AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
May 4, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER

ROLL CALL

EXECUTIVE SESSION AT OR AFTER 5:00 PM
Pursuant to ARS 38-431.03(A)(3) Legal Advice regarding annexation

RESUME REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

UPCOMING MEETING ANNOUNCEMENTS

COUNCIL REPORTS

DEPARTMENT REPORTS

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

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

INFORMATIONAL ITEMS

1. Police Department Appreciation Letters

2. DIS Letter of Appreciation

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 by the Oro Valley Optimist Club Regarding the Dispose-A-Med Program

2. Presentation of Quarterly Gold Star Recipients for the Period of October through December 2010

3. Presentation of Life Saving Award at the Request of Northwest Fire Chief Jeff Piechura, Related to the January 8, 2011 Life Saving Incident by Oro Valley Police Officers

4. Proclamation - Building Safety Month - May, 2011

CONSENT AGENDA
(Consideration and/or possible action)

A. Minutes - March 16, 2011

B. Procurement Division Quarterly Report - January 1, 2011 through March 31, 2011

C. Transit Services Monthly Report - March 2011

D. Economic Development Division Quarterly Report: January 1, 2011 - March 31, 2011

E. Development & Infrastructure Services, Permitting Division - March 2011 Reports

F. Notice to Mayor and Council of the Police Department's project proposals, requesting grant funding under the Governor's Office of Highway Safety 2012 opportunity, as well as the Arizona Department of Homeland Security

G. Amending the Town Council Liaison Assignments by appointing Councilmember Lou Waters as liaison to the Oro Valley Business Club

H. Resolution No. (R)11-25 Authorizing and Approving a Master Intergovernmental Agreement between Pima County and the Town of Oro Valley for the Inter-Connection of Data Networks

I. Resolution No. (R)11-26 Requesting the Transfer of the remaining 2004 Pima County Voter Approved Bond Funds Approximating $1.5 Million from the Kelly Ranch Project to the Acquisition of Property in the Arroyo Grande Area for Urban Open Space Conservation

J. Resolution No. (R)11-27 Amending the Existing Parks and Recreation Fee Schedule to Increase the Parks and Recreation Facility Usage Fees

REGULAR AGENDA

1. PUBLIC HEARING - ORDINANCE NO. (O)11-12 REZONING REQUEST BY ST. MARK CHURCH, FOR THE 17 ACRE PROPERTY LOCATED AT 2727 W. TANGERINE ROAD FROM R-144 TO PRIVATE SCHOOL DISTRICT

2. PUBLIC HEARING - ORDINANCE NO. (O)11-13 RELATING TO PUBLICATION OF PLANNING AND ZONING ADMINISTRATOR DECISIONS AMENDING THE ORO VALLEY ZONING CODE REVISED, SECTION 21.4, PLANNING AND ZONING DEPARTMENT AND SECTION 21.6, BOARD OF ADJUSTMENT

3. DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING AN INCREASE TO THE LIQUOR LICENSE APPLICATION PROCESSING FEE

4. PUBLIC HEARING - ORDINANCE NO. (O)11-14, AMENDING THE TAX CODE OF THE TOWN OF ORO VALLEY, ARTICLE IV, CHAPTER 8A, SECTION 480, RELATING TO THE UTILITY SERVICES TAX RATE

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: 4/22/11 @ 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: 05/04/2011

Submitted By: Catherine Hendrix, Police Department

Information

Subject

Police Department Appreciation Letters

Attachments

Appreciation Letter 041211

Appreciation Letter 041311

Vistoso Village HOA Office

1 3401 Rancho Vistoso Blvd
Oro Valley AZ 85755

Phone 520 - 219-2310

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Received by
APR 1 2 2011
Oro Valley Police Dept.

U.S. Department of Justice

United States Attorney
District of Arizona

405 West Congress, Suite 4800
Tucson, Arizona 85701-5041

(520) 620-7300
FAX: (520) 620-7320

February 11, 2011

Daniel G. Sharp
Chief of Police
Oro Valley Police Department
11000 La Canada Drive
Tucson AZ 85737

Dear Chief Sharp:

Please accept this letter on behalf of Officer Antonio Soto. I have worked closely with Ofc. Soto on various investigations since 2009, while he has been assigned to the Drug Enforcement Administration task force. In particular, Ofc. Soto is a case agent on a complex narcotics investigation that I am an assigned prosecutor. I spoke with him almost daily from May through August 2010 discussing the particulars of the investigation, electronic surveillance, undercover operations, takedowns, and prosecution. Currently, 20 defendants have been indicted as part of this case and the matter is on-going. It would be of significant benefit to this prosecution and the on-going investigation for Ofc. Soto to remain on the case through an extension of his assignment with DEA. He is the only agent remaining on this case who has fostered trust with the informants and has first-hand knowledge of the history and goals of the investigation.

Ofc. Soto's instincts, language skills, and experience have been invaluable assets to my cases and, in particular, many current DEA investigations and prosecutions. In January 2011, he took the time to assist in translating for a cooperating defendant during trial preparation. Although he was not the case agent, Ofc. Soto stepped in on a moments notice and helped tremendously with preparation of the witness. Ofc. Soto is professional, accessible, and an agent that I can always count on.

Please feel free to contact me at 620-7304 if you have any questions regarding this letter.

Sincerely yours,

MICHELLE K. SPAVEN
Assistant United States Attorney

Town Council Regular Session **Item # 2.**

Meeting Date: 05/04/2011

Submitted By: Suzanne Smith, Development Infrastructure Services

Information

Subject

DIS Letter of Appreciation

Attachments

Dave Parker Appreciation

April 4, 2011

Mayor Satish Hiremath, D.D.S.
Town of Oro Valley
11000 N. La Canada Drive
Oro Valley, AZ 85737

Dear Mayor Hiremath,

When and if poor service is rendered by Oro Valley staff, I am certain you hear about it. I am not so sure the opposite occurs when personnel render superior and caring reactions to a citizen's needs.

Due to the letter of March 30, 2011 we received from the "Floodplain Administrator," Craig Civalier, I sought some clarification and contacted David Parker of the Development & Infrastructure Services as suggested in the letter.

Needing answers on a number of points, my many questions were answered with patience and understanding, In fact, Mr. Parker did some further research and produced a 2007 FEMA letter and documents that "highlight that your house is not in a special flood hazard area (SFHA) in which flood insurance is mandatory."

With many of we citizens calling for less government, it is encouraging to be able to speak to a positive experience with the oft maligned bureaucracy, I do here and shall continue to do so.

As always, thanks for your hard work on the behalf of Oro Valley.

Sincerely,

Robe & Vivian Weede
1868 W. Wimbledon Way
Oro Valley, AZ 85737

520-544-9304, Rweedejr@aol.com

Town Council Regular Session **Item # 1.**

Meeting Date: 05/04/2011

Requested by: Oro Valley Optimist Club **Submitted By:** Julie Bower, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Presentation by the Oro Valley Optimist Club Regarding the Dispose-A-Med Program

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: 05/04/2011

Presentation regarding Gold Star Recipients

Information

Subject

Presentation of Quarterly Gold Star Recipients for the Period of October through December 2010

Town Council Regular Session **Item # 3.**

Meeting Date: 05/04/2011

Presentation of Life Saving Award at the Request of Northwest Fire Rescue District

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Information

Subject

Presentation of Life Saving Award at the Request of Northwest Fire Chief Jeff Piechura, Related to the January 8, 2011 Life Saving Incident by Oro Valley Police Officers

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Town Council Regular Session **Item # 4.**

Meeting Date: 05/04/2011

Proclamation - Building Safety Month - May, 2011

Information

Subject

Proclamation - Building Safety Month - May, 2011

Town Council Regular Session **Item # A.**

Meeting Date: 05/04/2011

Requested by: Julie Bower, Town Clerk **Submitted By:** Mike Standish, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Minutes - March 16, 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 16, 2011 Minutes as presented.

Attachments

3-16-11 Minutes

MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
March 16, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER

The meeting was called 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
EXCUSED:	Barry Gillaspie, Councilmember

EXECUTIVE SESSION AT OR AFTER 5:00 PM

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Waters to go into Executive Session at 5:01 p.m. for the purpose of receiving legal advice regarding water rights pursuant to ARS 38-431.03 (A)(3).

MOTION carried, 6-0.

Mayor Hiremath stated that the following staff members would join Council in Executive Session: Town Attorney Tobin Rosen, Town Clerk Julie Bower, and Water Utility Director Philip Saletta.

RESUME REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Mayor Hiremath called the meeting to order at 6:00 PM.

ROLL CALL

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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

There were no Council reports.

DEPARTMENT REPORTS

Police Chief Danny Sharp reported that at approximately 2:43 p.m. today a vehicle ran off of the road and the driver was trapped in the vehicle. Officers responded and were able to pull the lady from the vehicle before it burst into flames.

Water Utility Director Philip Saletta said that recently, inserts have been included with the water bills and they encouraged users to update their contact information so that if there was a water emergency, the Water Utility could contact the owner.

INFORMATIONAL ITEMS

A. On February 17, 2011, The Town Engineer received a letter of notification from the APWA that the Northern / Hardy Roundabout was selected for the Outstanding Small Project of the Year. We have been invited to the award banquet at the Historic Manning House on March 30, 2011 from 11:30 AM to 1:30 PM to receive the award. See the attached letter from the APWA.

Vice Mayor Snider congratulated Town Engineer Craig Civalier, the Town Engineering staff and the Development and Infrastructure Services Department for all of their great work on designing and creating the Northern/Hardy Roundabout.

B. Staff Recognition Letters

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C. DIS Customer Feedback Forms

CALL TO AUDIENCE

Oro Valley resident Mr. Gill Alexander requested a two-month extension from Golder Ranch Fire Department regarding the La Cholla annexation and it was granted. He said that the La Cholla Airpark residents were still upset with the letters that they received. Mr. Alexander urged the Council to send a more detailed letter to the La Cholla Airpark residents that explains the advantages to both the Town and the La Cholla Airpark residents regarding the annexation.

Mayor Hiremath said that the letter was never intended to be threatening and apologized to the residents who interpreted the letter in that way.

PRESENTATIONS

A. Presentation of a Plaque of Appreciation to Lyra Done for serving two terms on the Parks and Recreation Advisory Board, ending December 31, 2010

Mayor Hiremath presented a plaque of appreciation to Ms. Lyra Done for serving two terms on the Parks and Recreation Advisory Board.

B. Presentation by Tucson Electric Power

Mr. Larry Lasaro, Manager of Governmental Relations for Tucson Electric Power (TEP), gave a broad overview of the services provided by TEP.

Unisource Energy is the parent company to Tucson Electric Power (TEP) and UniSourceEnergy Services (UNS) and their corporate headquarters are located in Tucson, AZ.

TEP is UniSource Energy's largest subsidiary and comprises roughly:
-80% of Operating Revenues
-81% of Total Assets
-400,000 Electric Customers

UniSource Energy Services was acquired a few years ago and they service approximately:
-146,000 Gas Customers
-90,000 Electric Customers

Mr. Lasaro gave an overview of the utility service areas and the location of the transmission lines which span across the state of Arizona.

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Tucson Electric Power has a diverse retail customer base. The largest retail customers include Freeport McMoRan (Copper Mining), Asarco (Copper Mining), University of Arizona (Education), Fort Huachuca, U.S. Army Intelligence Center (Military), Raytheon (Defense), IBM (Technology, Davis Monthan Air Force Base (Military), Arizona Portland Cement (Construction), and Liquid Air (Manufacturing).

TEP is fairly dependent on fossil fuel which is why they are mindful of federal policy with respect to greenhouse gases and clean coal technologies. TEP coal facilities are some of the most efficient, cleanest burning and most recently constructed coal plants in the country.

The Navajo, Four Corners, and the San Juan generating stations are not state of the art facilities and will have challenges meeting the new government standards.

About half of the energy used in Arizona is generated by coal which is why it is important to maintain a safe and affordable way of producing electricity by coal generating facilities.

There is a federal mandate to increase solar generation capacity to 15% by 2025.

TEP paid $830,000 in Oro Valley sales taxes to the Arizona Department of Revenue (DOR) in 2010.

CONSENT AGENDA

Councilmember Garner requested that item (C) be removed from the Consent Agenda so that it could be discussed and voted upon separately.

A. Minutes - February 9, 2011 Joint Study Session with the Town of Marana

B. Correction to Minutes of the January 19, 2011 Town Council Regular Session

D. Fiscal Year 2010/11 Financial Update Through January 2011

E. Resolution No. (R)11-16 Authorizing and Approving a Performance Based Incentive Renewable Energy Credit Purchase Agreement Between the Town Of Oro Valley and Tucson Electric Power Company

F. Resolution No. (R)11-17 Authorizing and Approving a Photovoltaic Generating Facility Distribution System Interconnection Agreement Between the Town of Oro Valley and Tucson Electric Power Company

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MOTION: A motion was made by Councilmember Garner and seconded by Vice Mayor Snider to approve the Consent Agenda with the exception of item (C).

MOTION carried, 7-0.

C. Metropolitan Tucson Convention and Visitors Bureau Quarterly Report: October 1, 2010 - December 31, 2010

Councilmember Garner said that the articles were lacking information specific to Oro Valley. In order to market Oro Valley as a destination, there needs to be a focus on branding the Town.

MOTION: A motion was made by Councilmember Garner and seconded by Councilmember Gillaspie to approve item (C).

MOTION carried, 7-0.

REGULAR AGENDA

1. DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED ANGEL STATUE AT JAMES D. KRIEGH PARK IN MEMORY OF CHRISTINA-TAYLOR GREEN

Assistant Recreational Manager Robert Carmona gave an overview of the proposed angel statue at James D. Kriegh Park in memory of Christina-Taylor Green.

This angel is a replica of the 9/11 World Trade Center angel and will be provided by a foundation composed of families of lost loved ones by the 9/11 tragedy. The statue and installation will be of no cost to the town. The statue will stand nine (9) feet, eleven (11) inches tall. This is the seventh statue made out of the 9/11 steel. The angel will be placed west of the restroom and just outside of the fence of field one.

The Green family has requested that the statue be installed by the end of March and unveiled on Little League opening day ceremonies on Friday, April 1, 2011.

Ms. Leslie Shultz-Crist thanked Council for considering the placement of the angel at James Kriegh Park. The statue would be a source of great strength and hope for the community.

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Solomon to approve the proposed angel statue at James D. Kriegh Park in memory of Christina-Taylor Green.

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MOTION carried, 7-0.

2. DISCUSSION AND POSSIBLE ACTION REGARDING SHORT-TERM DELIVERY OPTIONS OF CENTRAL ARIZONA PROJECT WATER THROUGH THE TUCSON WATER SYSTEM

Water Utility Director Philip Saletta gave an overview of the short-term delivery options of Central Arizona Project (CAP) water.

The Town's water supply portfolio consists of:
- -Groundwater (Currently operating twenty-one wells)
- -Reclaimed Water (Mainly used to irrigate golf courses)
- -Central Arizona Project Water
  - -Currently for long-term storage credits
  - -Future short-term delivery options
  - -Future long-term delivery options
- -Water Conservation

Mr. Saletta discussed the Oro Valley Water Utility (OVWU) water use and supply graph.

The Town utilizes a growth rate of 1% to 3%. The use of reclaimed water has reduced the Town's groundwater demand significantly. The Town will need to look at options in the near future in order to further reduce groundwater demand and maintain the sustainable groundwater production level of 5,500 acre feet which will help preserve the aquifer for a long time.

Councilmember Garner inquired as to what the growth projections will be in 2024-25.

Water Utility Director Philip Saletta stated that the town uses a growth projection of 1% for the first five years, 2% for the next five years and then 3% for the final five years. Even if the growth rate comes in a little lower than projected, it will still be necessary to reduce groundwater production even at the current levels of use in order to ensure long term viability.

Councilmember Waters inquired as to the cost of an IGA with Tucson Water regarding wheeling and asked whether or not it would delay the projected cost of infrastructure improvements to bring in CAP water.

Mr. Saletta stated that if the town would enter into an IGA with Tucson Water, it would cost approximately $500 per acre foot.

Mr. Saletta discussed the need for renewable water and stated that it is due to:

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-Declining water levels in our wells
-Over pumping of our aquifer
-Meeting assured water supply requirements
-Need to reduce reliance on Central Arizona Groundwater Replenishment District (CAGRD)

CAP Delivery Short-term Options
-1,000 AF, 1,500 AF, and 3,000 AF
-Cost per AF estimate
    -$387 per acre foot for the 1,000 AF option
    -$445 per acre foot for the 1,500 AF option
    -$678 per acre foot for the 3,000 AF option
-Advantages
    -Reduces groundwater level declines
    -Moves us closer to sustainable groundwater production
    -Reduces CAGRD obligations
    -Defers major capital costs for long-term options
    -No significant increases over projected rate increases
-Disadvantages
    -Reduces ending fund cash balances
    -Some sunk costs for short-term project

Mr. Saletta discussed the timeline for the short-term/interim CAP water delivery if one of the options is approved by the Council.

