two different standards to private and public art. Mr. Williams said that currently the Town has no funding system in place to maintain public art. Should someone choose the in-lieu fee and Council authorizes funds for public art, these funds could be used for maintenance.

MOTION carried, 6-0.

5. [Public Hearing: Amendment to Oro Valley Zoning Code Revised Section 26.5 and Chapter 31, definitions, Recreational 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 regarding the letter from the Southern Arizona Home Builders Association (SAHBA).

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

- 1 - Sixty-six percent is a reasonable threshold
- 2 - A recommendation from 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 available bicycle/pedestrian access. It was staffs intent to just say access, striking out the word bicycle.

Mr. Williams added the Town is not recommending any changes based on these comments from SAHBA.

Commissioner Cox asked if large lot developments are exempted from in-lieu fees. Mr. Williams indicated that under the proposed code, large lot development would be exempt from having to provide a recreation area or in-lieu fee.

Commissioner Cox asked if large lot developments are currently exempt for in-lieu fees. Mr. Michels responded no.

Commissioner Cox asked to explain the 43 lot or less threshold for using the in-lieu fee option. Mr. Michels said the in-lieu fee is intended to be an option for smaller subdivisions within this recreation code.

Commissioner Cox asked if the developers are currently required to pay any in-lieu fees. Mr. Williams responded that currently nobody is required to pay in-lieu fees, but it is an option to provide on-site recreation.

Chair Swope asked if shallow retention basins (flood prone areas) would be accepted as recreational land and if so are there liability issues associated with this. Mr. Andrews said from a liability stand point no. This allows the developer a dual use, it cannot be a detention are which holds water, but rather a retention area that slows it down and let's water out. Paul Keesler, Permitting Manager, commented that there are specific safety requirements with respect to side slopes and the depth of the ponding water in the basin that is acceptable for entrance areas without requiring safety barricade as 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 has always opposed in-lieu fees.

Chair Swope asked staff if they could elaborate on in-lieu fees and generating adequate revenue. Mr. Williams responded the Town has generated between \$140,000 - \$150,000 since in-lieu fees have been in effect.

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 recreational area in residential subdivisions, and Chapter 31, Definitions, as depicted in Exhibit "A", OV710-001

MOTION carried, 6-0.

6. [Planning Division Manager Update](#)

David Williams, Oro Valley Planning Division Manager, presented the manager's update:

- ESL to Town Council public hearing on January 19.
- Big Horn Commerce Center has applied for a change of rezoning conditions with the intent to broaden the uses permitted.
- AT&T Wireless application in Highlands Mobile Home Park.
- Conceptual Design Review Process.
- Sign Code is scheduled for public hearing with the Town Council on February 16.

7. [Future Agenda Items](#)

Vice Chair Cox stated he would like to see Planning and Zoning Rules and Procedures review.

ADJOURNMENT

MOTION: A motion was made by Vice Chair Cox and seconded by Commissioner Caine to Adjourn the Planning and Zoning Commission meeting at 8:48 p.m.

Prepared by,

Roseanne Flores
Recording Secretary

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION

MEETING DATE: January 13, 2010

TO: PLANNING & ZONING COMMISSION

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

SUBJECT: Public Hearing: Evergreen-Steam Pump LLC., requests approval of a **Planned Area Development (PAD) amendment for Steam Pump Ranch**. The amendment will include revisions to the PAD relating to development standards, revisions to permitted uses, administrative clean up and clarification of technical items. The site is located on the west side of Oracle Road between Rams Field Pass and Hanley Boulevard, OV910-001.

SUMMARY:

The proposed Planned Area Development (PAD) amendment includes the property known as the Steam Pump Village development located on the west side of Oracle Road between Rams Field Pass and Hanley Boulevard. The Steam Pump Ranch PAD is approximately 41 acres in size and was first adopted in 1988. There are existing buildings within Phases 1 - 3. As part of this request, the applicant proposes a total of twenty three (23) changes to the PAD. The proposed amendments involve a range of items and the majority of them are relatively minor in nature. Of the twenty three proposed amendments, there are some items that are more substantive, specifically relating to permitted/conditional uses, building heights/setbacks, freestanding pads and convenience uses.

BACKGROUND:

Since September 2009, Town staff has met with the applicant on several occasions to discuss the proposed amendments. The main goal was to express future growth expectations, community demand and Town vision. On October 28, 2009, a Town Council study session was held to discuss some preliminary ideas (see attached TC minutes for specifics).

In March 2010, the applicant began the PAD amendment process. Since this date there have been numerous submittals and meetings to discuss concerns and resolve issues. Recently, the applicant submitted an updated PAD document. The goal is to encourage a mix of high quality retail, restaurant, biotech and other office facilities.

Amendment Request

The applicant's main reason for the amendments is to allow greater flexibility in designing future phases of the Steam Pump Village development. The existing PAD is relatively stringent in terms of permitted uses and development standards. Because of the current economic conditions, the applicant states that the PAD standards must allow more flexibility to attract potential businesses; however, still maintain a high quality and aesthetically pleasing development as originally envisioned.

Amendment History

The Steam Pump PAD was first adopted in 1988 and since this meeting there have been numerous revisions, the most recent in 2005. Since the adoption of the PAD, six amendments have been approved for this site.

Site Conditions

- Property is 41 acres
- Zoning is Steam Pump Ranch PAD – Commercial

- The existing development has been built in three separate phases, as originally envisioned. These phases have not been completely built out and there are several empty pads remaining. Existing uses include retail, restaurants, hotel and a charter school.

Approvals to date:

- Development plans, preliminary plats and landscape plans have been approved for phases 1, 2 & 3.
- Final plat has been approved for phases 1, 2 & 3.
- Architectural elevations have been approved for the existing buildings.

Surrounding Land Uses:

Direction	Zoning	Land Use
North	R1-144, Single Family Residential	CDO Wash
South	R1-144, Single Family Residential	Historic Steam Pump Ranch
East	Pima County, CPI - Campus Park Industrial	Foothills Business Park and Honeywell Office. (Residences located along Rams Field Pass)
West	R1-144, Single Family Residential	CDO Wash and proposed River walk Trail. (Residences located west of wash)

Town General Plan

The Town General Plan designates this site as “Community/Regional Commercial”. This designation denotes an area where commercial uses are located along major roadways. Uses may include large scale developments which serve the region.

The following are applicable General Plan policies;

Policy 1.3.3, “The Town shall encourage the establishment of new commercial uses in areas so designated on the land use map near new residential neighborhoods with the type, scale and potential for buffering to be taken into account”

The proposed amendment will allow a greater variety of commercial uses integrating pedestrian amenities and unique architectural design that is compatible with the existing buildings and surrounding character.

Policy 1.3.4, “The Town shall encourage clustering of commercial developments at specific nodes or villages that are planned with strict aesthetic and design guidelines. The Town shall discourage strip commercial developments and free-standing pads”

Close attention will be focused on integrated building design and aesthetics. Existing buildings include a higher level of architectural design and treatment and this will continue for future buildings. A limit on free standing pads is already established.

Policy 3.1, “To ensure long-term financial and economic sustainability for the Town of Oro Valley”

The Town should support commercial developments that will contribute to financial sustainability in the long term grown for the community.

Policy 3.1.5, "The Town shall continue its efforts to attract new high-end retail and service businesses"

The original intent of the PAD was to attract high quality business to this area. This vision will be reinforced through the amended PAD language.

Policy 3.1.7, "The Town shall support the development of high quality employment-related uses that are compatible and consistent with the scale, character and workforce of community"

Specific attention will be focused on biotech or park-type office facilities that are compatible in this development and along Oracle Road.

Policy 3.1.9 "The Town shall recruit commercial businesses and other employment-related uses that do not negatively impact the neighboring residential uses"

Steam Pump Ranch does not directly abut any residential neighborhoods. As part of this amendment, the applicant has provided a list of uses that are prohibited within the Steam Pump PAD. These are primarily uses that would create unwanted nuisances.

STAFF ANALYSIS OF PROPOSED PAD AMENDMENTS

The proposed PAD amendments involve a range of items and the majority of them are relatively minor in nature. Of the twenty three (23) amendments, there are some items that are substantive, specifically relating to permitted/conditional uses, building heights, freestanding pads and convenience uses. The attached Exhibit provides a summary of all twenty three amendments.

Below is a summary of the substantive items followed by existing PAD requirements and staff commentary:

1. Page 38 (Section 1.2 C 3), Applicant requests to remove the words "one story building height". Prefer to limit the height of the building to keep the scale and compatibility but not limit the small pad to a single story. This request is for five (5) additional feet, thirty feet (30') plus 5' for architectural elements.

Existing PAD requirement: Adjacent retail uses from the Steam Pump Ranch complex (Phase 1 to the north) must be single story 30 feet.

Staff Response: Taller buildings adjacent to Steam Pump Ranch are not consistent with the historic character and scale. The existing wording should remain and no additional height is supported.

2. Page 73 (Section 1.3 A 6 F) Applicant requests no more than four freestanding retail structures and four free standing office/medical buildings (total of eight).

Existing PAD requirement: No more than four freestanding pad buildings less than 5,000 square feet in size may be located within 65 feet of Oracle Road.

Staff Response: Staff recommends freestanding building setbacks are staggered to mitigate commercial strip appearance. A proliferation of freestanding structures impacts the intended preservation of scenic resources.

3. Page 75-81 (Section 1.3, Development Standards) Establish unified standards for all development areas. Increase in building height, increase in floor area ratio and provide average building setbacks. Building heights would be lower along Oracle Road and increase for buildings along the west side of property (adjacent to the wash). Refer to attached summary table for specifics.

Existing PAD requirement: Development Areas A - D have specific standards relating to building height, setbacks and floor area ratio. Each development area has different standards (see attached amendment summary table for specifics).

Staff Response: Establishing unified standards would simplify the PAD and provide more consistent requirements. A graphic will be provided at the meeting to further illustrate.

4. Pages 67-70 (Section 1.3 A) Applicant requests to allow more flexibility with permitted uses. Uses permitted under Town C-N, C-1 and C-2 districts may be permitted; however, uses that require a conditional use permit must proceed through the Town review process. Residential uses would be limited and other uses would be prohibited.

Existing PAD requirement: The PAD addresses specific limited uses for each development area. Uses are limited to retail, restaurant, office, hotel and other uses. Residential use is not permitted.

Staff Response: Uses permitted under the Town C-N, C-1 and C-2 would allow a broader range of uses not envisioned as part of the original pad such as gas stations, residential and other more intense convenience uses. Residential uses should only be permitted if integrated with commercial or employment uses. The applicant has restricted uses that would not be compatible on this site (see list on page 69 of the PAD).

Convenience uses must obtain a conditional use permit (CUP). The convenience uses would be subject to all the requirements as specified in Section 25.1G of the zoning code with the exception of the following: 1) Locational requirements 2) Number of convenience uses 3) Timing of development and 4) Minimum building site. All other standards of this section would apply.

5. Page 70 (Section 1.3 A 2 A) Applicant requests to allow a maximum of four convenience uses within multi tenant buildings and four freestanding convenience uses and also remove the restrictive language for convenience uses.

Existing PAD requirement: A total of four convenience uses are permitted with the following convenience use standards:

- A maximum of two drive-through or drive in convenience use pads, limited to Development Areas A&B.
- A maximum of two non pad convenience uses which must be part of primary cluster of buildings.
- Drive-through or drive in convenience uses are prohibited, except for coffee shops with a drive-through component.
- One of the two non-pad convenience uses shall only be permitted upon completion of movie theatre.
- There will be no fast food or gas stations convenience uses. Only coffee shops with a drive thru component will be permitted within the fast food convenience use category.

Staff Response: Removing the convoluted language is acceptable and would provide greater flexibility. Convenience uses would be subject to a conditional use permit. As part of this process staff would evaluate more closely site layout, traffic circulation and building design and confirm standards and expectations of the PAD are met.

This proposal would allow fast food with drive through and gas station convenience uses. Convenience uses would be limited to eight: four freestanding and four within multi tenant buildings.

Public Notification and Comment

The property has been noticed and posted in accordance with Town requirements.

To comply with the requirements of the Public Participation Ordinance, a neighborhood meeting was held on December 9, 2010. At this meeting, nine residents attended and the items below were addressed.

1. Timing/funding of Rams Field Pass traffic signal

Applicant Response: When phase four of this site is developed, a traffic study will be prepared and at this time it will be determined whether a traffic signal will be warranted. There is no predetermined agreement of how this will be funded.

Staff Response: When phase four is developed, the Town will require the developer to submit a revised traffic impact analysis, including a signal warrant study for the intersection of this development, Oracle Road and Rams Field Pass. All funding for any required signalization shall be the responsibility of the developer.

2. Mixed use design – how is it defined?

Applicant Response: Different uses immediately adjacent to each other. A combination of uses with similar uses clustered together sharing pedestrian and vehicular access

Staff Response: The PAD provides a fairly broad definition and mentions that such center would achieve a mix of uses, common driveways, internal circulation and shared parking. The intent is to provide opportunities for various activities to be done in one place.

3. Market study to provide demands for site

Applicant Response: The applicant has not prepared a market study for the proposed uses.

Staff Response: The completion of a market study is not recommended as a prerequisite to amending the PAD.

4. Economic impact statement

Applicant Response: Further information will be provided at the P&ZC meeting.

Staff response: An economic impact statement is not currently required

5. Height of buildings – provide illustrations

Applicant Response: A cross section illustration is being prepared and will be distributed to commission members.

Staff Response: Acknowledged

6. Lighting – height of poles and light pollution on adjacent properties

Applicant Response: Lighting will be consistent with the existing phases and the lighting requirements of the PAD.

Staff Response: Lighting will be in conformance with Oro Valley requirements.

7. Assisted living care facilities do not fit on this site.

Applicant Response: This type of use will be explored within Steam Pump Village.

Staff Response: Acknowledged

Additional information is available in the attached public outreach report. No further comments have been submitted since the completion of this report.

CONCLUSION/RECOMMENDATION

The proposed amendments are in general conformance with applicable General Plan policies. As previously mentioned, the purpose of the proposed amendments is to allow more flexibility in terms of permitted uses, building heights and other PAD standards within the Steam Pump PAD. The existing PAD is fairly restrictive and as part of the original PAD specific uses were prohibited to maintain a high quality development. The proposed amendments would allow much more flexibility within the site in terms of permitted uses, convenience uses, building heights and freestanding buildings.

If the proposed amendments are incorporated, the PAD would allow greater flexibility to attract potential businesses and while still intending a high quality and aesthetically pleasing development as originally envisioned.

In general, staff supports the proposed PAD amendments as listed in the applicant's request letter and substantive items listed in the staff analysis, with a condition on item #1 item that no additional height is granted and item #4 convenience uses not be subject to the specified standards. Furthermore, the land use proposal section needs to clarify the expectations for high end quality development through clarification and specificity on architectural styles and features, pedestrian and site amenities. These items are listed as conditions in Exhibit A. All other administrative and clean up items are supported.

Staff recommends approval with the conditions listed in Exhibit A.

SUGGESTED MOTION

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

I move to [approve, approve with conditions, OR deny], OV910-001, request for approval of the Steam Pump Village PAD amendments as specified in Exhibit A.

Attachments:

1. Amendment Summary Table
2. Steam Pump Ranch PAD
3. Applicant's Letter with Proposed Amendments
4. TC Study Session Minutes
5. Public Outreach Report

cc: Allison Reis, Allison.Reis@Evergreendev.com
Keri Lazarus Silvyn, Ksilvyn@Irlaw.com

Project Manager: David Ronquillo, OV Senior Planner

David Williams, Planning Division Manager

EXHIBIT A – CONDITIONS
OV910-001
STEAM PUMP PAD AMENDMENT

1. Page 38 (Section 1.2 C 3), revise this section to specify 30' single story must be established.
2. Page 70, (Section 1.3 A), revise this section to include the following: convenience uses would be subject to all the requirements as specified in Section 25.1G of the zoning code with the exception of the following: 1) Locational requirements 2) Number of convenience uses 3) Timing of development and 4) Minimum building site. All other standards of this section would apply.
3. Page 36 (Section 1.2 A), revise the land use proposal section to clarify the expectations for high end quality development through clarification and specificity on architectural styles and features, pedestrian and site amenities.
4. Remove any remaining references to development areas A, B, C & D. Ensure that all cross references match as referenced and the document is corrected for grammar.
5. Provide a revised PAD that is complete and fully corrected.