He requested Council direction and stated that the Water Utility Commission has reviewed and recommended approval of moving forward with discussions with Tucson Water for the short-term CAP delivery options.

Oro Valley resident Mr. Doug McKee has followed water issues for fifteen years and is glad to see town staff evaluating alternatives. Instead of being a short-term option, it might turn into a long-term solution. The 1,000 and 1,500 AF options will not be enough to reach equilibrium. The water table will still decline. He urged Council to move forward quickly with the 3,000 AF option even though it is a little more costly.

Councilmember Hornat favored moving forward with the 1,500 AF option as soon as possible. The 3,000 AF option is too expensive.

Councilmember Gillaspie said that it is important to give flexibility to staff since the true costs are not yet know.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Hornat to direct the Water Utility staff to discuss, negotiate, and develop an intergovernmental agreement with the City of Tucson and Tucson Water for short-term interim delivery options for Oro Valley Central Arizona

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Project Water through the Tucson water system for future Council consideration.

MOTION carried, 7-0.

3. PUBLIC HEARING - ORDINANCE NO. (O)11-08 FOR A TRANSLATIONAL ZONING FROM PIMA COUNTY RURAL HOMESTEAD (RH) TO ORO VALLEY R1-144 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT FOR A 10-ACRE ANNEXED AREA KNOWN AS ANNEXATION AREA "O", LOCATED AT 14260 N. HAWK CANYON TRAIL, SOUTH OF STONE CANYON AND NORTH OF LA CHOLLA AIRPARK; PARCELS 219-15-003A AND 219-15-003B

Senior Planner Matt Michels gave an overview of Ordinance No. (O)11-08.

Mr. Michels stated that this was a translational zoning item which means that once a property is annexed into the town, there is a requirement that the town translates or changes the zoning from Pima County's classification to the Town of Oro Valley's classification.

The Planning and Zoning Commission recommended unanimous approval on February 1, 2011.

Mayor Hiremath opened the public hearing.

No comments were received.

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Gillaspie to adopt Ordinance No. (O)11-08 for a translational zoning from Pima County Rural Homestead (RH) to Oro Valley R1-144 (Single Family Residential) zoning district for a 10-acre annexed area known as annexation area "O", located at 14260 N. Hawk Canyon Trail, south of Stone Canyon and North of La Cholla Airpark.

MOTION carried, 7-0.

4. PUBLIC HEARING - ORDINANCE NO. (O)11-09 AMENDING THE ORO VALLEY TOWN CODE CHAPTER 10, OFFENSES, ARTICLE 10-6, ANTI-GRAFFITI; 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

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Permitting Division Manager Paul Keesler gave an overview of Ordinance No. (O)11-09. He said that Council had previously directed staff to re-examine particular sections of the Code for possible revisions. These sections include:
-10-6-3, Prohibited Acts
-10-6-4, Accessibility to Graffiti Implements
-10-6-8, Prevention Provisions

Staff reviewed these sections as well as section 10-6-5, Penalties.

Mr. Keesler stated that sections 10-6-3 & 10-6-4, adequately address the following issues/questions raised in the last meeting:
-Possession of graffiti implements
-Sale of graffiti implements
-Graffiti outside the Town limits/jurisdiction
-Community service as a penalty
-Entering private property
-Conflict with HOA rules
-Cameras as a deterrent and evidence gathering mechanism

However, Sections 10-6-5 and 10-6-8 were revised to better address the following issues raised at the last meeting:
-Community service supervision for minors
-Persons 18 years and under require adult supervision
-Revised section 6-5 to add in the phrase "Responsible Adult"
-Prevention of Graffiti
-Ordinance needs to comply with design guidelines for other Town technical Codes
-Revised section 10-6-8-A as presented
-Clarification to make the Code more "friendly"
-Change Code to illustrate "friendliness" to victims (private vs. industrial/commercial property.
-Revise Code to include that (1) Town will support retrofit by providing information sources, (2) OVPD will increase the surveillance in high activity areas
-Revised section 10-6-8 B as presented

Mayor Hiremath opened the public hearing.

No comments were received.

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Councilmember Solomon and seconded by Vice Mayor Snider to approve Ordinance No. (O)11-09 amending the Oro Valley Town Code Chapter 10, Offenses, Article 10-6, Anti-Graffiti; 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

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have already begun thereunder.

MOTION carried, 7-0.

Mayor Hiremath recessed the meeting at 7:10 p.m.

Mayor Hiremath reconvened the meeting at 7:18 p.m.

5. 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

Mayor Hiremath appointed a sub-committee that consisted of Vice Mayor Snider and Councilmembers Hornat and Waters to review the Sign Code dealing with real estate signage. The proposed Sign Code regarding real estate signs was never intended to be a revenue generating source but was designed to reduce compliance issues.

Councilmember Waters stated that the Sign Code was a work in progress and that Council never intended to target real estate agents or create an unfriendly business environment towards them.

Vice Mayor Snider said that she had a productive discussion with Mr. Steve Huffman from the Tucson Association of Realtors (TAR) regarding the real estate signage issues.

Councilmember Hornat said that the Town was trying to establish accountability by instituting penalties for improper signage.

Councilmember Solomon stated that the proposed Sign Code actually expands the visibility and placement of open house signs by allowing them closer to the roadway. The fines were primarily targeted to issues of immediate health and safety.

Mayor Hiremath opened the public hearing.

Government Affairs Director for the Tucson Association of Realtors and Oro Valley resident Mr. Steve Huffman thanked Council for meeting with him last week regarding the proposed penalties for real estate signs. The association and its members don’t have a problem with most of the Sign Code. The real point of contention is the fine schedule and enforcement. There needs to be an

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education component so that realtors and agents will know exactly what is expected of them.

Mr. Huffman stated that there appeared to be differential treatment regarding the severity of the fines for real estate agents and brokers as compared to open house signs. The fine schedule for open house/real estate signs were far in excess of similar fines for other temporary signs that were allowed in the right-of-way. He was also concerned about the specific time period used for calculating multiple violations.

Oro Valley resident Mr. Bob Semple has been a licensee in the real estate business for almost twenty years and currently is the broker and manager for the Oro Valley office of Long Realty and is a member of the Oro Valley Sign Code Task Force. Mr. Semple stated that the fine schedule was a bit harsh and it needs a specific time period used for calculating multiple violations. Roughly 30-40% of the signs used by agents do not have their name on them. He suggested that signs that are in violation and pose a danger to the immediate health and safety of the public should be picked up by the Town, kept for thirty days and then the agent should have to pay a fine to get their sign back.

Councilmember Garner asked for clarification regarding the current procedure for pulling signs that pose a risk to the health and safety of the public.

Zoning Inspector Jonathan Lew clarified that in addition to posting violation notices on signs, Town staff will confiscate signs that are in hazardous locations.

Councilmember Hornat said that the Town is not going to police signs. Brokers need to be held accountable for the proper placement of signs.

Councilmember Waters said that the most effective way of enforcement is to confiscate signs that are in violation of the Code.

Permitting Division Manager Paul Keesler gave an overview of the locations where temporary signs are allowed. Under no circumstance should a sign be in the sidewalk, in a handicap ramp, in a bike lane, or in a median. A-frames will not be eligible for the closer placement to the roadway. All A-frames must be ten (10) feet from the edge of the pavement.

Mr. Keesler said that on local streets, the standard set-back has been lowered to five feet. Requests for placing signs less than five feet from local streets will be reviewed on a case by case basis.

Councilmember Solomon wanted to see certain types of signs pre-approved to be allowed between the sidewalk and the pavement or curb line.

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Councilmember Waters requested that staff work with the Association of Realtors in order to convey the new requirements of the Sign Code.

Mr. Keesler stated that staff will prepare illustrations so that the new requirements are clear.

Vice Mayor Snider said that the process needs to be as simple as possible and that the Sign Code should be crafted towards how the Council can serve the residents of Oro Valley.

Oro Valley resident Mr. Bill Adler said that he has never seen a Master Sign Program that provides variety and good design which is what the Code specifies it is supposed to do. Master Sign programs always provide a greater number and a greater size of existing sign types. It doesn't have anything to do with variety or design. The Master Sign Program should either be abandoned or it should be enforced the way it's written. The art and garage sale signs should be allowed but with the same restrictions that are placed on real estate signs such as no signs in the medians and no signs close to the edge of the roadway. These signs should not be allowed to be put up the day before the event. There needs to be design guidelines because poorly crafted signs pose a safety risk to people that are trying to read them while driving. He requested that staff look at section C-2E regarding permits because the wording is unclear. Business banners are twice as large as they need to be. He felt that A-frames should be allowed as long as they are internal to the project and they are pedestrian oriented. He is opposed to having construction and development signs in or near the right-of-way. These signs need to be internal to the project and smaller in design.

Mr. Jon Scalon, representing Keller Williams, asked the Council to allow certain A-frames because the A-frames that he uses are made out of strong metal frames that could withstand high winds. He said that there should be a grace period so that people can learn where they can place certain signs. Mr. Scalon recommended that staff be educated on the new Sign Code changes because he has received two citations in the past and they were both incorrect.

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Hornat to clarify the time period for violations shall be within a one year period and the real estate agent and broker will be notified of the violation and the realtor will be notified by his/her sign being confiscated by Town staff and he/she be charged a fee to recover the sign. However, if the same agent has a second sign in violation, a fine will be levied upon the agent and the broker is notified. The first fine for the confiscation of the sign shall be $25.00. If a sign is confiscated for a second time, a $50.00 fee shall be levied upon the agent. A third violation by the same agent within a year, the real estate agent

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and broker shall be fined $250.00 and the broker shall be notified. All fines of $1,000 per day shall be eliminated.

A friendly amendment was made by Councilmember Hornat that stated that the broker be notified and the agent be fined $25.00 for a first offense and strike the next section. For a second violation by the same agent within a year, the real estate agent and the broker will be notified of the violation, the agent will be assessed a fine of $50.00 and the agent's broker will be assessed a fine of $50.00. Third violation by the same agent within a year, the real estate agent and broker will be notified of the violation and the agent and broker will be assessed a fine of $100.00. The $250.00 fine shall be struck and a maximum of $500.00 in fines may be assessed to an agent per calendar year. Section (e.)(i) shall be struck. This amendment was not accepted by Vice Mayor Snider.

Discussion ensued regarding the fine structure for real estate agents and brokers who have signs that are in violation of the Sign Code.

Zoning Inspector Jonathan Lew clarified that a violation notice is sent to the agent to notify them that their sign is in violation.

Councilmember Garner wanted Town staff to confiscate signs that are in violation.

Councilmember Solomon stated that if a sign is creating a public hazard, it should be confiscated and a fine larger than $25.00 shall be issued in order to cover the administrative costs for staff having to pick up the sign, notify the individual, store the sign, and return the sign. There should be a distinction between signs that are a public hazard and signs that are not.

Councilmember Garner made a friendly amendment to have each sign confiscated that is in violation. This amendment was accepted by Vice Mayor Snider.

Councilmember Hornat made a friendly amendment to state that on the third violation, the agent and broker shall be assessed a $100.00 fine. This amendment was accepted by Vice Mayor Snider.

Councilmember Garner wanted to see a punitive fine schedule for someone that does not have an active permit in the right-of-way.

Councilmember Solomon requested a future agenda item to discuss the town's permitting process.

Planning Manager David Williams clarified the two processes for placing signs legally. First, signs can be placed when they are operating under a broker annual permit which costs $1,000.00 and secondly, the agent can receive a three

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day permit which allows them to place signs in the right-of-way for $25.00.

MOTION carried, 7-0.

Planning Manager David Williams said that the town will need to re-evaluate the current fee structure because the current permit fee schedule does not cover the administrative costs.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Garner to allow a maximum of sixteen (16) square feet for banner signs.

Councilmember Gillaspie retracted his motion.

Councilmember Gillaspie thought that the language on page forty-two (42), under subsection vii. PERMIT was unclear.

Town Attorney Tobin Rosen recommended striking the language after, "THE PERMIT SHALL BE RE-ISSUED" in order to clarify the intent of making the permits renewable.

The Council was in unanimous agreement to this change.

MOTION: A motion was made by Councilmember Solomon and seconded by Vice Mayor Snider to strike number fourteen (14) ~~Posters that do not advertise or refer to the business~~, under Section A. Prohibited Permanent and Temporary Signs.

MOTION carried, 7-0.

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Hornat to require freestanding banner signs be limited to a maximum height of four (4) feet above grade and be mounted within a solid perimeter frame which matches the banners color.

MOTION carried, 7-0.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Vice Mayor Snider to amend Section 28.9 Prohibited Signs, to allow barber type animated signs during business hours only.

Councilmember Solomon made a friendly amendment to allow barber type animated signs during business hours only for barber shop businesses. This amendment was accepted by Councilmember Gillaspie and Vice Mayor Snider.

MOTION carried, 7-0.

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MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Hornat to adopt Ordinance (O)11-07 adopting a new Oro Valley Zoning Code Revised (OVZCR) Chapter 28, Signs as shown in Exhibit "A" with all previous amendments hereby approved.

Vice Mayor Snider made a friendly amendment to have the newly adopted Sign Code go into effect sixty (60) days after adoption. This amendment was accepted by Councilmember Gillaspie and Councilmember Hornat.

Councilmember Garner felt that the thirty day effective date would allow plenty of time for the implementation of the new Sign Code.

Councilmember Solomon said that this new Sign Code enhances the ability of the usage of signage. The sooner it goes into effect, the better it would be for businesses.

Councilmember Gillaspie withdrew his consent to the friendly amendment.

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Solomon to amend the original motion to allow a sixty (60) day implementation period for the real estate sign changes which would allow the brokers to communicate the changes to the agents and the rest of the Sign Code would be effective in thirty (30) days.

MOTION failed, 1-6 with Mayor Hiremath, Councilmember Garner, Councilmember Gillaspie, Councilmember Hornat, Councilmember Solomon, and Councilmember Waters opposed.

Mayor Hiremath called the original question.

MOTION carried, 7-0.

FUTURE AGENDA ITEMS

Councilmember Solomon requested to re-examine the permit process and fees for real estate signs, seconded by Vice Mayor Snider.

Vice Mayor Snider stated that she would like to bring back the discussion regarding A-frames as soon as possible, seconded by Councilmember Solomon.

Councilmember Garner requested that all permit fees regarding signs be brought forward for discussion, seconded by Councilmember Solomon.

Mayor Hiremath stated that he would like to revisit the temporary economic alleviation for businesses, seconded by Councilmember Solomon.

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CALL TO AUDIENCE

No comments were received.

ADJOURNMENT

MOTION: A motion was made by Mayor Hiremath and seconded by Councilmember Waters to adjourn the meeting at 8:45 p.m.

MOTION carried, 7-0.