EVERGREEN



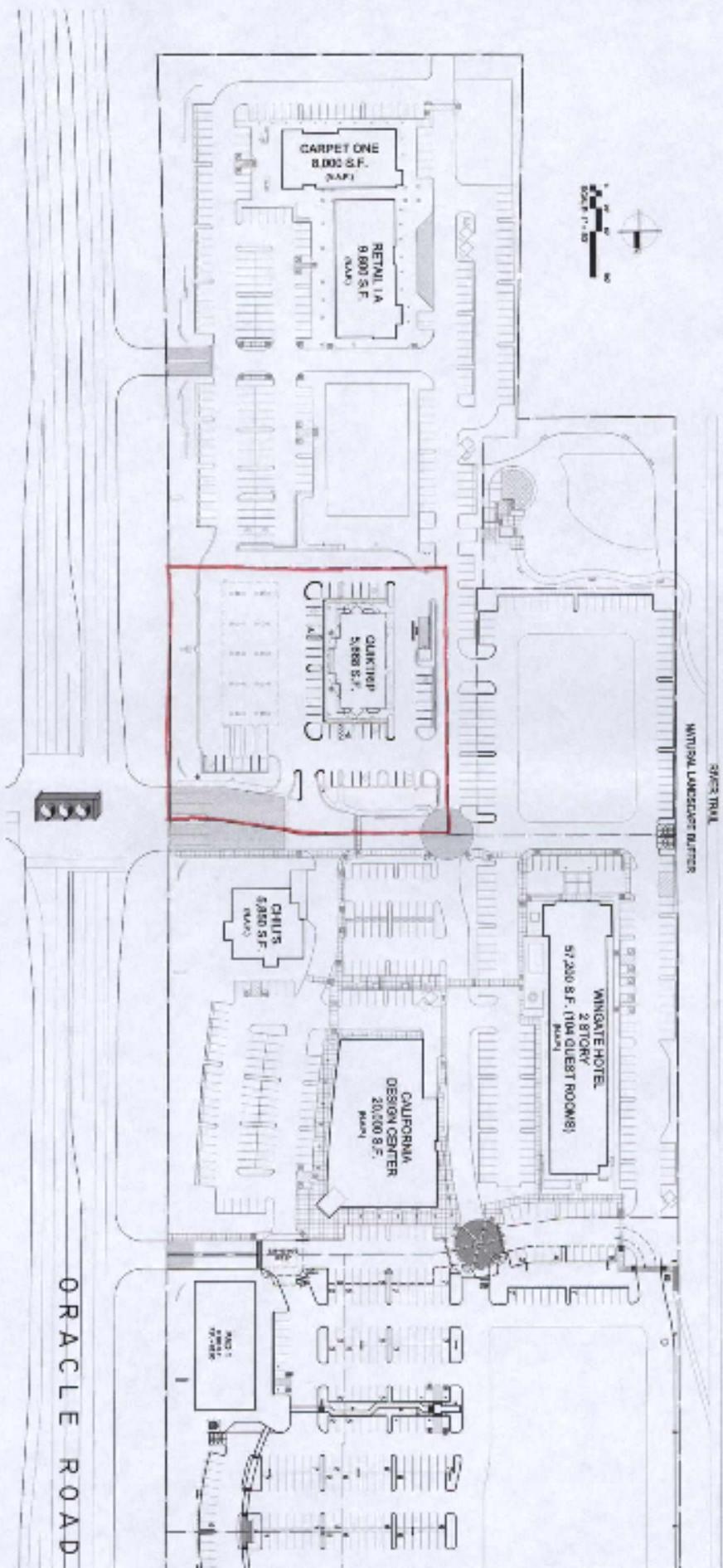
STEAM PUMP VILLAGE SPECIALTY RETAIL CENTER ORO VALLEY, ARIZONA

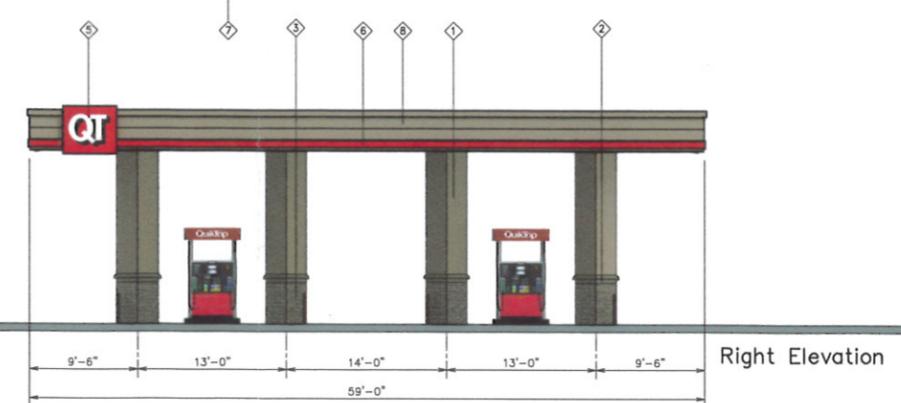
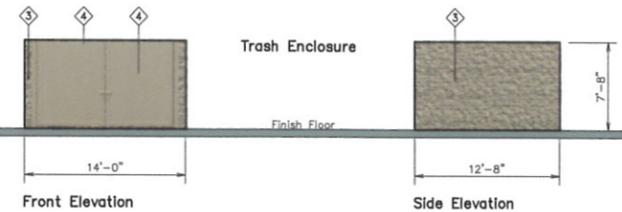
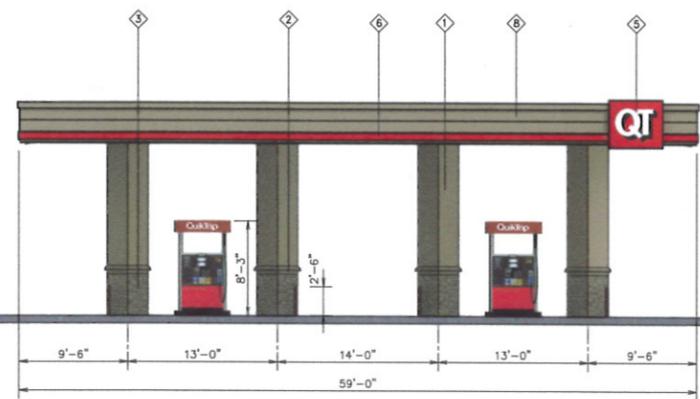
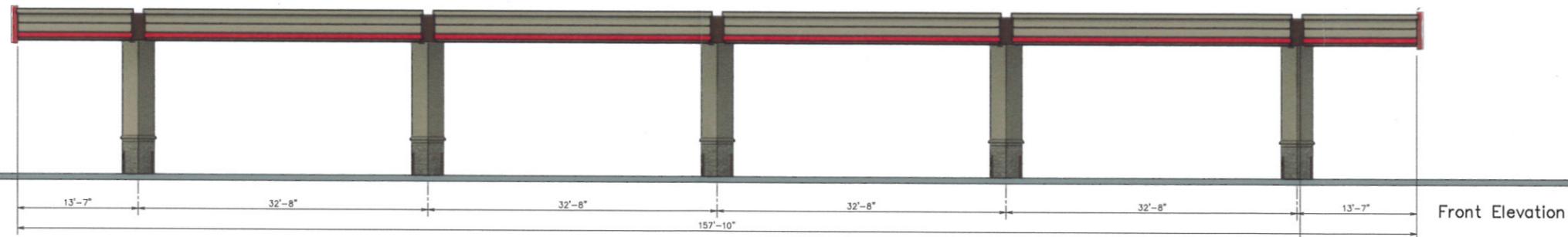


MAR 23 2011



02/28/11
11/08/07





Store #	1475	Address:	11045 North Oracle Road	City, State:	Pima, AZ
Serial #	GD10GEL00-01	Scale:	1/16" = 1'-0"		

①	FINISH	MANUFACTURER	SPECIFICATION
1	DEC217/SLOPES	DUNN-EDWARDS	EPS/PAINT
2	COLOR: BUFF	IBD	SMOOTH FACE CUU/PAINT
3	COLOR: BUFF	IBD	SPLIT FACE CWU/PAINT
4	DEC717/BAKED POTATO	DUNN-EDWARDS	METAL/PAINT
5	DC-20	ALLEN INDUSTRIES	ILLUMINATED SIGNAGE
6	RED POLYCARBONATE	ALLEN INDUSTRIES	ILLUMINATED BAND
7	COPPER BROWN	IBD	PAINT
8	DEC717/BAKED POTATO	DUNN-EDWARDS	EPS/PAINT



RECEIVED
MAR 14 2011
Town of Oro Valley



Store #	1475	Address:	11045 North Oracle Road	City, State:	Pima, AZ
Serial #	SDG3BEL00-11	Scale:	1/16"=1'-0"		

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FINISH	MANUFACTURER	SPECIFICATION
1 DEC217/SLOPES	DUNN-EDWARDS	PIES/PAINT
2 SHALE COUNTRY	OWENS CORNING	STACKED LEDGE STONE
3 DEC217/SLOPES	DUNN-EDWARDS	METAL PAINT
4 COLOR: BUFF	TBD	SMOOTH FACE CMU/PAINT
5 COLOR: BUFF	TBD	SPLIT FACE CMU/PAINT
6 QT RED	LANE	STANDING SEAM AWNING
7 RED POLYCARBONATE	ALLEN INDUSTRIES	ILLUMINATED BAND
8 HLZ-ALUMINUM	ALPOLIC	FASCIA
9 DB-20	ALLEN INDUSTRIES	ILLUMINATED SIGNAGE
10 CL-500	ALLEN INDUSTRIES	SIGNAGE
11 DEC217/BAKED POTATO	DUNN-EDWARDS	PIES/PAINT
12 DEC217/BAKED POTATO	DUNN-EDWARDS	METAL CAP/PAINT



Town Council Regular Session

Item # 2.

Meeting Date: 04/20/2011

Requested by: Matt Michels

Submitted By:

Matt Michels, Development
Infrastructure Services

Department: Development Infrastructure Services

SUBJECT:

PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE NO. (O)11-05, ADOPTING REVISIONS TO THE ORO VALLEY ZONING CODE REVISED (OVZCR) SECTION 26.5, PROVISION OF RECREATIONAL AREA, ATTACHED HERETO AS EXHIBIT "A"; AND AMENDING CHAPTER 31, DEFINITIONS

RECOMMENDATION:

Staff recommends approval of Ordinance No. (O)11-05 with the concurrence of the Planning and Zoning Commission and Parks and Recreation Advisory Board.

EXECUTIVE SUMMARY:

The Town Council held a public hearing February 16, 2011, and raised several questions and concerns regarding the proposed recreational area code amendment. The motion, which passed 6-1, was to continue the item for further study. This item has been placed on the April 20 regular agenda as a public hearing for discussion and possible action.

The questions and concerns raised at the February 16th meeting are summarized below, including staff's response. Please refer to the February 16, 2011, staff report and Council packet (Attachment #2) and draft minutes (Attachment #3) for additional background and information regarding the proposed amendment and Council's deliberations last month.

BACKGROUND OR DETAILED INFORMATION:

Following are the issues, questions, and concerns raised by the Council at the February 16th public hearing. Each question or concern is listed below, followed by staff response *in italics*:

1. Does the proposed Code violate the Federal Fair Housing laws with regards to demographics?

Staff has conferred with the Legal Department who has advised that the inclusion of demographic references in the Code does not conflict with Federal Fair Housing Laws since the demographic information, if provided, is used to adjust recreation requirements, and is not used to market, advertise, or influence the sale of homes or property.

The demographic profile projections required by the existing and proposed Code are intended to allow developers to provide amenities appropriate to the residents of the subdivision. For example, the tot lot requirement can be waived if the developer submits a statement that the subdivision will be largely "empty nesters". The intent is to avoid prescribing a "one size fits all" approach regarding recreation area amenities and the demographic projections will be based on estimates and the applicant's statement rather than a detailed analysis of demographic characteristics that could possibly used in an inappropriate or discriminatory manner.

2. Are there any provisions in place that preclude the use of in-lieu fees for general operations and maintenance (O&M) costs?

The monies from the in-lieu fee fund cannot be used for general operation and maintenance costs. The proposed Code requires that the in-lieu fee be sufficient to fund park improvement project(s) and are not intended for O&M use.

3. What is the distinction between the proposed in-lieu fee options and park impact fees?

The Town does not provide neighborhood level recreational facilities. The in-lieu fee option is provided as an alternative mechanism for developers who meet certain specific criteria to satisfy Code requirements for on-site recreation areas and facilities.

According to State law, park impact fees are to be used for public facilities to offset the impact of new residences on public parks and recreation facilities. The use of impact fees is strictly regulated by State law. The Town maintains a separate fund for impact fees, which are used for parks projects as defined in the Town's infrastructure plan.

4. Is the proposed recreational area code overly prescriptive and can the recreational improvements for each subdivision be negotiated on a case-by-case basis?

A primary impetus for this Code update is to provide more consistent, objective standards and guidance for developers to ensure adequate provision of recreation facilities within residential subdivisions. Further, this Code update codifies requirements for best practices for recreation areas, including tot lots and linear parks. The Code is intended to be flexible and allow developers to respond to the demographic composition of the subdivision and individual site characteristics as necessary.

Staff will be prepared to respond to additional questions at the Town Council meeting.

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:

I MOVE to [adopt, adopt with conditions, or deny] Ordinance (O)11-05, ADOPTING REVISIONS TO THE ORO VALLEY ZONING CODE REVISED SECTION 26.5, PROVISION OF RECREATIONAL AREA, as shown in Exhibit "A".

Attachments

Ord. 11-05

Att #2 - Staff Report 2.16.11

Att #3 - DRAFT TC Minutes Excerpt 2.16.11

Att #4 - Exhibit "A" DRAFT Code Amendment

ORDINANCE NO. (O)11-05

AN ORDINANCE OF THE TOWN OF ORO VALLEY ARIZONA, ADOPTING REVISIONS TO THE ORO VALLEY ZONING CODE REVISED (OVZCR) 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. 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 2. Chapter 31, Definitions of the Oro Valley Zoning Code Revised is hereby amended by adding new definitions for Crime Prevention through Environmental Design (CEPTED) (Definition Number ___); Linear Park (Definition Number ___); Tot Lot (Definition Number ___), and renumbering all definitions thereafter. Definition Number 126, Fair Market Value, is hereby amended with additions in ALL CAPS and deletions in ~~strikethrough text~~, and renumbering all definitions thereafter

SECTION 3. 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 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 on the 20th day of April, 2011.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

Tobin Rosen, Town Attorney

Date: _____

EXHIBIT “A”



Item #: 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.~~
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.
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

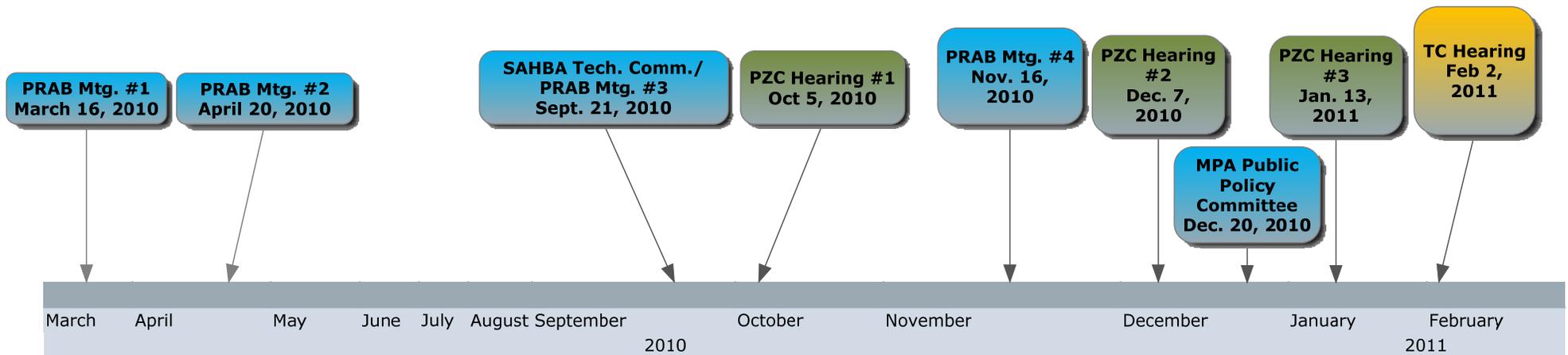
The fair market value RECREATION AREA IN-LIEU FEE shall be determined by the Town, with a written appraisal report prepared by an appraiser acceptable to the Town.

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.

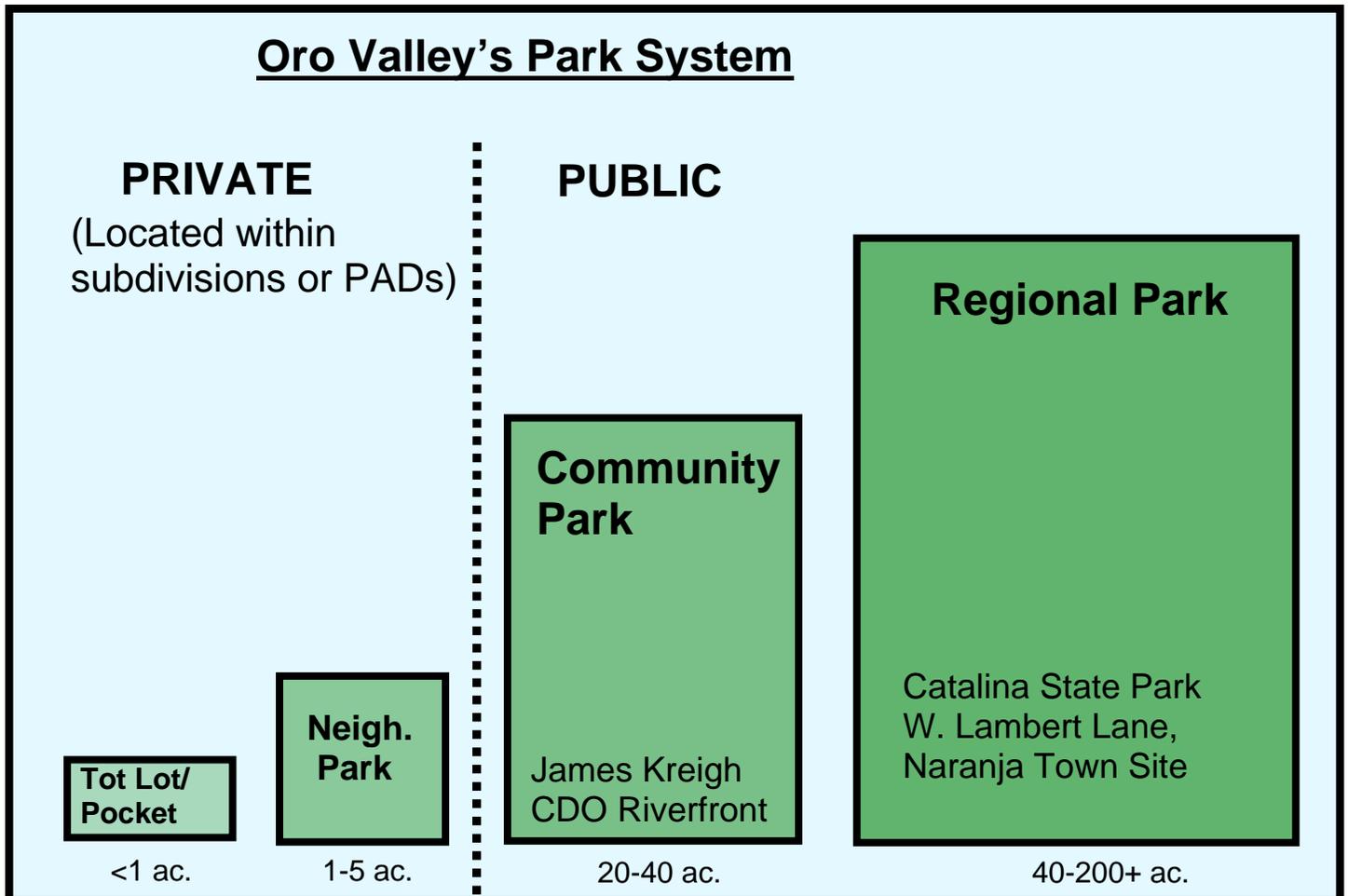
While the “apples to apples” in-lieu fee option may provide a potential method of generating sufficient funds for the Town to construct additional public parks, the following concerns remain:

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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David M. Godlewski**

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Affiliated With



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,

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

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

PLANNING & ZONING COMMISSION STAFF REPORT, OV710-001

Page 2 of 5

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.

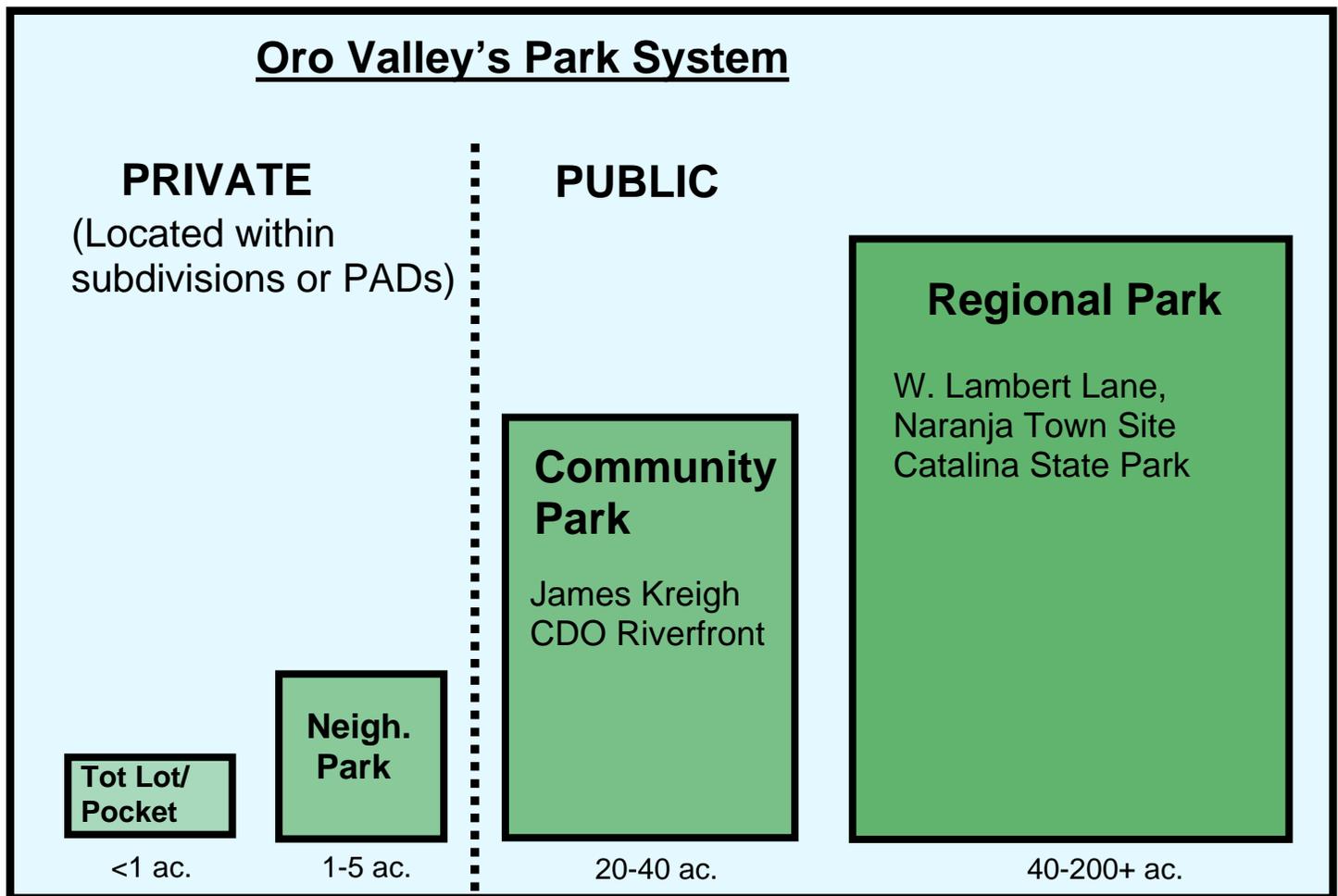
Importantly, the method of calculating the amount of the in-lieu fee has been amended to include the cost of structures, facilities, and design and construction costs required by the recreation code, representing the true value of the recreation facility, not solely the land. In this way, the in-lieu 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 facility(ies). 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. Williams'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

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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

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- 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.

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
February 16, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE**

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**

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Waters to approve 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.

MOTION carried, 7-0.

- 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**

Planning Manager David Williams gave an overview of Ordinance No. (O) 11-05. Mr. Williams stated that the main purpose of the proposed ordinance is to:

Address deficiencies in the current Code including:

- In-Lieu Fee Options
- Location Requirements

- Active/Passive Area Definitions
- Recreational Area Design
- Crime Prevention Through Environmental Design (CPTED)

Planning Manager David Williams gave an overview of the Oro Valley park system which includes regional parks, community parks, neighborhood parks, and tot lot/pocket parks. The proposed Code amendment addresses the neighborhood parks and the tot lot/pocket parks.

Mr. Williams explained that the in-lieu fee option was added to promote recreational areas in subdivisions and it creates more of an "Apples to Apples" approach. The fee now includes land and improvement costs and the availability of a full in-lieu option is limited to 43 lots or fewer. The "hybrid" in-lieu option is available for 44 or more lots.

Mr. Williams explained the proposed in-lieu fee option changes and discussed the exemption option for large lot subdivisions. Location standards have been modified to offer more flexibility to the builder and recreational amenities must be age appropriate. Playground equipment specifications such as location, shade, safety and ground surface materials have also been changed in this Code amendment.

Mr. Williams stated that Crime Prevention Through Environmental Design (CPTED) standards have been added to this Code change and that site design, lighting, signs and landscape will be reviewed by the Police Department to enhance safety and security.

The proposed Code changes have been reviewed by the Parks, Recreation, Library & Cultural Resources Department, the Police Department, the Parks and Recreation Advisory Board, the Southern Arizona Home Builders Association (SAHBA), Metropolitan Pima Alliance (MPA), and other interested residents.

Mr. Williams reviewed SAHBA and MPA comments. The Parks and Recreation Advisory Board and the Planning and Zoning Commission reviewed the amendments and both boards recommended approval.

Mr. Williams stated that staff believes that the proposed amendments are consistent with the General Plan and they address policies for recreational needs within the community. The proposed amendments refine the in-lieu fee option and are qualitative in nature and do not increase the area and number of required amenities. It also addresses environmentally sensitive open space (ESOS), indoor amenities credits, and linear park options.

Councilmember Hornat inquired as to when the town actually receives the check for the in-lieu fees. Mr. Williams responded that the town receives the in-lieu fees once the final subdivision plat is approved.

Mr. Williams clarified that the hybrid design for in-lieu fees allows developers to write a check for a portion of the recreational facilities and then build the other portion. The development community likes this option and staff believes that it is reasonable.

Councilmember Garner asked where the money is deposited and how it is administered.

Mr. Williams said that the money is deposited into a separate account and then staff would have discussions with developers to earmark the money for a specific project.