Prepared by:

_____
Michael Standish, CMC
Deputy Town Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 16th 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

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Town Council Regular Session **Item # B.**

Meeting Date: 05/04/2011

Requested by: Brian Garrity **Submitted By:** Brian Garrity, Finance

Information

SUBJECT:

Procurement Division Quarterly Report - January 1, 2011 through March 31, 2011

Attachments

Q1 2011 Report

ORO VALLEY QUARTERLY PROCUREMENT REPORT - April 2011

Awarded Contracts

Solicitation Number	*Title*	*Department*	*Awarded Contractor*	*Award Date*	*Amount*	*Notes*
11 009	LOMAS DE ORO CHANNEL IMPROVEMENTS	PUBLIC WORKS	ARIZONA GENERAL ENGINEERING CONTRACTING, INC	1/13/2011	$1,101,849.00	OV 30 06/07 18 ENG. EST = $1,594,595
11 013	COST ALLOCATION PLAN	FINANCE	MAXIMUS CONSULTING SERVICES, INC.	1/11/2011	$9,534.00	NEGOTIATED PRICE REDUCTION OF $1,480
11 014	NEW 200 AMP SERVICE AT SPR	PUBLIC WORKS	THIRTYFOUR ELECTRIC AND COMMUNICATIONS, LLC	1/5/2011	$1,048.00	
11 015	WIRELESS SIGNAL NETWORK	PUBLIC WORKS	SMARTWAVE TECHNOLOGIES, LLC	1/20/2011	$224,000.00	COT CO-OP CONTRACT NO. 053041
11 017	N. POINSETTIA DEIVE DRAINAGE CONTROL	PUBLIC WORKS	EAGLE ROCK EXCAVATING	3/2/2011	$22,350.00	OV 30 09/10 21

ORO VALLEY QUARTERLY PROCUREMENT REPORT April 2011

Current Solicitations / Agreements

Solicitation Number	*Title*	*Department*	*Opening Date*	*Notes*
11002	EL CONQUISTADOR C-D BOOSTER STATION	WATER		OV20-02-10
11018	ON-CALL MATERIALS TESTING	PUBLIC WORKS		
11019	ON-CALL SURVEYING SERVICES	PUBLIC WORKS		
11020	10/11 PHASE II SURFACE TREATMENTS	PUBLIC WORKS	4/5/2011	OV 30 10/11 09
11021	10/11 PHASE III SURFACE TREATMENTS	PUBLIC WORKS	4/5/2011	PHASE III – OV 30 10/11 10
11022	ENVELOPES AND FORMS	WATER		

Solicitation Number	*Title*	*Department*	*Opening Date*	*Notes*
11023	CALLE CONCORDIA BIKE LANES	PUBLIC WORKS	4/5/2011	OV 30 09/10 11

Town Council Regular Session **Item # C.**

Meeting Date: 05/04/2011

Requested by: Aimee Ramsey **Submitted By:** Aimee Ramsey, Development Infrastructure Services

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Information

SUBJECT:

Transit Services Monthly Report - March 2011

SUMMARY:

N/A

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

Attachments

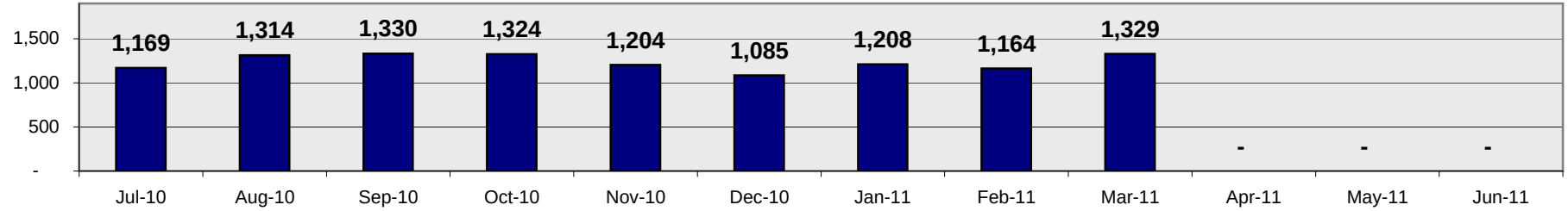
Transit March 2011 Report

March 2011

Transit Services Monthly Operations Report
FY 10-11

Month	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11
Revenue Hours	584.5	546.5	626.2	631.7	699.7	500.7	523.7	522.0	607.3	-	-	-
Passengers*	1,169	1,314	1,330	1,324	1,204	1,085	1,208	1,164	1,329	-	-	-
Pass/Rhour	2.00	2.40	2.12	2.10	1.72	2.17	2.31	2.23	2.19	-	-	-
YTD Rev. Hours	584.5	1,130.9	1,757.1	2,388.8	3,088.5	3,589.2	4,112.9	4,634.9	5,242.3	-	-	-
YTD Passengers	1,169	2,483	3,813	5,137	6,341	7,426	8,634	9,798	11,127	-	-	-
YTD Pass/RHour	**2.00**	**2.20**	**2.17**	**2.15**	**2.05**	**2.07**	**2.10**	**2.11**	**2.12**	**-**	**-**	**-**

Passenger Trips* * A trip is defined as a one-way passenger trip. Each trip is a one-way trip.

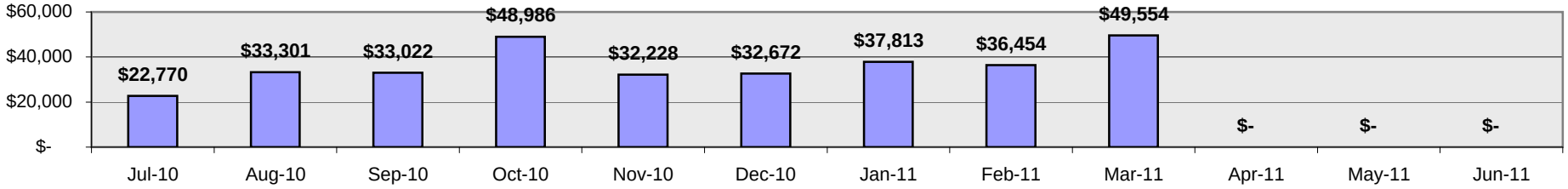


Month	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11
Oper Expenses	$ 22,770	$ 33,301	$ 33,022	$ 48,986	$ 32,228	$ 32,672	$ 37,813	$ 36,454	$ 49,554	$ -	$ -	$ -
Total Expenses[1]	$ 35,814	$ 33,703	$ 33,022	$ 48,986	$ 32,601	$ 32,672	$ 37,813	$131,279	$ 49,554	$ -	$ -	$ -
YTD TExpenses	$ 35,814	$ 69,517	$102,539	$151,525	$184,126	$216,798	$254,611	$385,890	$ 435,444	$ -	$ -	$ -
RTA Billing								$ 8,305	$ 15,970	$ -	$ -	$ -
YTD RTA								$ 8,305	$ 24,275	$ -	$ -	$ -
Farebox	$ 2,524	$ 5,112	$ 3,101	$ 7,080	$ 3,018	$ 4,224	$ 1,584	$ 6,651	$ 5,612	$ -	$ -	$ -
YTD Farebox	$ 2,524	$ 7,636	$ 10,737	$ 17,817	$ 20,835	$ 25,059	$ 26,643	$ 33,294	$ 38,906	$ -	$ -	$ -
Volunteer Hours[2]	104.0	88.5	61.8	137.2	91.5	60.3	76.5	33.0	5.5	-	-	-

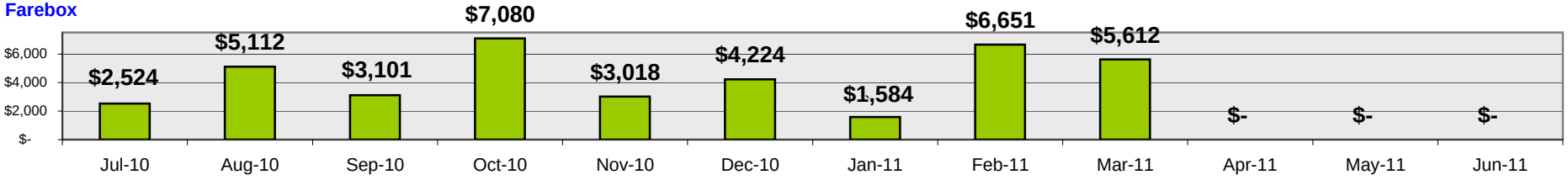
[1] *Total Expenses include outside services and other non-operating capital. (Maintenance Estimated)*

[2] *YTD 658 Hours ≈ $10,743*

Operating Expenses



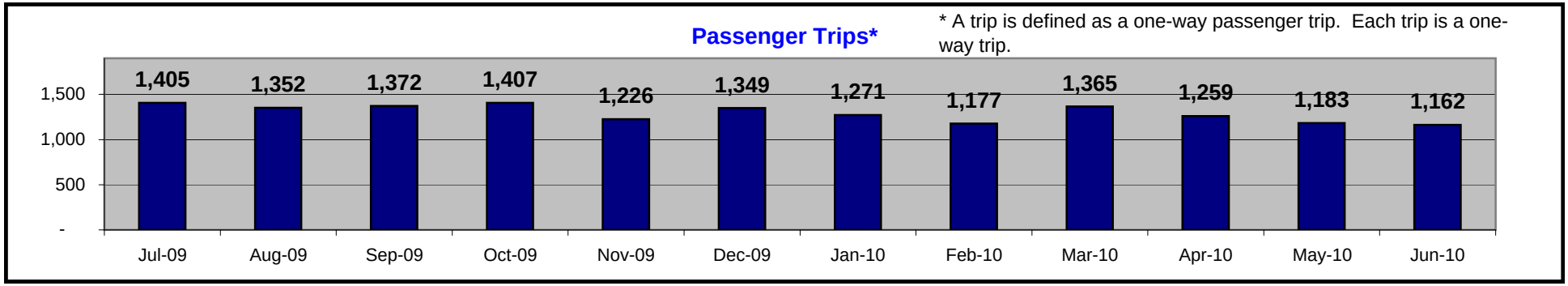
Farebox



FY 2009/2010 FINAL
for comparison

Transit Monthly Operations Report
FY 09-10

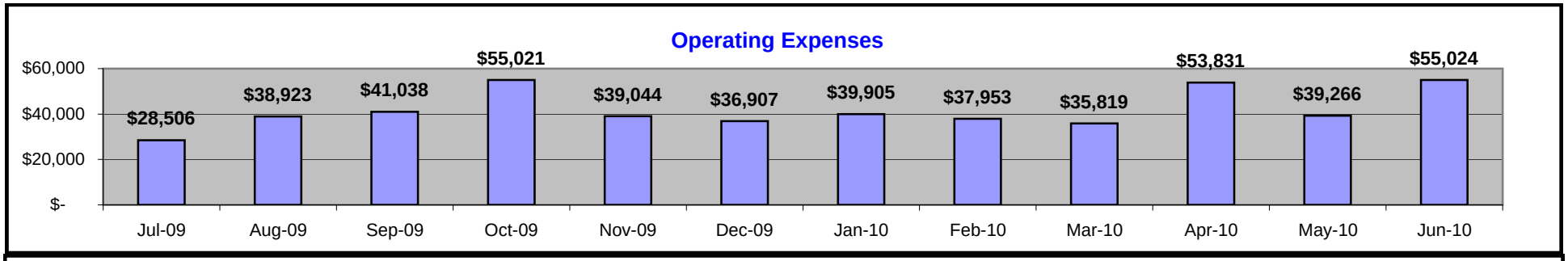
Month	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10
Revenue Hours	663.6	695.6	680.9	668.7	609.2	643.0	601.4	561.1	675.4	622.7	582.5	513.9
Passengers*	1,405	1,352	1,372	1,407	1,226	1,349	1,271	1,177	1,365	1,259	1,183	1,162
Pass/Rhour	2.12	1.94	2.01	2.10	2.01	2.10	2.11	2.10	2.02	2.02	2.03	2.26
YTD Rev. Hours	663.6	1,359.2	2,040.2	2,708.9	3,318.0	3,961.0	4,562.4	5,123.6	5,798.9	6,421.6	7,004.1	7,518.0
YTD Passengers	1,405	2,757	4,129	5,536	6,762	8,111	9,382	10,559	11,924	13,183	14,366	15,528
YTD Pass/RHour	**2.12**	**2.03**	**2.02**	**2.04**	**2.04**	**2.05**	**2.06**	**2.06**	**2.06**	**2.05**	**2.05**	**2.07**

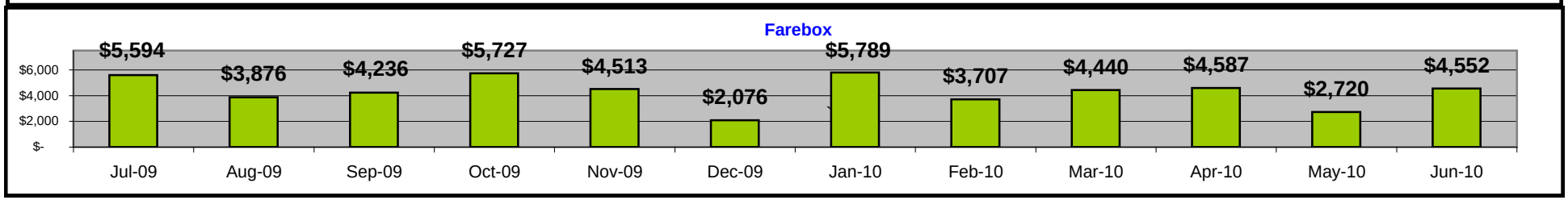


Month	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10
Oper Expenses	$ 28,506	$ 38,923	$ 41,038	$ 55,021	$ 39,044	$ 36,907	$ 39,905	$ 37,953	$ 35,819	$ 53,831	$ 39,266	$ 55,024
Total Expenses[1]	$ 28,999	$ 39,452	$ 41,226	$ 55,167	$ 39,426	$ 40,609	$ 39,961	$ 38,013	$ 35,869	$ 53,855	$ 39,291	$ 68,112
YTD TExpenses	$ 28,999	$ 68,451	$109,676	$164,844	$204,270	$244,879	$284,840	$322,853	$ 358,722	$ 412,578	$ 451,868	$ 519,980
Farebox	$ 5,594	$ 3,876	$ 4,236	$ 5,727	$ 4,513	$ 2,076	$ 5,789	$ 3,707	$ 4,440	$ 4,587	$ 2,720	$ 4,552
YTD Farebox	$ 5,594	$ 9,470	$ 13,706	$ 19,433	$ 23,946	$ 26,022	$ 31,811	$ 35,518	$ 39,958	$ 44,545	$ 47,265	$ 51,817
Volunteer Hours[2]	90.5	107.8	63.5	75.5	40.0	49.9	67.0	48.5	84.8	77.3	96.0	63.5

[1] *Total Expenses include outside services such as the RTA Park and Ride costs and other non-operating capital.*

[2] *YTD 864.17 Hours ≈ $14,103*





Town Council Regular Session **Item # D.**

Meeting Date: 05/04/2011

Requested by: Amanda Jacobs **Submitted By:** Amanda Jacobs, Town Manager's Office

Department: Town Manager's Office

Information

SUBJECT:

Economic Development Division Quarterly Report: January 1, 2011 - March 31, 2011

RECOMMENDATION:

This report is for information only.

EXECUTIVE SUMMARY:

Attached is the Economic Development Division quarterly report for the period January 1, 2011 – March 31, 2011.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

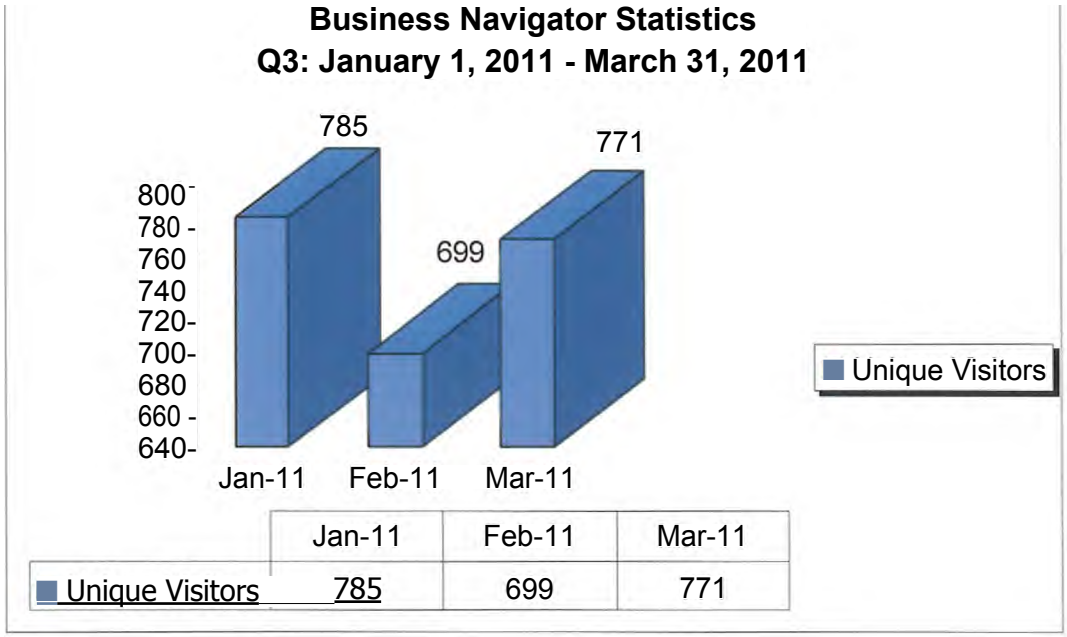
Attachments

EcDev Quarterly Report January - March 2011

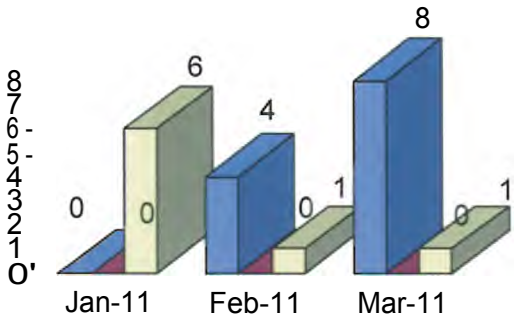
Economic Development Division
Quarterly Report:
January 1, 2011 — March 31, 2011