Councilmember Solomon voiced his concerns regarding the possibility that the proposed Code may violate the Federal Fair Housing laws with regards to demographics.

Councilmember Garner asked if there were any provisions in place that would not allow the in-lieu fees to be used for general O&M costs.

Parks, Recreation, Cultural Resources & Library Director Ainsley Legner stated that she believes that specific language is in place so that monies from the in-lieu fee fund can't be used for general operation and maintenance costs.

Discussion ensued between the Council regarding the proposed in-lieu fee options and park impact fees.

Mayor Hiremath opened the public hearing.

Oro Valley resident Mr. Bill Adler said that he thought that the Code was overly prescriptive. The manner and the specifics of the recreational area should be subject to design negotiations with staff. Mr. Adler said that he has always been opposed to in-lieu fees and is in favor of leaving whatever space is required in the subdivision, regardless of its size. This space helps to separate homes from glare and noise from the roadway and improves the quality of life for Oro Valley residents.

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Councilmember Solomon and seconded by Vice Mayor Snider to continue Ordinance No. 11-05 to a future study session.

MOTION carried, 6-1 with Councilmember Gillaspie opposed.

Exhibit "A"
OV710-01 Amendment to Section 26.5 Provision of Recreational Area/
Chapter 31, Definitions
2/16/11 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 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. ~~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 ~~3:1~~ 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.
- c. ~~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, ~~t~~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



Town Council Regular Session

Item # 3.

Meeting Date: 04/20/2011

Requested by: Aimee Ramsey

Submitted By:

Aimee Ramsey,
Development Infrastructure
Services

Department: Development Infrastructure Services

SUBJECT:

DISCUSSION AND POSSIBLE ACTION REGARDING DISPOSITION OF THE DEVELOPMENT AND INFRASTRUCTURE SERVICES DEPARTMENT TRANSIT SERVICES DIVISION

RECOMMENDATION:

As part of the Town Manager Recommended Budget for FY 2011/12, staff recommends moving forward with Transit Services Option C as discussed during the February 23, 2011 Town Council Study Session. This will begin the processes necessary to discontinue the Transit Service Division (Coyote Run).

EXECUTIVE SUMMARY:

The elimination of the service has several public notice requirements, hearings, etc. In order to eliminate the service, and the costs, prior to the end of the fiscal year this action is needed at this time. Due to the timing, if this item is acted on at a later Council meeting, then the \$220,000 savings in FY 11/12 would need to be reduced. If we wait until the June adoption of the budget to start the process, we will be unable to meet a July 1st implementation date and would be looking at a September 30th implementation date, costing the Town funding. Even with approval today, we will be late with the termination letter but the RTA is aware of the situation and will work with us.

The Transit Services Administrator is seeking direction to proceed with the elimination of Coyote Run in response to discussion among Council during the Finance Director's presentation at the March 9, 2011 budget session. At this time, staff requests authorization to begin the following processes necessary to discontinue Coyote Run and continue RTA Sun Shuttle service:

- Public Hearing – public outreach process
- Vehicle Disposal – FTA and ADOT required
- Service Transfer – RTA negotiations
- Refunds for Coyote Run passes that riders may not have been able to use
- Work towards a seamless transition of all riders impacted, introducing and encouraging senior riders to access personalized services provided by Interfaith Community Services, connected services matched through a referral service of Pima Council on Aging, and working to connect and encourage ADA-eligible riders to utilize Handi-car services

BACKGROUND OR DETAILED INFORMATION:

The Council Communication dated February 23, 2011, presented five (5) options for future transit service. Option C involved the elimination of Coyote Run, allowing the RTA to subcontract Sun Shuttle dial-a-ride service. Attachment #1 outlines service Option C. Elimination of Coyote Run significantly reduces the Town's involvement in regional transit; however, the Town will be required to contribute annual maintenance of effort funding of approximately \$76,000 to the RTA for transit services. The RTA will manage operation of the Sun Shuttle service within the blue zone.

If existing Town staff meets minimum requirements, they will be eligible to go through the MV Transportation (RTA contractor) hiring process should positions become available.

TRANSIT SERVICES HISTORY

- March 2010 – LTAF Repealed
- March 31, 2010 – Study Session - three locally controlled options presented to Council
- April 21, 2010 – Discussions with RTA developed two new options
- May 17, 2010 – Public Forum on service options
- June 16, 2010 – Direction to begin negotiations of IGA for Sun Shuttle
- December 1, 2010 – Regular session moving forward Option 3 allowing staff to coordinating both Coyote Run service with the Sun Shuttle regional service
- January 5, 2011 – Council approves IGA with RTA approved for Sun Shuttle operations
- February 14, 2011 – Sun Shuttle service begins
- February 23, 2011 – Budget session discussion on transit services options
- March 9, 2011- Budget session direction to Finance Director to remove Coyote Run from FY 2011/12 budget

FISCAL IMPACT:

Estimated annual savings if approved at this juncture = \$220,000

SUGGESTED MOTION:

I MOVE to direct staff to move forward with Option C as discussed February 23, 2011 and begin the processes necessary to discontinue the Transit Service Division.

or

I MOVE to ...

Attachments

Option C Outline

Transit Disposal Timeline

Public Hearing Notice

Draft IGA termination letter

Attachment 1

Option C – Elimination of Transit Services (Coyote Run)

- Continues Sun Shuttle operations through extending RTA's contract with MV.
- Eliminates Town operated Transit Services
- All ADA certified passengers will utilize Handi-car
- Seniors will be introduced and encouraged to access services provided by Interfaith Community Services and other similar services provided by Pima Council On Aging.

STAFFING

Reduction in work force *

Position	Year of Service
• Administrator	3.3
• Dispatcher	4.5
• FT Driver	10.4
• FT Driver	9.8
• FT Driver	7.1
• Lead Driver	5.4
• Part Time Driver	5.4
• Part Time Driver	5.4
• Rel Driver (19-hour)	6.6
• Rel Driver (19-hour)	0.1

*(*The Transit Administrator position is funded 50% in Highway Fund, and the other 50% is anticipated to be funded through the required "maintenance of effort" funds. This position is not proposed for elimination.)*

VEHICLES

- Disposal of 11 vehicles required per FTA and ADOT regulations
 - The RTA would like to discuss the continued use of Sun Shuttle branded vehicles for the provision of Dial-a-Ride service in the town. Staff will negotiate with RTA for cost of use of vehicles and/or sale of vehicles to RTA.
- FTA Region 9 must approve vehicle early disposal vehicle 77

BUDGET IMPACT

- Minimum contribution of \$76K recurring cost for maintenance of effort required and what those funds may be used for is to be discussed with the RTA

OTHER IMPACTS

- **Cancellation of IGA for Sun Shuttle Service must be initiated.** This Agreement may be terminated at any time, without cause, by providing written notice of such termination to the other party at least ninety (90) days prior to the termination date.

Town of Oro Valley
Disposal of Transit Services - Implementation Calendar
Fiscal Year 2011/12

- Wednesday, April 20, 2011 Town Manager's Recommended Budget Authorization to proceed with the disposal of the Transit Services Division and begin public process for service changes.
- Thursday, April 28, 2011 Letter from Mayor to RTA terminating Sun Shuttle IGA IGA Requirement - 90 day notice
- Wednesday, April 27, 2011 1st Publication of Public Hearing Notices FTA requirement
- Wednesday, May 25, 2011 2nd Publication of Public Hearing Notices FTA requirement
- Wednesday, May 25, 2011 Publication of Town Council Meeting on Town Website
- Wednesday, May 25, 2011 Letters to Coyote Run Users
- Wednesday, June 01, 2011 Public Hearing - Regular Town Council Meeting
RESOLUTION NO. (R) 11-_____, AUTHORIZING
AND APPROVING THE ELIMINATION OF THE
TOWN OF ORO VALLEY'S DEVELOPMENT AND
INFRASTRUCTURE SERVICES DEPARTMENT
TRANSIT SERVICES DIVISION COYOTE RUN
SERVICE
- Thursday, June 30, 2011 Reduction in Work Force
- Friday, July 01, 2011 Sun Shuttle operations under RTA MV Contract
- Friday, July 01, 2011 Begin formal vehicle disposal



NOTICE OF TOWN OF ORO VALLEY TOWN COUNCIL MEETING

Reference: Disposition of Transit Services Division (Coyote Run)

Notice is hereby given that the Town of Oro Valley's Transit Services Division Coyote Run; is holding a public hearing on Wednesday the 1st of June 2011 as part of the regularly scheduled council meeting.

The purpose of this hearing is to propose the elimination of the Town's Transit Services Division (Coyote Run). The proposed elimination in transit services is consistent with the proposed fiscal year 2011/2012 proposed budget. Proposed changes to the service will become effective July 1, 2011.

The Town Council Meeting will be held by the Town of Oro Valley on Wednesday, June 1, 2011, at or about 6:00 p.m. in the Mayor and Council Chambers, Town Hall, 11000 N La Cañada Dr, for the purpose of considering the Disposition of Town's Transit Services Division (Coyote Run).

At the hearing, Town of Oro Valley will afford an opportunity for interested persons or agencies to be heard with respect to the social, economic and environmental aspects of this service elimination. Your comments are very important and will be taken into consideration in this service elimination. Interested persons or agencies may also submit in writing to the following address:

**Town of Oro Valley
Transit Service Division
11000 N La Cañada Dr
Oro Valley, AZ 85737**

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.

Publish April 27 & May 25, 2011. Arizona Daily Star



Office of the Mayor & Town Council

DRAFT

April 28, 2011

Gary Hayes, Executive Director
Regional Transportation Authority
177 N Church Ave., #405
Tucson, AZ 85704

Re: Termination of Intergovernmental Agreement

Dear Mr. Hayes,

This letter serves as notice for the Town of Oro Valley's intent to terminate the current Intergovernmental Agreement between the Town of Oro Valley and the Regional Transportation Authority (RTA) for the provision of sun shuttle dial-a-ride services. The current agreement requires 90 days written notice.

The termination of this agreement with the RTA is in no way a reflection of the need to provide such a service or a reduction in service demand, but the direct result of budgetary constraint. The final decision will be pending Town Council consideration on June 1, 2011 with the tentative adoption of the fiscal year 2011/2012 budget.

Sincerely,

Dr. Satish I. Hiremath
Mayor

cc: Town Council
Jerene Watson, Town Manager
Greg Caton, Assistant Town Manager
Suzanne Smith, Director Development and Infrastructure Services
Craig Civalier, Town Engineer
Aimee Ramsey, Transit Services Administrator



Town Council Regular Session

Item # 4.

Meeting Date: 04/20/2011

Requested by: Betty Dickens

Submitted By:

Betty Dickens, Human Resources

Department: Human Resources

SUBJECT:

COUNCIL DISCUSSION AND POSSIBLE ACTION ON RECOMMENDED EMPLOYEE MEDICAL & ANCILLARY BENEFIT PROVIDERS FOR PLAN YEAR 2011-12

RECOMMENDATION:

Medical Insurance

Staff recommends shifting coverage from United Health Care (UHC) to Aetna and returning to a 90% /10% coinsurance split. This would result in a 3% increase or \$65,612 budget impact, 10% less than what was presented by UHC which also included a higher coinsurance split.

Ancillary Benefits

Staff recommends no changes to current ancillary providers and coverage. There is no increase to budget.

- Dental Principal – Dual Option
- Vision EyeMed
- Group Short/Long Principal
- Term Disability
- Group Life/AD&D Principal
- Supplemental Life Principal

EXECUTIVE SUMMARY:

The Town is completing a second year with United Healthcare of Arizona (UHC) as our medical insurance provider. At the beginning of negotiations for FY11/12, UHC started with a 13% premium increase to our current medical plan option. Human Resources and Finance staff, working with our benefit plan consultant CBIZ, determined to solicit competitive bids for medical coverage. CBIZ conducted a solicitation to providers with an established market and community reputation. Responding companies were asked to match the Town's current benefit plan, including wellness initiative dollars, so as to minimize the disruption in services to our employees as much as possible and also to provide rates for coverage reflecting our previous (FY09-10) coinsurance deductible ratio of 90% / 10%.

The Town is currently paying 100% of the employee only medical premium cost and 75% of the dependent medical premium cost, a common standard among regional municipalities. Staff recommends retention of this level of premium coverage. Generally, employee feedback has been this is a preferable option for the Council to consider in lieu of a bonus or COLA.

BACKGROUND OR DETAILED INFORMATION:

Employee feedback on our current 2010-2011 plan year has included concerns of immediate out-of-pocket expenses, under the current 80% / 20% split coverage for coinsurance. Employees, therefore, are paying more out-of-pocket at the time of service for procedures. Under these current economic times and employee compensation remaining level, employees have voiced a concern of being hit with increased expenses in their everyday lives. Returning to the 90% / 10% split will assist in reducing unpredictable financial health burdens employees and their families are addressing in a time where paychecks are reduced due to retirement contributions increasing. This change in coinsurance coverage may also result in:

- Increase use of services due to lower out-of-pocket commitment.
- Employees may be more proactive in seeking services for themselves and family members, which may result in less sick days due to early treatment and diagnosis.
- Early detection of serious health condition, which over the course of treatment may reduce overall cost of treatment.

Medical Insurance

Staff recommends shifting coverage from United Health Care (UHC) to Aetna and returning to a 90% /10% coinsurance split. This would result in a 3% increase or \$65,612 budget impact.

Staff used four factors to assess providers: cost, in-network benefits, medical network of providers and employee on-line support services, tools and wellness programs.

After receiving and reviewing all proposals, the resulting percent increase for coverage could be significantly reduced by shifting medical coverage back to Aetna. Aetna served as the Town's medical provider for plan years 2003 to 2009.

To determine the potential impact of physicians and specialists falling out-of-network, staff worked with UHC and Aetna representatives to compare their medical network of providers. The assessment indicated a difference of twenty-eight (28) UHC providers that are currently not Aetna providers. One third of these are family physicians and pediatricians, with the remaining two-thirds categorized as specialist (surgery, dermatology, oncology, neurology, neonatology). Aetna has also been successful in bringing Carondelet Health Network back on as a provider.

Aetna's on-line self-serve support services tend to be more detailed and specific to the individual user while being user friendly.

Aetna matched UHC Wellness program dollars at \$20,000. Aetna will provide wellness services and coaching on-line as well. Employees who maintain healthier lifestyles, as a group, generally have lower medical insurance utilization and insurance claim costs.

In order to impact both employee quality of life and Town financial sustainability goals, it is reasonable to include some wellness activities and initiatives as part of the overall benefits package offered to employees. The Town will continue to host an annual health and wellness fair, fitness or weight-management programs, and discounted recreational program activities from time to time when such programs may be arranged with minimal or no financial impact to the Town.

Dual Menu (Multiple) Options

Human Resources staff also directed CBIZ to solicit for dual option plan designs and their associated cost analysis. A Health Savings Account (HSA) option was reviewed and compared with all solicitations. Staff determined that in order to shift to a HSA option an educational strategy implemented well in advance of potential implementation would be necessary to insure success and return on investment for both employees and the Town. Staff will aggressively continue to develop and research an HSA option for the future 2012-2013 plan year.

Ancillary Benefits

Staff recommends no changes to current ancillary providers and coverage. There is no budget impact.

- Dental Principal – Dual Option
- Vision EyeMed
- Group Short/Long Principal
- Term Disability
- Group Life/AD&D Principal
- Supplemental Life Principal

Open Enrollment

Open enrollment meetings will be held in the month of May, 2011. Employees will have a chance to interact personally with the benefits provider representatives.

FISCAL IMPACT:

Medical Insurance

Staff recommends shifting coverage from United Health Care (UHC) to Aetna and returning to a 90% /10% coinsurance split. This would result in a 3% increase or \$65,612 budget impact.

Ancillary Benefits

Staff recommends no changes to current ancillary providers and coverage. There is no increase to budget.

SUGGESTED MOTION:

" I move to approve Aetna as the employee medical benefit provider."

AND

"I move to approve retaining 100% of the employee only medical premium cost and the increased portion of the dependent medical to keep employee contributions even to the current year amounts."

AND

"I move to approve retaining 100% of the employee only and the 75% dependent coverage as the Town-paid portions for dental insurance coverage."

AND

" I move to approve current Ancillary Benefit providers for vision, dental, short term and long term disability, and group life and supplemental life."