Presented to Town of Oro Valley Mayor and Council
May 4, 2011

Business Retention Activity

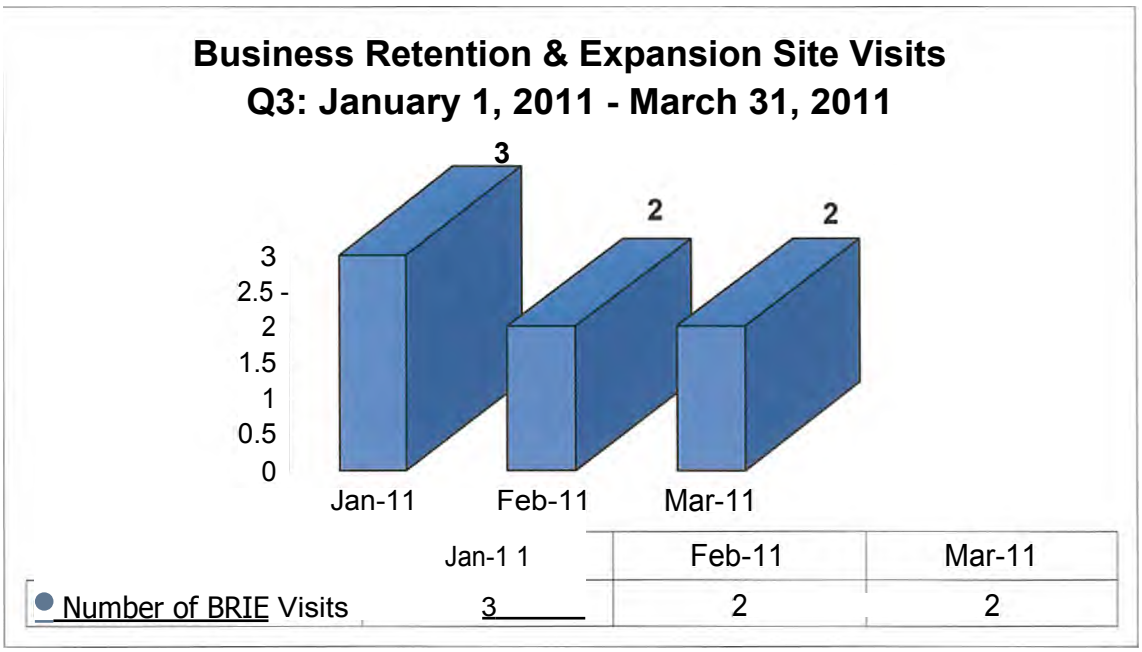


	Jan-11	Feb-11	Mar-11
Unique Visitors	785	699	771

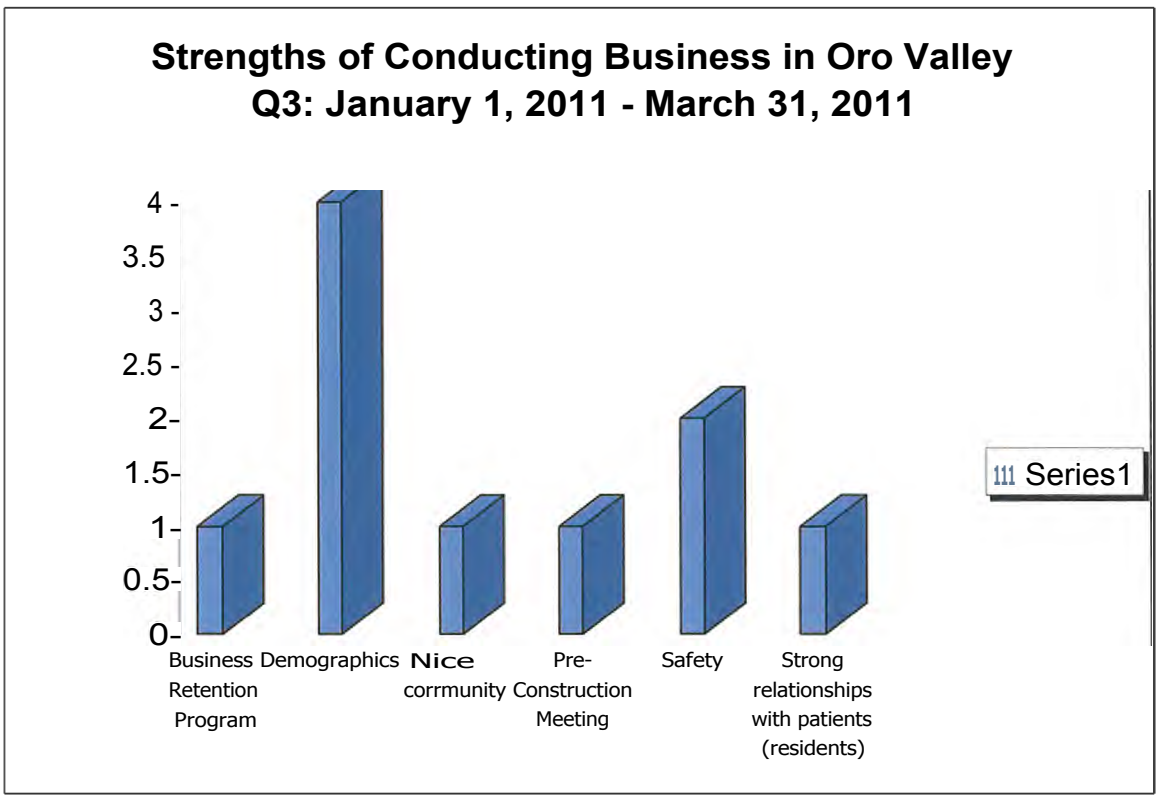


	Jan-11	Feb-11	Mar-11
Number of New	0	4	8
Number of Updated	0	0	0
Number of Inactive	6	1	1

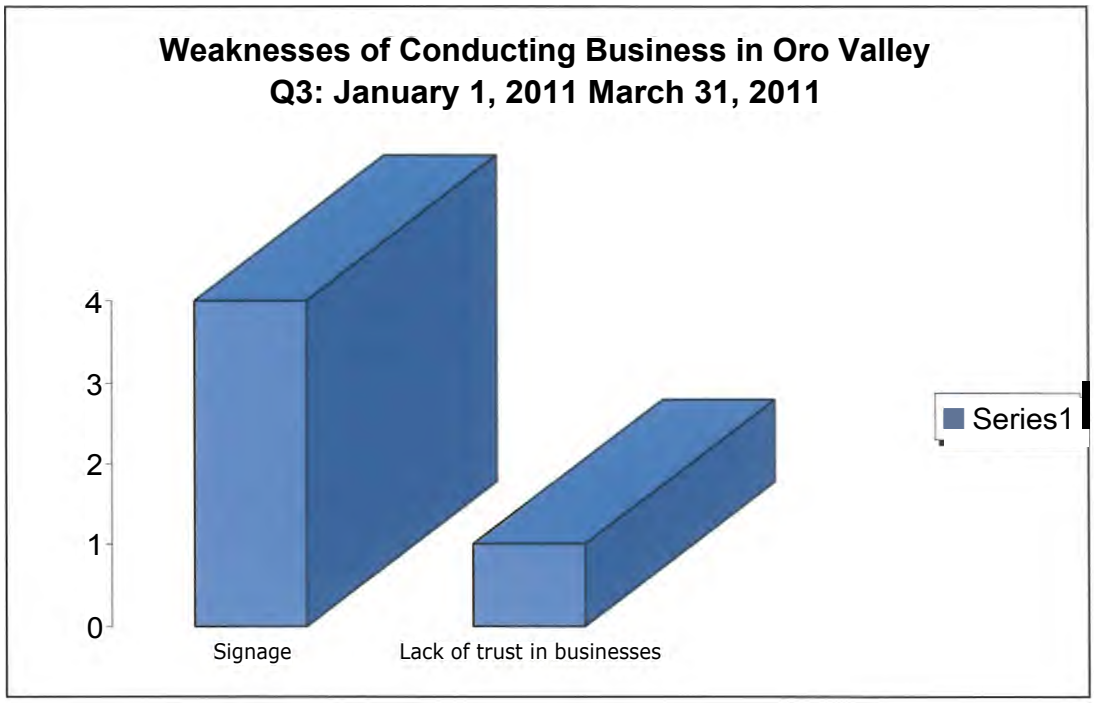
Business Retention Activity Continued

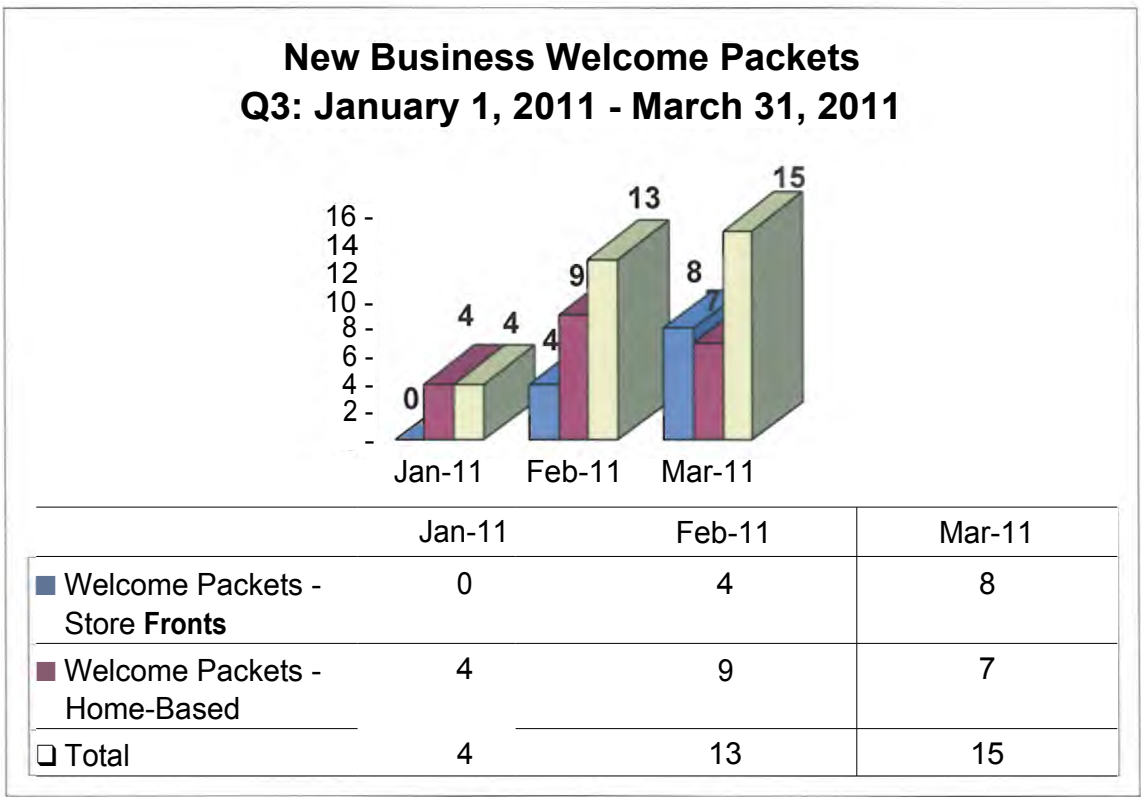


Responses from Business Retention Et Expansion (BR/E) Site Visits



Business Retention Activity Continued





	Jan-11	Feb-11	Mar-11
Welcome Packets - Store **Fronts**	0	4	8
Welcome Packets - Home-Based	4	9	7
Total	4	13	15

Attachment '1'
New Local Business Report: January 1, 2011 - March 31, 2011

TOWN OF ORO VALLEY
New Local Business Report

Report Dates: 01/01/2011 thru 03/31/2011

Business No.	Business Name	Business Address	Home YIN	Phone	Start Date
TOV1000497	HAUL IT ALL LLC	531 W ROLLING HILLS PL ORO VALLEY AZ 85704	Y	520-544-4729	01/05/2011
TOV1000502	WALLER FINE FOODS	991 W ANTELOPE CREEK WAY ORO VALLEY AZ 85737	Y	520-331-0565	01/19/2011
TOV1000503	JERICHO TACTICS LLC	12935 N WESTMINSTER DR ORO VALLEY AZ 85755	Y	520-820-9928	01/19/2011
TOV1100005	ROBERTS SMITH PROPERTIES LLC	12604 N PIONEER WY ORO VALLEY AZ 85755	Y	520-219-9360	01/19/2011
TOV1100016	MOONLIT MEADOW PRODUCTION	11001 N POINSETTIA DR ORO VALLEY AZ 85737	Y	520-544-2789	02/03/2011
TOV1100017	OBSTETRIX MEDICAL GROUP OF PHOENIX PC	1856 E INNOVATION PARK DR ORO VALLEY AZ 85755	N	520-320-7999	02/04/2011
TOV1100032	DAVE PERRY COMMUNICATIONS	11887 N POTOSI PT ORO VALLEY AZ 85737	Y	480-298-0823	02/17/2011
TOV1100025	CORAZON DEL ORO COMMUNICATIONS LLC	11305 N COPPER SPRING TRAIL ORO VALLEY AZ 85737	N	520-572-0388	02/18/2011
TOV1100042	CS TAYLOR DESIGNS	1709 W OAK SHADOWS DR ORO VALLEY AZ 85737	Y	520-297-6273	02/18/2011
TOV1100043	DAVIS ROBINSON AND ASSOCIATES	2506 E VISTOSO COMMERCE LP #180 ORO VALLEY AZ 85737	N	520-904-4163	02/18/2011
TOV1100044	SCARLETT IMPORT EXPORT	13384 N REGULATION DR ORO VALLEY AZ 85755	Y	520-906-2200	02/18/2011
TOV1100029	ARTISTIC CREATIONS BY CAROLYN	12682 N SPIRIT MTN RD ORO VALLEY AZ 85755	Y	520-820-3454	02/22/2011
TOV1100051	MOSAIC BEADING	11938 N VERISMO DR ORO VALLEY AZ 85737	Y	520-572-7242	02/22/2011
TOV1100052	ZGRUM CORP	1321 E STARSHIP PL ORO VALLEY AZ 85737	Y	520-247-4552	02/22/2011
TOV1100075	PERSONAL TRAINING INSTITUTE	7625 N ORACLE RD #145 ORO VALLEY AZ 85704	N	520-297-8280	02/25/2011
TOV1100078	ENDEAVORS OF SPIRIT	10 E STRADA PATANIA ORO VALLEY AZ 85737	Y	520-403-3740	02/25/2011
TOV1100079	MCGOLDRICK TAX AND ACCOUNTING SVC LLC	12872 N MEADVIEW WAY ORO VALLEY AZ 85755	Y	520-991-8123	02/25/2011
TOV1100080	CLASSIC STONE AND MASONRY LLC	1091 W TORTOLITA MTN CIR ORO VALLEY AZ 85755	Y	520-219-1766	03/02/2011

Business No.	Business Name	Business Address	Home YIN	Phone	Start Date
TOV1100085	2SONS RV	11909 N COPPER CREEK DR ORO VALLEY AZ 85737	Y	520-260-5898	03/02/2011
TOV1100091	RUBY MOON STUDIO	11410 N WHEELER CT ORO VALLEY AZ 85737	Y	520-531-1908	03/03/2011
TOV1100093	LA PALOMA HOMECARELLC	12470 N RANCHO VISTOSO BLVD STE 150 ORO VALLEY AZ 85755	N	520-544-4663	03/04/2011
TOV1100112	GILBERT HOME IMPROVEMENTS	11752 N PEACEFUL NIGHT RD ORO VALLEY AZ 85737	Y	520-882-8457	03/10/2011
TOV1100116	ORO VALLEY FITNESS	10550 N LA CANADA DR #160 ORO VALLEY AZ 85737	N	619-820-4890	03/14/2011
TOV1100117	LEAVE IT TO DETAILS INC	PO BOX 68015 ORO VALLEY AZ 85737	Y	520-405-2553	03/15/2011
TOV1100120	SAMUELS MEDICAL	14516 N QUIET RAIN DR ORO VALLEY AZ 85755	Y	520-991-3329	03/16/2011
TOV1100124	MY TRANG T NGUYEN	10420 N LA CANADA DR #110 ORO VALLEY AZ 85737	N	520-331-3352	03/18/2011
TOV1100125	THANGDY KONG	10420 N LA CANADA DR #110 ORO VALLEY AZ 85737	N	520-664-8987	03/18/2011
TOV1100126	THINH D DANG	10420 N LA CANADA DR #110 ORO VALLEY AZ 85737	N	520-909-8737	03/18/2011
TOV1100127	DI HONG T LE	10420 N LA CANADA DR #110 ORO VALLEY AZ 85737	N	520-891-8836	03/18/2011
TOV1100135	SIERRA POINT REMODEL LLC	11264 N PLATTE DR ORO VALLEY AZ 85737	N	520-449-0278	03/24/2011
TOV1100140	BY YOUR SIDE SENIOR CARE LLC	1846 E INNOVATION PARK DR ORO VALLEY AZ 85755	N	520-888-3100	03/30/2011
TOV1100141	OV HELPING HANDS PERSONAL SERVICES	13236 N DEERGRASS DR ORO VALLEY AZ 85755	Y	520-668-3997	03/30/2011

Total Number of Store Fronts ***12***

Total Number of Home-Based Businesses ***20***

Total Number of Businesses on this Report: ***32***

Town Council Regular Session **Item # E.**

Meeting Date: 05/04/2011

Submitted By: Roseanne Flores, Development Infrastructure Services

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Information

SUBJECT:

Development & Infrastructure Services, Permitting Division - March 2011 Reports

SUMMARY:

N/A

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

Attachments

Activity Report
Customer Chart
Permit Activity
Plan Review Chart
Inspection Activity
Revenue chart

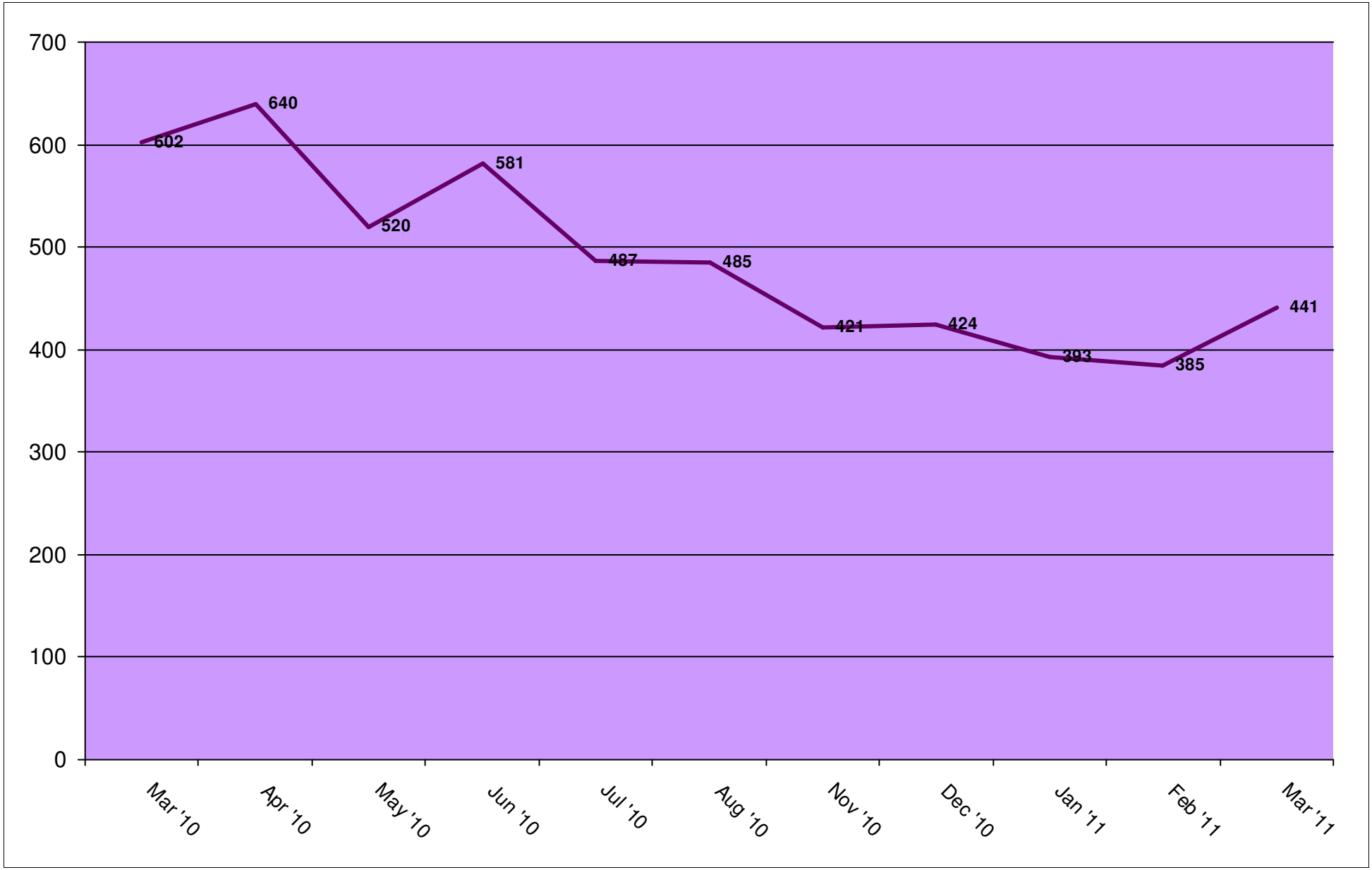
Development Infrastructure Services Department
Permitting Division
Monthly Activity Report - March 2011

		CURRENT MONTH			PREV MONTH		SAME MONTH ONE YEAR AGO		CUMULATIVE LAST FISCAL YEAR 2009/10		CUMULATIVE THIS FISCAL YEAR 2010/11	
		March-2011			February-2011		March-2010					
DESCRIPTION	CLASS CODE	PERMITS	VALUATION	REVENUES	PERMITS	REVENUES	PERMITS	REVENUES	PERMITS	REVENUES	PERMITS	REVENUES
SFR Detached	0101	3	$2,213,307	$23,979	2	$5,510	3	$19,431	51	$220,174	25	$162,519
SFR Attached	0102											
Res Pools	0329	8	$91,466	$3,084	6	$2,025	10	$3,863	57	$19,607	48	$15,433
Revisions/Alter/Addit	0434	9	$347,981	$8,077	11	$5,659	9	$2,581	116	$74,868	70	$48,328
Res Walls	0434								3	$798	1	$220
Garage/Carport Encl	0438	1	$32,802	$780	1	$322	2	$2,167	11	$12,347	7	$9,345
Misc Residential		42	$0	$1,397	37	$1,155	43	$1,540	435	$14,250	447	$17,853
Model Plans							1	$120	11	$22,192		
Multi-Family Res.												
Res Demo					1	$449	2	$240	7	$1,438	2	$586
Subtotal Residential Permits		**63**	**$2,685,556**	**$37,317**	**58**	**$15,120**	**70**	**$29,942**	**691**	**$365,674**	**600**	**$254,284**
Condos > 5 units	0105											
Commercial Shell												
Hotels or Motels	0213								1	$72,658		
Social or Recreation	0318											
Churches, Temples	0319											
IndstPlnts/PublicWks	0320								4	$2,108		
Pkg/Grgs/Ramada/Maint	0321											
Service Stations/Washes	0322											
Hospitals/Clinics	0323											
Offices/Banks/Proff/Rest	0324								1	$17,830		
Schools	0326						1	$3469 (1)	3	$28,689 (2)		
Stores	0327								2	$19,247	1	$16,060
Commercial Pools	0329										1	$659
TI's & Comm Reno	0437	4	$370,925	$8,245	3	$9,388	5	$21,421	29	$76,294	32	$72,821
CommAlter/Revisions	0328	2	$10,000	$948	2	$1,272	1	$839	21	$13,528	28	$61,713
Misc Commercial		4	$25,000	$777	1	$36	4	$269	24	$18,353	28	$9,979
CommerDemo											1	$1,259
Subtotal Commercial Permits		**10**	**$405,925**	**$9,970**	**6**	**$10,696**	**11**	**$25,998**	**85**	**$248,527**	**91**	**$162,491**
Signs		19	$0	$4,470	19	$4,086	20	$4,149	145	$25,867	128	$25,512
Total Residential & Commercial Permits		**92**	**$3,091,481**	**$51,757**	**83**	**$29,902**	**101**	**$60,089**	**921**	**$640,068**	**819**	**$442,287**
Resid. Impact Fees				$18,234		$12,156		$15,748		$307,283		$149,209
Comm. Impact Fees								$0		$156,462		$15,531
Total Dev Imp Fees				**$18,234**		**$12,156**		**$15,748**		**$463,745**		**$164,740**

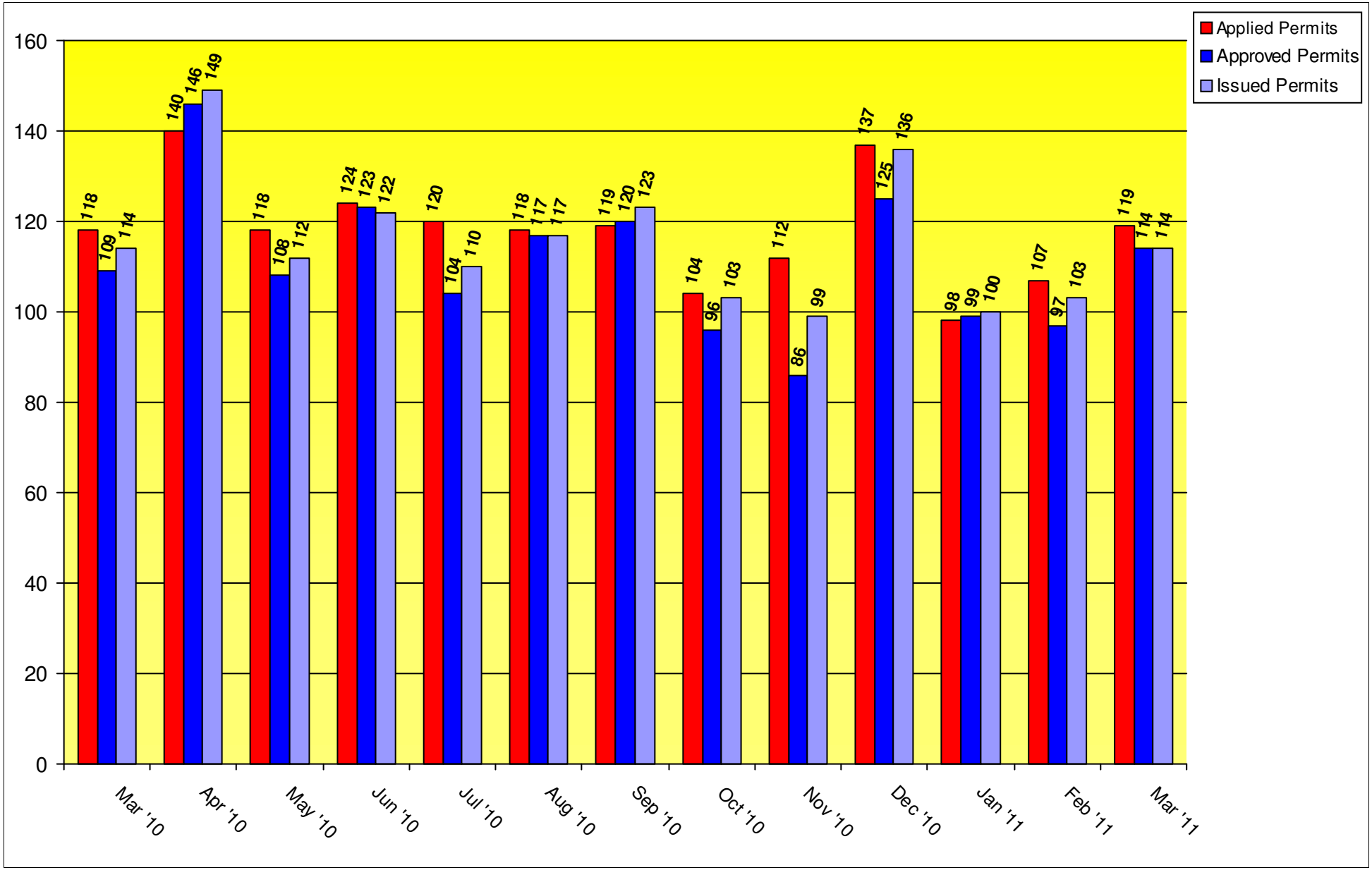
**** Revenues / Fees represent the total cost of the permits issued, and is not a representation of actual revenues within a given month.***

(1) Includes the value for BASIS Charter School fees of $3,469 (foundation only), however per Council action an in kind exchange of real property will be accepted
(2) Fees valued in the $3469.09, waived per Counil action

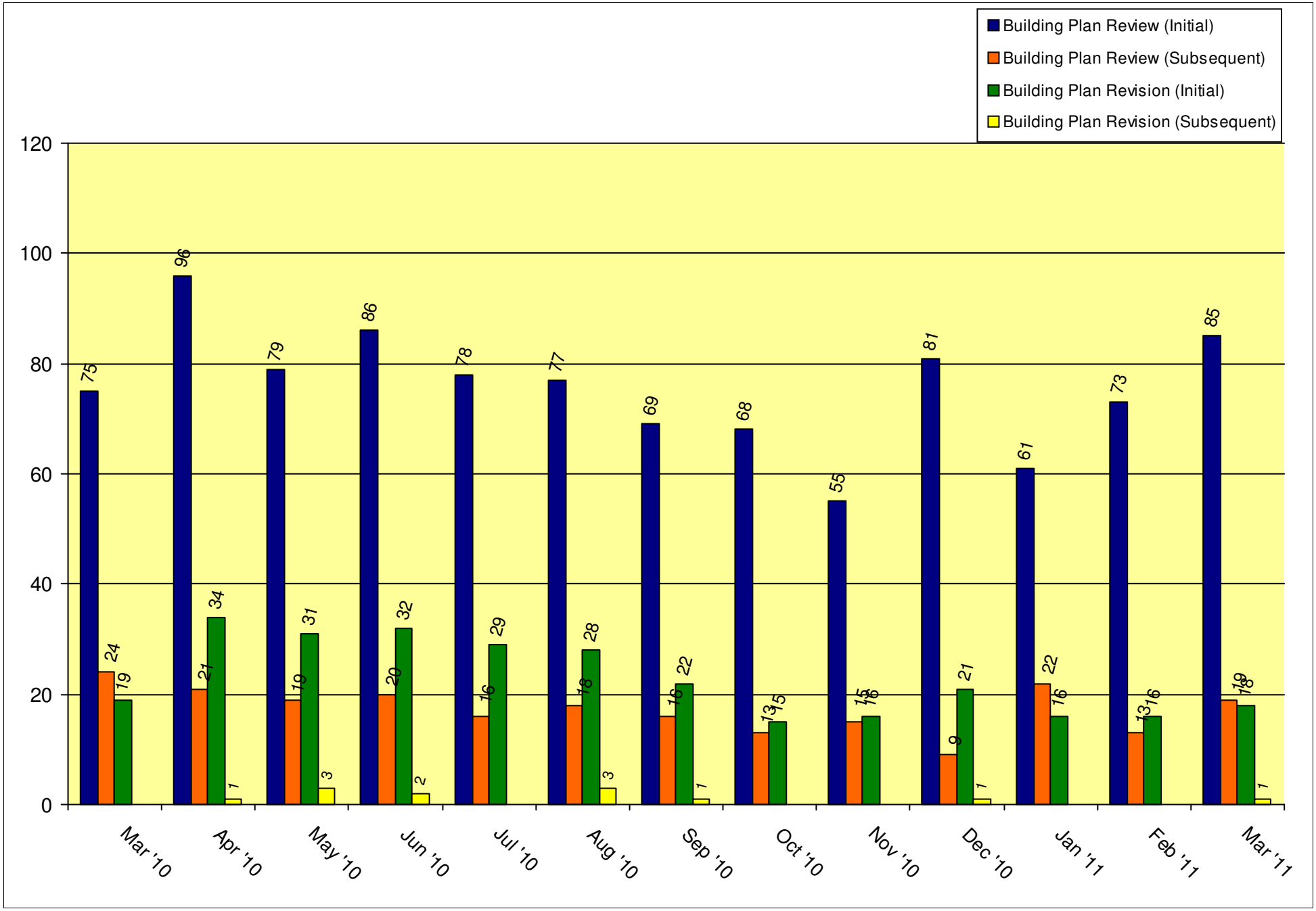
Development Services Customers for March 2010 thru March 2011



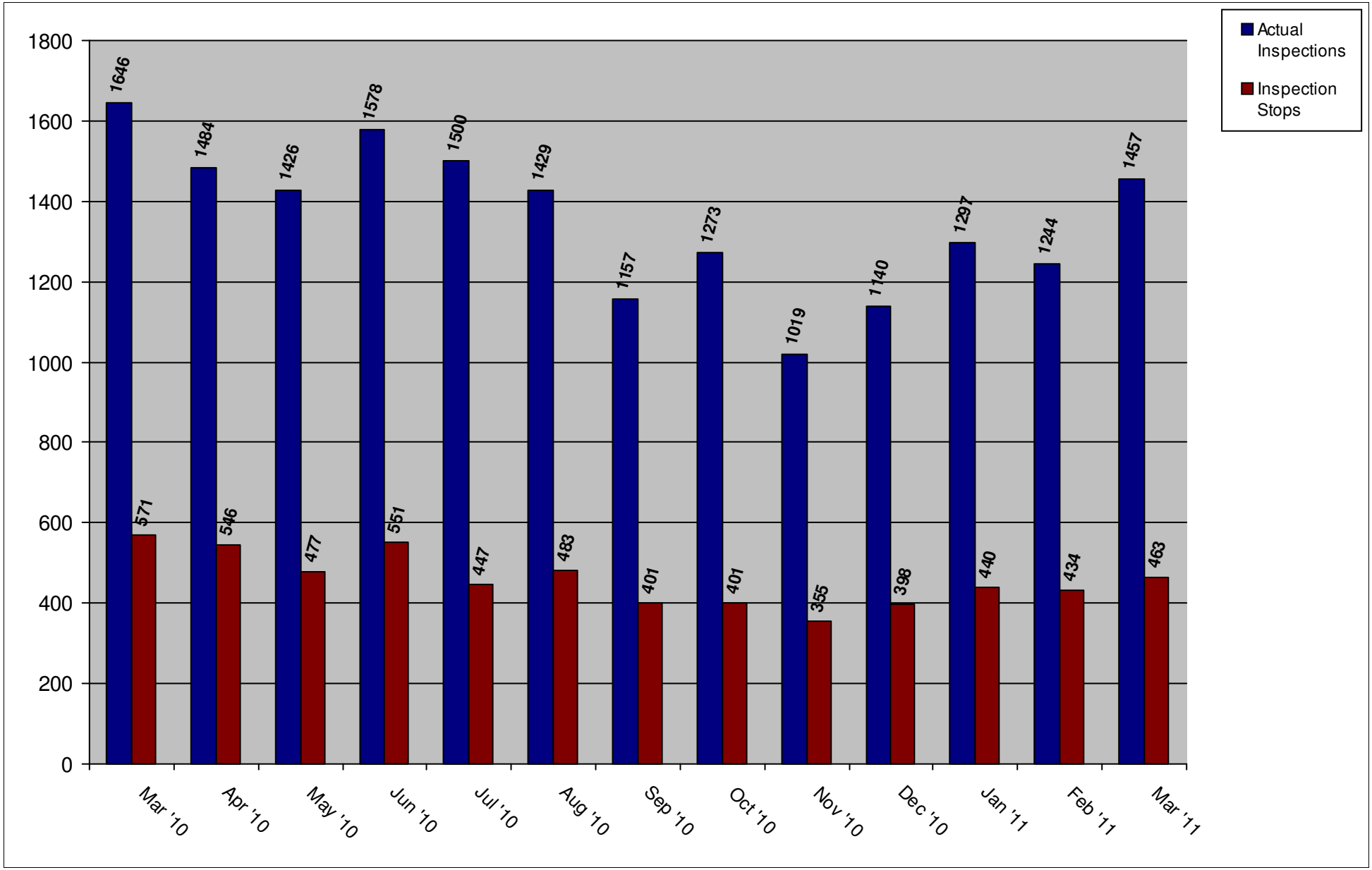
Development Services Activity for March 2010 thru March 2011



Development Services Plan Review Activity for March 2010 thru March 2011

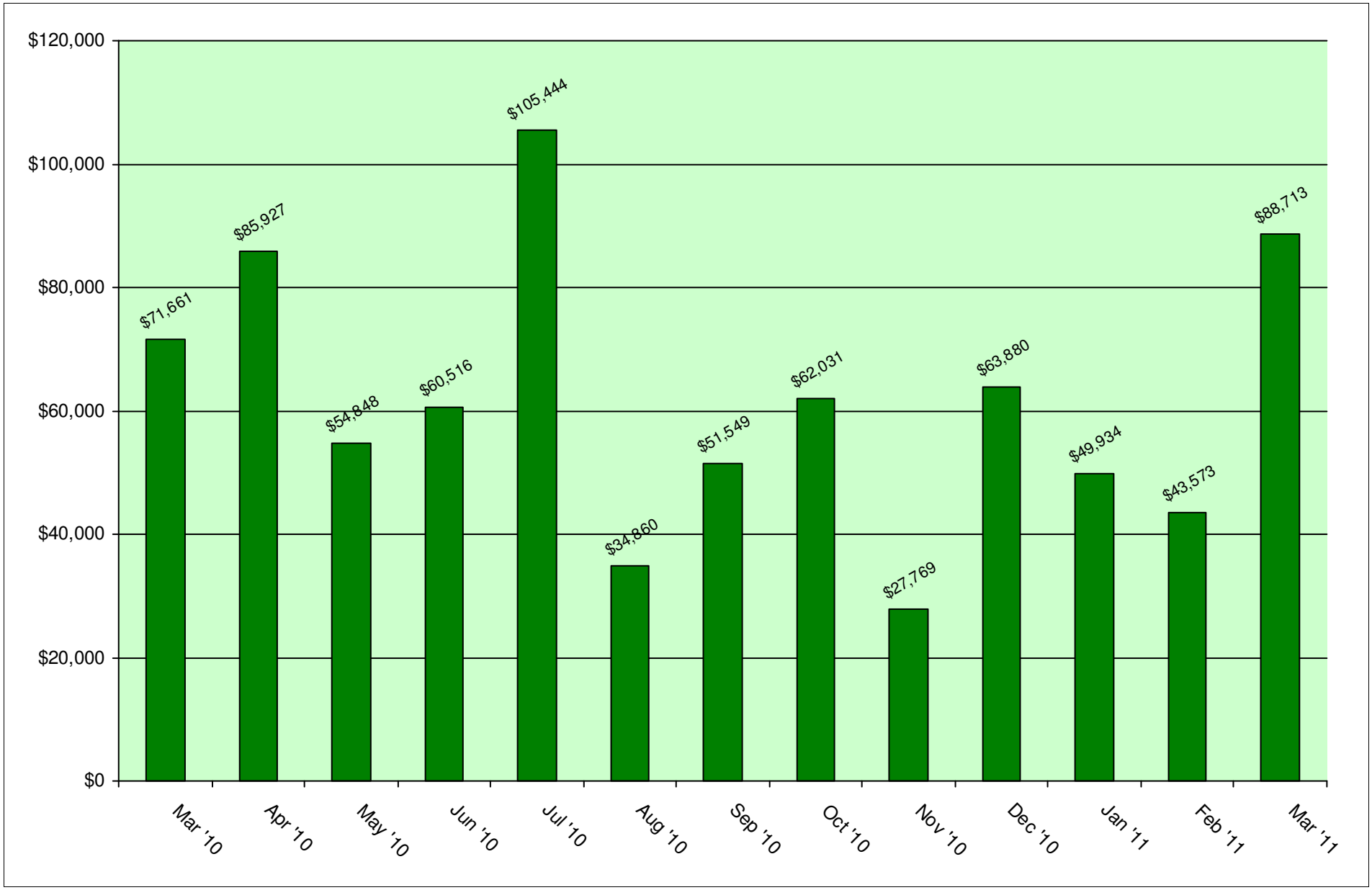


Development Services Inspection Activity for March 2010 thru March 2011



Development Services Revenue for March 2010 thru March 2011

(Does not include Impact Fees, Engineering Fees, Zoning Fees, Books, Copies or APA Deposits)



Town Council Regular Session **Item # F.**

Meeting Date: 05/04/2011

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

Department: Police Department

Information

SUBJECT:

Notice to Mayor and Council of the Police Department's project proposals, requesting grant funding under the Governor's Office of Highway Safety 2012 opportunity, as well as the Arizona Department of Homeland Security

RECOMMENDATION:

Provided for information.

EXECUTIVE SUMMARY:

Each year the Governor's Office of Highway Safety (GOHS) and the Arizona Department of Homeland Security accept project proposals from all emergency responders in the form of grants.

BACKGROUND OR DETAILED INFORMATION:

In reference to the G.O.H.S. funding for DUI enforcement overtime and Employee Related Expenses (ERE) was requested in the amount of $100,000, and funding for overtime and ERE for the Occupant Protection/Click It or Ticket Campaign in the amount of $20,000.

Capital outlay requests included $3,942 for seven 'take down lighting systems' for fleet motorcycles; as well as $19,975 for 25 Portable Breath Test Machines.

The Governor's Office of Highway Safety reviews all proposals submitted by agencies across the entire state, and can award funding for all or any part of these requests.

The AZDOHS funding requests included additional equipment, as well as funding for the maintenance of grant funded equipment purchased this current fiscal year, in the amount of $79,700.

Additionally, requests were submitted for $55,000 to fund Operation Stonegarden overtime/ERE, and $77,000 to continue funding the Emergency Response Planner position and related O & M.

FISCAL IMPACT:

The grant awards is competitive so the fiscal impact at this time is not determined. However, it is anticipated that the recommended budget for FY 2011/2012 will include the ability to allow the Police department to complete these proposed projects if approved by Council.

SUGGESTED MOTION:

N/A

Town Council Regular Session **Item # G.**

Meeting Date: 05/04/2011

Submitted By: Julie Bower, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Amending the Town Council Liaison Assignments by appointing Councilmember Lou Waters as liaison to the Oro Valley Business Club

RECOMMENDATION:

The Oro Valley Business Club has requested the appointment of a Council liaison to their club. The Mayor and Council must formally approve this addition to the Town Council Liaison Assignments.

EXECUTIVE SUMMARY:

The Council Liaison Assignments were updated on July 7, 2010 and amended October 20, 2010; December 1, 2010 and February 16, 2011.

The Oro Valley Business Club provides a forum for business networking, business development, community and political awareness with the goal of businesses and business leaders to benefit themselves and the community.

The Oro Valley Business Club meets the first Thursday of each month from 11:00 AM to 1:10 PM at the Sun City Vistoso Social Hall/Auditorium, located at 1495 East Rancho Vistoso Blvd, Oro Valley.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to amend the Council Liaison Assignments by appointing Councilmember Lou Waters as liaison to the Oro Valley Business Club, effective May 4, 2011 to June 30, 2011

or

I MOVE .....

Town Council Regular Session **Item # H.**

Meeting Date: 05/04/2011

Requested by: Kevin Verville **Submitted By:** Kevin Verville, Information Technology

Department: Information Technology

Information

SUBJECT:

Resolution No. (R)11-25 Authorizing and Approving a Master Intergovernmental Agreement between Pima County and the Town of Oro Valley for the Inter-Connection of Data Networks

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

This Master Intergovernmental Agreement seeks to enhance collaboration between the Town of Oro Valley and Pima County by identifying additional site-specific communication facilities to enhance the mutually beneficial data-network sharing arrangement between the parties.

BACKGROUND OR DETAILED INFORMATION:

The Pima County Wireless Integrated Network (PCWIN) project mission is to design, procure, deploy and operate a county-wide public safety and information technology voice and data communications network. This allows participating jurisdictions and other entities to improve interoperability, coordination, and communication. The success of the PCWIN project depends largely in part upon the cooperating jurisdictions, and their ability to quickly utilize and share existing and new network facilities when they are identified.

As the the region grows, so does the need for information sharing, communication, and collaboration between jurisdictions. To meet this challenge, the attached IGA and Site-Specific Supplemental Agreement (Exhibit A) are subject to periodic amendment by the parties to reflect the current state of each party's network facilities. No party to this IGA has any right of use to the other party's infrastructure or equipment, except as specified in the IGA and Exhibit A.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (approve, deny) Resolution No. (R)11-25, Authorizing and Approving a Master Intergovernmental Agreement between Pima County and the Town of Oro Valley for the Inter-Connection of Data Networks.

Attachments

Resolution 11-25

IT IGA
IT Exhibit A

RESOLUTION NO. (R)11-25

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING A MASTER INTERGOVERNMENTAL AGREEMENT BETWEEN PIMA COUNTY AND THE TOWN OF ORO VALLEY FOR THE INTER-CONNECTION OF DATA NETWORKS

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

WHEREAS, pursuant to A.R.S. § 11-952, the Town is authorized to enter into or renew agreements for joint and cooperative action with other public agencies; and

WHEREAS, Pima County maintains and operates a data network which serves the Pima County governmental facilities as well as other public entities; and

WHEREAS, the Town and Pima County desire to enter into a Master Intergovernmental Agreement (IGA) in order to share their data network resources; and

WHEREAS, it is in the best interest of the Town to enter into the Master Intergovernmental Agreement, attached hereto as Exhibit "A" and incorporated herein by this reference, in order to set forth the terms and conditions for the inter-connection of their data network resources.

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

1. The Master Intergovernmental Agreement between the Town of Oro Valley and Pima County, attached hereto as Exhibit "A" and incorporated herein by this reference, for the inter-connection of their data network resources is hereby authorized and approved.

2. The Mayor, the Information Technology Director and any other administrative officials are hereby authorized to take such steps as necessary to execute and implement the terms of the Agreement.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 4th day of May, 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”

MASTER INTERGOVERNMENTAL AGREEMENT BETWEEN
TOWN OF ORO VALLEY AND PIMA COUNTY
REGARDING THE INTER-CONNECTION OF DATA NETWORKS

This Intergovernmental Agreement ("IGA") is entered into pursuant to A.R.S. § 11-951 et. seq., by and between TOWN OF ORO VALLEY, a municipal corporation, and Pima County, a body politic and corporate of the State of Arizona (hereinafter referred to as "the County").

RECITALS

A. TOWN OF ORO VALLEY maintains and operates a data network ("TOWN OF ORO VALLEY Network"), which serves the TOWN OF ORO VALLEY governmental facilities, as well as those of other public entities;

B. The County maintains and operates a data network ("the County Network"), which serves the County governmental facilities, as well as those of other public entities;

C. TOWN OF ORO VALLEY and County agree that it is in the best interests of both parties to share their data-network resources;

D. TOWN OF ORO VALLEY and County may contract for services and enter into agreements with one another for joint or cooperative action pursuant to A.R.S sections 11-951 and 15-1625, *et seq.*

AGREEMENT

NOW, THEREFORE**,** TOWN OF ORO VALLEY and County, pursuant to the above, and in consideration of the matters and things hereinafter set forth, agree as follows:

SECTION 1. PURPOSE: To accomplish the mutually beneficial data-network sharing arrangement between the parties.

In order to accomplish the mutually beneficial data-network sharing arrangement, the parties enter into this IGA; the exhibits to which are subject to periodic amendment by the parties to reflect the current state of each party's network facilities. No party to this IGA has any right of use to the other party's infrastructure or equipment, except as

specified in the exhibits to this IGA, as amended from time to time through site-specific supplemental agreements in the form of **EXHIBIT A** to this IGA. Existing inter-connections between the parties' data networks are "grandfathered" and ratified as part of this IGA, and such existing inter-connections shall be subject to the terms of this IGA. Each site-specific supplemental agreement will be approved or disapproved on a case-by-case basis. This IGA shall not obligate either party to allow the use of any of its infrastructure except upon execution of a site-specific supplemental agreement by both parties. Upon execution of a site-specific supplemental agreement, the owner of the infrastructure ("the owner party") shall grant the other party ("the user party") permission to use the infrastructure described in that site-specific supplemental agreement. Each site-specific supplemental agreement shall incorporate, and shall be consistent with, the terms and conditions of this IGA. If the infrastructure is leased by either party, then the site-specific supplemental agreement shall be subject and subordinate to all terms of the lease. Neither this IGA nor any site-specific supplemental agreement shall grant the user party any legal or beneficial right, title, or interest in any shared infrastructure. The Chief Information Officer of each party is authorized and directed to execute and terminate site-specific supplemental agreements, provided that the provisions of site-specific supplemental agreements do not amend the provisions of this IGA, or impose any financial obligations on either party. In the event of conflict between the terms of this IGA and any site-specific supplemental agreement, the provisions of this IGA shall control.

SECTION 2. RESPONSIBILITIES OF THE PARTIES: It shall be the responsibility of the parties to enter into Site Specific supplemental agreements in the form attached in Exhibit "A" in accordance with the this Master IGA. Each supplemental IGA shall contain the precise data sharing terms for that specific site. Each Site Specific supplemental agreement is automatically incorporated into this Master IGA upon execution by the parties.

SECTION 3. TERM: This IGA shall become effective upon execution by the parties. Thereafter, this IGA shall remain in effect until all site-specific supplemental agreements are terminated pursuant to Section 13, below, or for twenty (20) years, whichever is sooner.

SECTION 4. DATA ACCESS: The parties agree to access or attempt to access only such data and systems for which authorization granted pursuant to the specific terms of a Site Specific Supplemental agreement.

SECTION 5. BASE MAPS: Each party shall provide to the other party a base map indicating the current location of its network.

SECTION 6. PAYMENT FOR UPGRADES: Any agreement by a party to share or reimburse a portion of network upgrade or new construction costs for the other party shall be negotiated and included as a written signed amendment to this IGA. Upon the termination of this IGA, all property involved shall revert back to the owner. Termination shall not relieve any party from liabilities or costs already incurred under this IGA, nor affect any ownership of property pursuant to this IGA.

SECTION 7. MAINTENANCE/OPERATION: Operational responsibility, problem-determination and -correction, and system maintenance shall be the responsibility of the owner party.

SECTION 8. DATA SECURITY: The parties assume no responsibility for the loss or theft of any information transmitted over the shared network.

SECTION 9. SUB-AGREEMENTS PROHIBITED: No party shall provide any third party with access to, re-sell, or lease any network connections or services entered into as part of this or any site-specific supplemental agreement without the express written consent of the owner party.

SECTION 10. COMPLIANCE WITH LAWS: The parties shall comply with all applicable state, local, and federal laws, including laws governing technology and software.

SECTION 11. PAYMENT & BILLING: Payments for uncontested incremental services rendered will be detailed in the site-specific supplemental agreements. Each party will render uncontested payments within thirty (30) days of a request for payment from the other party. There shall be no charges for operational costs.