Attachments

Plan Year 2011-12

Town of Oro Valley Medical Renewal and Options

MEDICAL	UnitedHealthcare		UnitedHealthcare		Aetna		Aetna	
	Current		Renewal		Option 1		Option 2	
Description of Coverage	Traditional Z5-D - Modified 500 80/50		Traditional Z5-D - Modified 500 80/50		PPO 500 80/50		PPO 500 90/50	
	In-Network	Out-of-Network	In-Network	Out-of-Network	In-Network	Out-of-Network	In-Network	Out-of-Network
Deductible (Individual ♦ Family)	\$500 ♦ \$1,000	\$1,000 ♦ \$2,000	\$500 ♦ \$1,000	\$1,000 ♦ \$2,000	\$500 ♦ \$1,000	\$1,000 ♦ \$2,000	\$500 ♦ \$1,000	\$1,000 ♦ \$2,000
Deductible Comments								
Coinsurance (on allowed amount)	80% ♦ 20%	50% ♦ 50%	80% ♦ 20%	50% ♦ 50%	80% ♦ 20%	50% ♦ 50%	90% ♦ 10%	50% ♦ 50%
Max Out-of-Pocket (Individual ♦ Family)	\$2,500 ♦ \$5,000	\$4,000 ♦ \$8,000	\$2,500 ♦ \$5,000	\$4,000 ♦ \$8,000	\$2,000 ♦ \$4,000	\$3,000 ♦ \$6,000	\$2,000 ♦ \$4,000	\$3,000 ♦ \$6,000
Note: Out-Of-Network costs may exceed OOP max due to billed charges over allowable amount								
Includes Deductible?	Yes	Yes	Yes	Yes	No	No	No	No
Lifetime Max	\$5,000,000		Unlimited		Unlimited		Unlimited	
	IN-NETWORK BENEFITS		IN-NETWORK BENEFITS		IN-NETWORK BENEFITS		IN-NETWORK BENEFITS	
Preventive Care								
Office Visits	\$20 ♦ \$40 copay		Covered at 100%		Covered at 100%		Covered at 100%	
Lab	Covered at 100%		Covered at 100%		Covered at 100%		Covered at 100%	
X-Ray	Covered at 100%		Covered at 100%		Covered at 100%		Covered at 100%	
Mammograms	Covered at 100%		Covered at 100%		Covered at 100%		Covered at 100%	
Colonoscopies	Covered at 100%		Covered at 100%		Covered at 100%		Covered at 100%	
Office Visit - Non-Preventive	\$20 ♦ \$40 copay		\$20 ♦ \$40 copay		\$20 ♦ \$40 copay		\$20 ♦ \$40 copay	
Lab								
Physician's Office	\$20 ♦ \$40 copay		\$20 ♦ \$40 copay		\$20 ♦ \$40 copay		\$20 ♦ \$40 copay	
Freestanding Facility	Covered at 100%		Covered at 100%		Covered at 100%		Covered at 100%	
Outpatient Hospital	Covered at 100%		Covered at 100%		Covered at 100%		Covered at 100%	
X-Ray (Excluding Specialty Scans)								
Physician's Office	\$20 ♦ \$40 copay		\$20 ♦ \$40 copay		\$20 ♦ \$40 copay		\$20 ♦ \$40 copay	
Freestanding Facility	Covered at 100%		Covered at 100%		Covered at 100%		Covered at 100%	
Outpatient Hospital	Covered at 100%		Covered at 100%		Covered at 100%		Covered at 100%	
Specialty Scans (MRI ♦ PET ♦ CT)								
Freestanding Facility	20% after deductible		20% after deductible		20% after deductible		20% after deductible	
Outpatient Hospital	20% after deductible		20% after deductible		20% after deductible		20% after deductible	
Inpatient Hospitalization	20% after deductible		20% after deductible		20% after deductible		20% after deductible	
Emergency Room	\$100 copay		\$100 copay		\$100 copay		\$100 copay	
Waived if admitted?	Yes		Yes		Yes		Yes	
Urgent Care	\$50 copay		\$50 copay		\$50 copay		\$50 copay	
Prescription Drugs								
Retail	\$10 ♦ \$30 ♦ \$60		\$10 ♦ \$30 ♦ \$60		\$10 ♦ \$30 ♦ \$60		\$10 ♦ \$30 ♦ \$60	
Mail Order	\$25 ♦ \$75 ♦ \$150		\$25 ♦ \$75 ♦ \$150		\$20 ♦ \$60 ♦ \$120		\$20 ♦ \$60 ♦ \$120	
RATES			No load to dual		No load to dual		No load to dual	
Employee Only	121	\$320.78	\$336.82		\$319.99		\$330.55	
Employee + Spouse	47	\$705.71	\$740.99		\$703.97		\$727.20	
Employee + Child(ren)	49	\$545.32	\$572.58		\$543.98		\$561.93	
Employee + Family	78	\$1,036.11	\$1,087.90		\$1,033.56		\$1,067.67	
Estimated Monthly Premium	295	\$179,520	\$188,494		\$179,078		\$184,988	
Estimated Annual Premium		\$2,154,240	\$2,261,932		\$2,148,937		\$2,219,852	
Premium Difference			\$107,692		-\$5,303		\$65,612	
Percent Change			5.0%		-0.2%		3.0%	

Town of Oro Valley Dental Review

DENTAL			Principal - Dual Option			
			Low		High	
			In Network	Out-of-Network	In Network	Out-of-Network
Annual Maximum			\$1,500	Not Covered	\$1,500	\$1,000
Deductible			\$50/\$150		\$50/\$150	\$50/\$150
Waived for Preventive			Yes		Yes	No
Preventive			100%		100%	80%
Basic			80%		80%	60%
Major			50% Endo & Perio		50% Endo & Perio	40% Endo & Perio
Orthodontia (Child Only)			No Deductible Covered at 50% to a max of \$1,000		No Deductible Covered at 50% to a max of \$1,000	
Late Entrant Waiting Periods						
Preventive			None		None	
Basic			12 months		12 months	
Major			24 months		24 months	
Orthodontia			24 months		24 months	
Rate Guarantee			7/1/2012		7/1/2012	
RATES			Low	High		
Employee Only			84	17	\$19.40	\$26.29
Employee + Spouse			55	13	\$39.26	\$53.18
Employee + Child(ren)			35	6	\$47.73	\$64.98
Employee + Family			72	14	\$70.41	\$95.71
Estimated Monthly Cost			246	50	\$10,529	\$2,868
Estimated Annual Cost					\$126,348	\$34,417

Town of Oro Valley Vision Review

VISION		EyeMed
Vision Exam with Dilation		\$10 copay
Frames		\$25 copay, \$120 allowance, 20% off balance
Lenses		
	Single, Bifocal, Trifocal	\$25 copay
	Progressive	\$25 copay, 80% of charge less \$55 allowance
Lens Options		20% off retail price Tint, UV coating, Standard scratch resistance, Standard polycarbonate, Standard anti-reflective, Other add ons & services
Contacts - in lieu of eyeglasses		
	Fit & Follow-up	Standard - member pays up to \$40 Premium - 10% of retail price
	Lenses	Conventional and Disposable - \$0 copay, \$135 allowance (applies to materials only), 15% off balance Medically Necessary - \$0 copay, covered in full
Laser Vision Correction		15% off retail price or 5% of promotional pricing
Exam & Materials Frequency		
	Vision Exam	Every 12 months
	Lenses & Contacts	Every 12 months
	Frames	Every 24 months
Rate Guarantee		8/1/2014
RATES		
Employee Only	52	\$5.24
Employee + One	53	\$9.96
Employee + Family	28	\$14.64

Town of Oro Valley Group Short Term Long Term Disability Review

GROUP SHORT TERM DISABILITY	Principal
Benefit Duration	13 weeks
Benefit Percentage	66 2/3%
Maximum Weekly Benefit	\$1,500
Elimination Period	
Accident	90 days
Sickness	90 days
Rate Guarantee	7/1/2012
RATES	
Rate per \$10 of benefit	\$0.070
Volume	\$207,257
Estimated Monthly Cost	\$1,451
Estimated Annual Cost	\$17,410

GROUP LONG TERM DISABILITY	Principal
Elimination Period	180 days
Benefit Percentage	66 2/3%
Maximum Benefit	\$6,700
Minimum Benefit	Greater of 10% or \$100
Own Occupation Benefit	24 months
Maximum Benefit Period	SSNRA
Mental/Nervous Benefit	24 months
Survivor Benefit	3 times last montly gross benefit
Rate Guarantee	7/1/2013
RATES	
\$100 of Covered Payroll	\$0.320
Volume	\$493,398
Estimated Monthly Cost	\$1,579
Estimated Annual Cost	\$18,946

Town of Oro Valley Group Life and Supplemental Life Review

GROUP LIFE/AD&D	Principal
Benefit Amount	1 times basic annual earnings up to \$200k
Reduction Schedule	65% at age 65; 50% at age 70 of original amount
Waiver of Premium	Yes
Accelerated Benefit	75% of benefit
Conversion	Yes
Rate Guarantee	7/1/2013
Rates per \$1,000	
Life	\$0.110
AD&D	\$0.030
Total	\$0.140
Volume	\$16,767,300
Estimated Monthly Cost	\$2,347
Estimated Annual Cost	\$28,169

SUPPLEMENTAL LIFE	Principal
Employee	\$500K in \$10K increments
Age Reductions	65% at age 65; 50% at age 70 of original amount
Guarantee Issue	Lesser of \$100K or insured amt with MetLife
Spouse	50% of Employee Benefit to \$100K in \$5K increments
Guarantee Issue	Lesser of \$30K or insured amt with MetLife
Children	14 days & older - Increments of \$2K, \$4K, \$5K or \$10K
Minimum Participation	37% of eligible employees
Rate Guarantee	7/1/2013
Monthly Rates per \$1,000	
Ages	Employee & Spouse
<25	\$0.070
25-29	\$0.070
30-34	\$0.090
35-39	\$0.140
40-44	\$0.170
45-49	\$0.270
50-54	\$0.480
55-59	\$0.920
60-64	\$1.200
65-69	\$2.250
70-74	\$3.640
75+	\$3.640
Dependent	\$0.20/\$1K