SECTION 12. PAYMENT DISPUTES: In the event of a dispute that cannot be resolved by comparison and reconciliation of cost records or through other negotiations, the parties shall resort to non-binding arbitration prior to the institution of further legal action.

SECTION 13 TERMINATION: At any time, either party may give written notice to terminate any site-specific supplemental agreement and begin the site-specific supplemental agreement termination process. Site-specific supplemental agreements will terminate eighteen months from the time the notice to terminate was received, unless both parties agree in writing to a different termination date. During this period and until the actual termination date, the user party shall continue to pay applicable monthly fees as set forth in the subject site-specific supplemental agreements. All fees are non-refundable except as otherwise expressly stated herein.

Once all site-specific agreements have been terminated, this IGA shall terminate without further action by the parties, as provided in Section 3 above. The indemnity provisions of Section 14 below and any payment obligations under Section 6 above shall survive termination of this IGA.

SECTION 14. INDEMNIFICATION & INSURANCE:

Each party (as Indemnitor) agrees to indemnify, defend and hold harmless the other party (as Indemnitee) from and against any and all claims, losses, liability, costs or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such claims which result in vicarious/derivative liability to the

Indemnitee, are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

Each party shall obtain and maintain at its own expense, during the entire term of this Contract the following type(s) and amounts of insurance:

1. Commercial General Liability in the amount of $1,000,000.00 combined single limit Bodily Injury and Property Damage.

2. Commercial or Business automobile liability coverage for owned, non-owned and hired vehicles used in the performance of this Contract with limits in the amount of $1,000,000.00 combined single limit or $1,000,000.00 Bodily Injury, $1,000,000.00 Property Damage.

3. If this Contract involves professional services, professional liability insurance in the amount of $1,000,000.00.

4. If required by law, workers' compensation coverage including employees' liability coverage.

Parties to this IGA shall provide thirty (30) days written notice to all parties of cancellation, non-renewal or material change of coverage.
The above requirement may be alternatively met through self insurance pursuant to A.R.S. §§ 11-261 and 11-981 (or if a school district, § 15-382) or participation in an insurance risk pool under A.R.S. § 11.952.01 (if a school district, § 15-382), at no less than the minimal coverage levels set forth in this article. Parties to this IGA shall provide thirty (30) days written notice to all other parties of cancellation, non-renewal or material change of coverage.

SECTION 15. UNCONTROLLABLE FORCE: No party shall be considered to be in default in the performance of its obligations hereunder or under a site-specific supplemental agreement when failure of performance shall be due to an Uncontrollable Force. The term "Uncontrollable Force" shall mean any cause beyond the control of the party affected, including but not limited to failure of or threat of failure of facilities, flood, radioactive contamination, earthquake, storm, volcanic eruption, geohydrologic subsidence, fire, lightning, epidemic, sabotage, subversion, change in applicable laws or regulations, restraint by court order or public authority, and action or non-action by, or inability to obtain the necessary authorizations or approvals from, any governmental agency or authority, which by exercise of due diligence it shall be unable to overcome. Nothing contained herein shall be construed so as to require a party to settle any strike or labor dispute in which it may be involved.

SECTION 16. LEGAL JURISDICTION: Nothing in this IGA shall be construed as either limiting or expanding the legal jurisdiction of either the TOWN OF ORO VALLEY or the County.

SECTION 17. MISCELLANEOUS:

1. Americans with Disabilities Act Compliance. Each party shall comply with all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. sections 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36.

2. Conflict of Interest. This IGA is subject to cancellation for conflicts of interest pursuant to A.R.S. section 38-511, the pertinent provisions of which are incorporated into this IGA by reference.

3. Non-Appropriation. Notwithstanding any other provision in this IGA, this IGA may be terminated if for any reason there are not sufficient appropriated and available monies for the purpose of maintaining a party's obligations under this IGA.

4. Non-Discrimination. The parties shall not discriminate against any County employee, client or any other individual in any way because of that person's age, race, creed, color, religion, sex, disability or national origin in the course of carrying out their duties pursuant to this IGA. The parties shall comply with the provisions of Executive Order 75-5, as amended by Executive Order 2009-09, which is incorporated into this IGA by reference, as if set forth in full herein.

5. Worker's Compensation. Worker's Compensation. Each party shall comply with the notice of A.R.S. § 23-1022 (E). For purposes of A.R.S. § 23-1022, irrespective of the operations protocol in place, each party is solely responsible for the payment of Worker's Compensation benefits for its employees.

6. No Third Party Beneficiaries. Nothing in the provisions of this IGA is intended to create duties or obligations to or rights in third parties not parties to this IGA or affect the legal liability of either party to the IGA by imposing any standard of care with respect to the maintenance of public facilities different from the standard of care imposed by law.

7. Scrutinized Business. Pursuant to Arizona Revised Statutes §§ 35-391.06 and 393.06, each party certifies that it does not have a scrutinized business operation in either Sudan or Iran.

8. Notice. Any notice required or permitted to be given under this IGA shall be in writing and shall be served by delivery or by certified mail upon the other party as follows (or at such other address as may be identified by a party in writing to the other party) :

County:	**[Insert party abbrev.]**:
_____	_____
Chief Information Officer 150 West Congress, 6th Floor Tucson AZ 85701	[Name & title] [address]

With copies to:

County Administrator
130 West Congress Street, 10th Floor
Tucson, Arizona 85701

Clerk of the Board
130 West Congress Street, 5th Floor
Tucson, Arizona 85701

SECTION 18. ENTIRE AGREEMENT. This document constitutes the entire Agreement between the parties pertaining to the subject matter hereof, and all prior or contemporaneous agreements and understandings, oral or written, are hereby superseded and merged herein. This IGA shall not be modified, amended, altered or extended except through a written amendment signed by the parties

IN WITNESS WHEREOF, the parties hereto have entered into this IGA this _____ day of _____, 20___.

PIMA COUNTY
A body politic and corporate
of the State of Arizona

By: _____
Chair, Board of Supervisors

Date: _____

ATTEST:

_____
Clerk of the Board of Supervisors

DATE:_____

TOWN OF ORO VALLEY
A municipal corporation

By: _____
Dr. Satish I. Hiremath, Mayor

Date: _____

ATTEST:

_____
Julie K. Bower, Town Clerk

DATE: _____

Pursuant to A.R.S. section 11-952(D), the attorneys for the governmental entities that are the parties to this IGA have, this ____ day of _____, 201__, determined the foregoing is in proper form and is within the powers and authority of the parties as granted under the laws of the State of Arizona.

_____	_____
Deputy County Attorney	Tobin Rosen Oro Valley Town Attorney
Date: _____	Date: _____

EXHIBIT A

Site-Specific Supplemental Agreement

This Site-Specific Supplemental Agreement is made by and between Pima County, Arizona, a political subdivision of the State of Arizona ("County"), and the TOWN OF ORO VALLEY, a municipal corporation, referred to collectively as "Parties", pursuant to the Intergovernmental Agreement entered into by the parties and dated _____.

Terms and Conditions of use: The parties agree to the following:

[INSERT ANY SPECIAL CONDITIONS]

Required Information:

Site Name: _____

Address: _____

Network Connection or Service:

If Connection:

Infrastructure is owned and managed by: _____

Equipment is owned and managed by: _____

If Service:

Description of service provided: _____
_____
_____

Costs of service or connection (if no cost, but a reciprocal site or service is exchanged for site, list the site name or service): _____
_____

Contacts for notifications and problems:

Site contact: _____ Phone: _____

Party Contact: _____ Phone: _____

Additional Information: _____
_____
_____
_____
_____
_____

Pima County

_____
Chief Information Officer

Date: _____

TOWN OF ORO VALLEY

_____
Dr. Satish I. Hiremath
Oro Valley Mayor

Date: _

Town Council Regular Session **Item # I.**

Meeting Date: 05/04/2011

Requested by: Pima County **Submitted By:** Kevin Burke, Town Manager's Office

Department: Town Manager's Office

Information

SUBJECT:

Resolution No. (R)11-26 Requesting the Transfer of the remaining 2004 Pima County Voter Approved Bond Funds Approximating $1.5 Million from the Kelly Ranch Project to the Acquisition of Property in the Arroyo Grande Area for Urban Open Space Conservation

RECOMMENDATION:

Council's pleasure; staff concurs with the use of the funds for a purpose similar to the open space preservation of Kelly Ranch.

EXECUTIVE SUMMARY:

Approval of this Resolution would make a formal request by the Town of Oro Valley to the Pima County Board of Supervisors to approve the transfer of approximately $1.5 million in 2004 voter-approved bond funds from the Kelly Ranch project to the acquisition of as yet undetermined urban open space in the Arroyo Grande area. The timing is such that Pima County intends to apply for State matching funds from the Growing Smarter State Trust Land Acquisition Program during a window of opportunity to receive matching funds. Transfer of these funds would result in an additional $3 million available for urban open space acquisition in the Arroyo Grande area.

BACKGROUND OR DETAILED INFORMATION:

In 2004, Pima County voters approved a multi-million dollar bond issue which included $2.5 million for the acquisition of property known as Kelly Ranch. With few exceptions, all of the voter-approved projects from the 2004 bond package have been substantially completed. All that remains are a few projects within municipal jurisdictions, including the Kelly Ranch project in Oro Valley. In the interest of meeting the voters' intent with regard to urban open space acquisition, Pima County has proposed the transfer of the remaining Kelly Ranch funds to acquire open space in the state land area known as Arroyo Grande.

In 2009, the Town Council made a formal request to the Pima County Board of Supervisors to transfer a portion of that $2.5 million dollar bond allocation to acquisition of property along the Oracle Road corridor to be used for a wildlife linkage between the Catalina Mountains and the state land property known as Arroyo Grande. The Council Communication dated September 16, 2009, and Resolution No. (R) 09-61 are attached. The wildlife linkage properties were acquired by Pima County in 2010 for just under $1 million, leaving approximately $1.5 million remaining for the Kelly Ranch project.

Recently, the Town has been in contact with the Kelly Ranch property owner, SunChase Holdings, Inc. The property owner has indicated an interest in annexation of the property into the Town, but has not indicated an interest in disposition of all or part of the property at this time.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (approve, deny) Resolution No. (R)11-26, Requesting the Transfer of the remainder of the 2004 Pima County Voter-Approved Bond Funds, approximating $1.5 Million, from the Kelly Ranch Project to the Acquisition of Property in the Arroyo Grande Area for Urban Open Space Conservation.

Attachments

Resolution 11-26

Council Communication 9.16.09

Resolution No. (R) 09-61

RESOLUTION NO. (R)11-26

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, REQUESTING THE TRANSFER OF 2004 PIMA COUNTY VOTER APPROVED BOND FUNDS IN THE AMOUNT OF $1.5 MILLION FROM THE KELLY RANCH PROJECT TO THE ACQUISITION OF PROPERTY IN THE ARROYO GRANDE AREA FOR URBAN OPEN SPACE CONSERVATION

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

WHEREAS, on May 18, 2004, voters in Pima County approved a multi-million dollar bond issue for projects identified within the Urban Open Spaces funding category; and

WHEREAS, one of the 2004 voter approved funding projects is the Kelly Ranch Project in the amount of $2.5 million dollars; and

WHEREAS, project funds may be transferred from one listed project to another listed project upon a formal request to the Pima County Board of Supervisors; and

WHEREAS, in 2009, the Mayor and Council requested the transfer of voter approved bond funds to acquire property to be used for wildlife crossing linkages from the Catalina Mountains into the state land area known as Arroyo Grande; and

WHEREAS, the Town desires to facilitate the purchase of additional property for urban open space conservation within the area known as Arroyo Grande with $1.5 million of the 2004 Pima County bond funds currently allocated for the Kelly Ranch Project; and

WHEREAS, the Town has an immediate opportunity, consistent with the stated intent of Town of Oro Valley residents and Pima County voters to protect our unique desert habitat, to acquire and preserve urban open space in the state land area known as Arroyo Grande.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, that the Town formally requests the Pima County Board of Supervisors transfer $1.5 million dollars of the Pima County bond funds allocated for the Kelly Ranch Project to the acquisition of property in the Arroyo Grande area for urban open space conservation.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 4th day of May, 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: _____

COUNCIL COMMUNICATION **MEETING DATE: 09/16/09**

TO: **HONORABLE MAYOR AND COUNCIL**

FROM: **DAVID ANDREWS, TOWN MANAGER**

SUBJECT: **Resolution No. (R) 09 - 61; Consideration and Possible Approval of a Request to the Pima County Board of Supervisors to amend the County Bond Ordinance to transfer an allocation of the remaining 2004 Pima County bond funds of approximately $2.5 million from the Kelly Ranch Project for acquisition of property along the Oracle Road corridor to be used for a wildlife linkage from the Catalina Mountains into the state land property aka Arroyo Grande.**

SUMMARY: On May 18, 2004, voters in Pima County approved a multi-million dollar bond issue that included five Oro Valley projects totaling $9.6 million. One of the projects identified within the Urban Open Spaces funding category was $2.5 million designated for the acquisition of property known as Kelly Ranch (Attachment 2). Recently the Town was made aware of two parcels of approximately 13 acres for sale along Oracle Road that could be used to complete the land connection for the wildlife crossing linkage that has been studied between the Catalina and Tortolita mountains through the state land area known as Arroyo Grande. The proposal for discussion tonight provides an opportunity to facilitate the purchase of this property with Pima County bond funds approved by voters for open space acquisition.

HISTORY: The work of the Pima County Bond Committee involves each jurisdiction ranking projects within categories. The Kelly Ranch project and State Land (aka Arroyo Grande) north of the Town was ranked Priority #1 and #2 respectively within the Urban Open Space funding category as part of the May 2006 Town bond project submittal (Attachment 3).

In the intervening years since the 2004 bond election where funding for Kelly Ranch was approved, the owners of the Kelly Ranch property have stayed on top of real estate values and indicated that the initial $2.5 million would buy only a portion of the property due to its value. However, the partners have not been interested in dividing up the property and have stated they would only consider the transfer and use of the property as a whole. (Attachment 4).

DISCUSSION: The Pima County Administrator's office has been made aware of the interest in this property now on the market through the facilitation of the Coalition for Sonoran Desert Preservation and has provided information on the process that would allow for this transfer of funds to be considered. The County does bond ordinance amendments every six months and suggests that the meeting scheduled for March 2010 would be good for consideration of this issue. In the interim, the County real estate staff would have time to conduct an appraisal, assess the market value of the land and prepare a review by the bond oversight committee, which makes recommendations to the bond committee. From the bond committee a recommendation on action would move to the County Board of Supervisors.

Precedence for similar action was approved by the Town Council in September 2005 relating to the transfer of money from Naranja Town Park Site to the Steam Pump Ranch Project (Attachment 5).

The resolution before you would make a formal request by the Town of Oro Valley to the Pima County Board of Supervisors to approve the funding transfer, pending the outcome of the Pima County Bond Committee consideration and recommendation.

If the County makes this transfer, it would alter the percentage of funds from the Pima County Bond package that had been allocated and approved for Town projects. Council may wish to consider requesting that the County allow this open space to be annexed into the Town limits as part of the acquisition process with these bond proceeds.

FISCAL IMPACT: This action would be administrative in nature without any expected direct financial impact.

SUGGESTED MOTION:

I move to approve Resolution No. **(R)** 09- 61 a request to the Pima County Board of Supervisors to transfer the remaining bond funds from the Kelly Ranch Project for the acquisition of property along the Oracle Road corridor, to be used for a wildlife linkage from the Catalina Mountains into the state land property aka Arroyo Grande.

ATTACHMENTS:

1. **Resolution No. (R) 09 - 61 Request for Funding Transfer to the Pima County Board of Supervisors**
2. **2004 Pima County Bond Implementation Plan**
3. **January 21, 2009 Council Update on 2008 Pima County Bond Program, Attachment A project list**
4. **November 2006 email correspondence on Kelly Ranch**
5. **September 29, 2005 Council Communication on Bond Transfer Request from Naranja Town Park Site to Steam Pump Ranch**

Julie Watson, Assistant Town Manager

David Andrews, Town Manager

RESOLUTION NO. (R) 09-61

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, REQUESTING THE TRANSFER OF 2004 PIMA COUNTY VOTER APPROVED BOND FUNDS IN THE AMOUNT OF $2.5 MILLION FROM THE KELLY RANCH PROJECT TO THE ACQUISITION OF PROPERTY ALONG THE ORACLE ROAD CORRIDOR TO BE USED FOR WILDLIFE CROSSING LINKAGES FROM THE CATALINA MOUNTAINS INTO THE STATE LAND PROPERTY KNOWN AS ARROYO GRANDE

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

WHEREAS, on May 18, 2004, voters in Pima County approved a multi-million dollar bond issue for projects identified within the Urban Open Spaces funding category; and

WHEREAS, one of the 2004 voter approved funding projects is the Kelly Ranch Project in the amount of $2.5 million dollars; and

WHEREAS, since the 2004 bond election, the owners of Kelly Ranch have indicated that the $2.5 million allocated for the purchase of the Property would buy only a portion of the Property and that the owners would only consider the transfer of the Property as a whole; and

WHEREAS, there is property for sale along the Oracle Road corridor which can be used for wildlife crossing linkages from the Catalina Mountains into the state land area known as Arroyo Grande ("the Property"); and

WHEREAS, the Property was ranked Priority No. 2 within the Urban Open Space funding category as part of the Town's May 2006 bond project submittal; and

WHEREAS, the Town desires to facilitate the purchase of the Property with the $2.5 million dollar 2004 Pima County bond funds currently allocated for the Kelly Ranch Project for use of the Property as wildlife crossing linkages; and

WHEREAS, project funds may be transferred from one listed project to another listed project upon a formal request to the Pima County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, that the Town formally requests the Pima County Board of Supervisors to transfer 2004 Pima County bond funds in the amount of $2.5 million dollars allocated

for the Kelly Ranch Project to the acquisition of land along the Oracle Road corridor to be used for wildlife crossing linkages from the Catalina Mountains into the state land property known as Arroyo Grande.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 16th day of September, 2009.

TOWN OF ORO VALLEY

_____
Paul H. Loomis, Mayor

ATTEST:

_____
Kathryn E. Cuvelier, Town Clerk

Date: _____

APPROVED AS TO FORM:

_____
Tobin Rosen, Town Attorney

Date: _____

Town Council Regular Session **Item # J.**

Meeting Date: 05/04/2011

Requested by: Ainsley Legner **Submitted By:** Ainsley Legner, Parks Recreations Library CR

Department: Parks Recreations Library CR

Information

SUBJECT:

Resolution No. (R)11-27 Amending the Existing Parks and Recreation Fee Schedule to Increase the Parks and Recreation Facility Usage Fees

RECOMMENDATION:

Staff recommends approval of the parks and recreation facility usage fees as outlined in Attachment B.

EXECUTIVE SUMMARY:

Fee increases are recommended in the following areas: ball field rentals, ramada rentals, open/lap swim, pool lane rentals and pool season passes. The fee increases recommended herein will allow the department to realize additional revenues in compliance with the Revenue and Fee Policy.

The Cañada del Oro (CDO) Riverfront Park facility, which was partially funded with Pima County Bonds must follow the Pima County fee structure and as such does not include non-resident fees at this location. The proposed fee increases at CDO Riverfront Park are consistent with the existing fee structure established by Pima County. Non-resident and resident fees are shown for James D. Kriegh Park facilities, as there are no limitations in the fee structure at this location

Every effort was made to avoid dramatic increases, and the potential loss of existing users, while still increasing the cost recovery for the various functions. The Department worked closely with the Finance Department and the Assistant Town Manager to create a recommended fee schedule that would maximize revenue long term. It is expected that fees will continue to be increased on an incremental basis as appropriate.

Attachment B summarizes the proposed fee increases.

BACKGROUND OR DETAILED INFORMATION:

On October 16, 2002, the Town Council adopted Ordinance No. (O)02-32 which granted the Town Council the authority to establish Parks and Recreation facility usage fees by resolution. On December 3, 2008, the Town Council approved Resolution No. (R)08-88, establishing the Parks and Recreation Department Revenue and Fee Policy. The facility usage fees were most recently increased on December 2, 2009.

FISCAL IMPACT:

Annual revenue projections based on the proposed fee increases are shown below. This assumes that existing usage levels will remain constant.

Fee	Estimated FY11 Revenue	Projected FY12 Revenue
Ramada Rental	$12,000	$21,000
Ball Field Rental	$59,000	$78,500
Pool – Daily Admission	$24,000	$41,000
Pool – Passes	$15,000	$22,000
Pool – Lane Rental	$85,000	$127,000

If the recommended fees are approved, the total increase in revenue is estimated at $94,500.

SUGGESTED MOTION:

The Council may wish to consider the following motion:

I move to approve Resolution No. (R)11-27 with rate increases effective July 1, 2011.
or
I move to...

Attachments

Resolution 11-27
Attachment B - Proposed Fees
Ord. No. (O) 02-32
Revenue and Fee Structure

RESOLUTION NO. (R)11-27

A RESOLUTION OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING THE EXISTING PARKS AND RECREATION FEE SCHEDULE TO INCREASE THE PARKS AND RECREATION FACILITY USAGE FEES

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 October 16, 2002, the Town Council adopted Ordinance No. (O) 02-32, granting the Town Council authority to establish Parks and Recreation Facility Usage Fees by resolution; and

WHEREAS, on December 5, 2008, the Town Council approved Resolution No. (R) 08-88 adopting the Town of Oro Valley Parks and Recreation Department Revenue and Fee Policy; and

WHEREAS, the proposed amendment the existing Parks and Recreation fee schedule to increase the facility usage fees, attached hereto as Exhibit "A" and incorporated herein by this reference, for ball field rentals, ramada rentals, open/lap swim, pool lane rentals and pool season passes, will allow additional revenues in compliance with the Parks and Recreation Revenue and Fee Policy.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Oro Valley, Arizona that: the proposed amendment the existing Parks and Recreation fee schedule, attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby authorized and approved.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 4th day of May, 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"

Proposed Parks & Recreation Fee Increases
May 4, 2011

Ramada Rental

Cañada del Oro Riverfront Park	James D. Kriegh Park
$10 per hour (all users)	$10 per hour Resident or Non Profit $15 per hour Non Resident $20 per hour For Profit

Ball Field Rental

	Peak Hours	Non Peak Hours
Resident or Non Profit	$10 per hour	$5 per hour
Non Resident or For Profit	$20 per hour	$10 per hour

Daily Pool Fees

	Residents	Non Residents
Adults	$3.50	$4.00
Seniors	$2.25	$2.75
Teen	$2.25	$2.75
Child	$1.75	$2.25
Aqua	$4.00	$4.50
ASFF	$4.00	$4.50

Pool Passes – Seasonal

	Residents	Non Residents
Adults	$45	$50
Seniors	$30	$35
Teen	$30	$35
Child	$20	$25
Aqua	$45	$50
ASFF	$45	$50

Pool Passes – Annual

	Residents	Non Residents
Adults	**$135**	**$150**
Seniors	**$90**	**$105**
Teen	**$90**	**$105**
Child	**$60**	**$75**
Aqua	**$135**	**$150**
ASFF	**$135**	**$150**

Pool – Hourly Lane Rental

	Residents / Non Profits	Non Residents / For Profits
Short Course	**$5**	**$25**
Long Course	**$10**	**$50**

ATTACHMENT B

Proposed Parks & Recreation Fee Increases
May 4, 2011

Ramada Rental

Current:

CDO Riverfront Park	JDK Park
$25 – 4 hours (all users)	$25 – 4 hours Resident or Non Profit $35 – 4 hours Non Resident $50 – 4 hours For Profit

RECOMMENDED:

CDO Riverfront Park	**JDK Park**
$10 per hour (all users)	**$10 per hour Resident or Non Profit** **$15 per hour Non Resident** **$20 per hour For Profit**

Ball Field Rental

Current:

Peak Hours	Non Peak Hours
$9 per hour Resident or NP $17.50 per hour NR or FP	$4 per hour Resident or NP $10 per hour FP or NR

RECOMMENDED:

Peak Hours	**Non Peak Hours**
$10 per hour Resident or NP **$20 per hour NR or FP**	**$5 per hour Resident or NP** **$10 per hour FP or NR**

Daily Pool Fees

Current:

	Residents	Non Residents
Adults	$2.50	$3.00
Seniors	$1.25	$1.75
Teen	$1.25	$1.75
Child	$0.75	$1.25
Aqua	$3.00	$3.50
ASFF	$3.00	$3.50

RECOMMENDED:

	Residents	**Non Residents**
Adults	**$3.50**	**$4.00**
Seniors	**$2.25**	**$2.75**
Teen	**$2.25**	**$2.75**
Child	**$1.75**	**$2.25**
Aqua	**$4.00**	**$4.50**
ASFF	**$4.00**	**$4.50**

Pool Passes – Seasonal

Current:

	Residents	Non Residents
Adults	$30	$35
Seniors	$20	$25
Teen	$20	$25
Child	$12	$15
Aqua	$30	$35
ASFF	$30	$35

RECOMMENDED:

	Residents	**Non Residents**
Adults	**$45**	**$50**
Seniors	**$30**	**$35**
Teen	**$30**	**$35**
Child	**$20**	**$25**
Aqua	**$45**	**$50**
ASFF	**$45**	**$50**

Pool Passes – Annual

Current:

	Residents	Non Residents
Adults	$110	$130
Seniors	$70	$90
Teen	$70	$90
Child	$40	$50
Aqua	$110	$130
ASFF	$110	$130

RECOMMENDED:

	Residents	**Non Residents**
Adults	**$135**	**$150**
Seniors	**$90**	**$105**
Teen	**$90**	**$105**
Child	**$60**	**$75**
Aqua	**$135**	**$150**
ASFF	**$135**	**$150**

Pool – Hourly Lane Rental

Current:

	Residents / Non Profits	Non Residents / For Profits
Short Course	$4	$20
Long Course	$8	$40

RECOMMENDED:

	Residents / Non Profits	**Non Residents / For Profits**
Short Course	**$5**	**$25**
Long Course	**$10**	**$50**

ORDINANCE NO. (0) 02 - 32

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA AMENDING CHAPTER 16, PARKS AND RECREATION, OF THE ORO VALLEY TOWN CODE, BY AMENDING SECTION 16-1-7 CONCERNING THE FEES FOR RECREATION ACTIVITIES, ADMISSION TO EVENTS, AND FACILITY USAGE; 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, on December 18, 1996, the Town Council did approve Ordinance Number (0) 96-54, which adopted that certain document entitled, "Oro Valley Town Code, Chapter 16, Parks and Recreation," as the sixteenth chapter of the official Town Code; and

WHEREAS, it is in the best interest of the Town to distinguish between the authority currently granted to the Council to implement fees surrounding facility usage and the authority proposed for the Parks and Recreation Administrator to implement fees for recreation activities and admission to events.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the Town of Oro Valley, Arizona that the certain document, known as "The Code of the Town of Oro Valley, Arizona," is hereby amended as follows:

SECTION 1. The proposed amendment to Section 16-1-7 adds new text with additions being shown in ALL CAPS and deletionsbeing shown in Strikeout text:

16-1-7 Fees

A. The Town of Oro Valley reserves the right to charge nominal fees for THE FOLLOWING SITUATIONS:

a. THE PARKS AND RECREATION ADMINISTRATOR SHALL HAVE THE AUTHORITY TO ESTABLISH SUCH FEES, AS PRESCRIBED ADMINISTRATIVELY, FOR recreation ACTIVITIES, and education activities, AND admission to events, and. SUCH FEES SHALL BE DETERMINED AS TO THE DIRECT CORRELATION OF THE COST OF PROVIDING SUCH ACTIVITIES.

b. THE TOWN COUNCIL SHALL HAVE THE AUTHORITY TO ESTABLISH SUCH FEES, AS ADOPTED BY RESOLUTION, FOR facility usage.

B. A cleanup deposit may be required if deemed necessary. All fees and charges are due not later than FORTY-EIGHT (48) hours prior to use.

SECTION 2. Pursuant to ARS § 41-1346, the Town shall maintain efficient record management for local public records and it has been determined that this Ordinance is a public record with three copies of said Ordinance to remain on file in the office of the Town Clerk.

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 Mayor and Town Council, the Town of Oro Valley, Arizona, this 16 day of **OCTOBER**, 2002.

TOWN OF ORO VALLEY

Paul E Loomis, Mayor

ATTEST:

Kathr[redacted]E Cavelier, Town Clerk

APPROVED AS TO FORM:

Robin Dudley for 10/21/02

Dan L. Dudley, Town Attorney

PUBLISH: Daily Territorial
October 28, 29, 30, 31, 2002

POSTED: October 24 - November 23, 2002
rg

Town of Oro Valley
Parks and Recreation Department
Revenue and Fee Structure

Philosophy

The Oro Valley Parks and Recreation Department's philosophy for the setting of fees will be based on a Cost Recovery Pyramid model. The base level of the pyramid represents the mainstay of the Parks and Recreation Department. The programs and services offered in the base level are mostly subsidized by the Town. As progress is made up the pyramid, the level of subsidy decreases as the programs and services move from a community benefit to a more individual benefit. This upward progression is intended to represent the Parks and Recreation Department's core mission while also reflecting the growth and maturity of the Town as it attempts to enhance its program and facility offerings.

Following are the five benefit levels of the pyramid and the Town's desired cost recovery percentages for each level:

Highly Individual benefit — **85 — 100% Cost Recovery —** The Town will recover 85 — 100% of the total costs to manage and operate the facility, program or service in this level.

Mostly Individual benefit — **60 — 85% of Total Costs (Direct and Indirect) —** The Town will seek to recover 60 - 85% of the total costs for facilities, programs and services that fall in this level.

Individual/Community benefit — **35 — 60% Cost Recovery —** The Town will seek to recover 35 — 60% of the total costs for facilities, programs and services that fall in this level.

Community/Individual benefit — **10 _ 35% Cost Recovery -** The Town will seek to recover 10 — 35% of the total costs for facilities, programs and services that fall in this level.

Community benefit — 0 **- 10% Cost Recovery —** The Town will charge a nominal fee or no fee to residents and the general public for this category because they provide a benefit to the community as a whole. Tax dollars and General Fund appropriations will subsidize almost 100% of the costs to operate these facilities, programs and services.

Definitions

Direct Cost — A cost that can be traced to a single cost object. The entire cost can be tied directly to one purpose without the need for cost allocation.

Indirect Cost — A cost that can not easily be traced to a single cost object. It is the cost of a resource that is used for more than one purpose.

Full Cost Recovery — All costs (direct and indirect) are recovered through the collection of fees for a specific program or service.

Cost Recovery Percentage — A percent of the total costs (direct and indirect) recovered by fees and charges; while the remainder is subsidized through tax dollars.

Highly Individual benefit — These are facilities, services and programs which respond to the needs and desires of consumers for particular activities. Their benefit is primarily to the individual user.

Mostly Individual benefit — These are specialized services generally for specific groups and may have a competitive focus.

Individual/Community benefit — These are facilities, services and programs that promote individual physical and mental well-being, and provide an intermediate level of recreational skill development.

Community/Individual benefit — These are facilities, services and programs which promote individual physical and mental well-being, and provide recreation skill development. The focus of these services remain geared toward the community but also provide increased one on one learning opportunities for individuals.

Community benefit — These are facilities, services and programs which benefit the community as a whole. These facilities, services and programs can increase property values, provide safety, address social needs and enhance the quality of life for residents.

Activity Fees — Fees charged to participate in an activity, program or class.

Event Fees — Fees charged to enter or participate in an event.

Facility Usage Fee — Per unit fees charged for use of the facilities.

Responsibility and Authority

There are three types of Parks and Recreation fees. There are (1) Activity Fees, (2) Event Fees, and (3) Facility Usage Fees. Each type of fee is established and approved in a slightly different way. However, each fee is established using the criteria as set forth in the Cost Recovery Pyramid as described below.

Parks and Recreation facility usage fees are set forth by the Town Council.

Town of Oro Valley
Parks and Recreation Department
Revenue and Fee Structure

Parks and Recreation activity and event fees are set forth by the Parks and Recreation Director as established in the Oro Valley Town Code, Chapter 16, Section 1-7.

All fees will be reviewed annually by Parks and Recreation and Finance staff. Upon completion of the analysis, staff will present results to the Parks and Recreation Advisory Board. The Parks and Recreation Advisory Board have the option of forwarding a recommendation to the Town Council, if desired. Staff will then present recommendations for facility usage fee increases or changes to the Town Council and report any increases or changes in the activity or event fees.

Establishment Criteria

In determining the fees and charges for Parks and Recreation programs and services, the Oro Valley Parks and Recreation Department uses the following criteria:

1. Cost of Service — Which will include both direct costs and indirect costs
2. Beneficiaries of the Service — Cost recovery should be higher for facilities, services, and programs that benefit the individual; while taxes should subsidize facilities, services and programs that provide a community benefit.
3. Comparable pricing from both local and non local jurisdictions and similar service providers in the state.

The Parks and Recreation Director, at his/her discretion, may not seek to recover any of the costs for programs, services, facilities and events deemed essential to the enhancement of the quality of life for all Oro Valley residents. The Director may also, at his/her discretion, seek to recover the full cost of the programs and services that provide a greater benefit to specific groups or individuals.

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Oro Valley Parks and Recreation Department
Cost Recovery Pyramid

Highly Individual Benefit - 85 - 100% Cost Recovery

These are facilities, services and programs which respond to the needs and desires of consumers for particular activities. Benefit is primarily to the individual user.

Programs Include Beginning Guitar, Instant Guitar, Junior Golf, Oro Valley Hoops, Adult Art, All Health and Fitness Classes, Oro Valley Hiking Club

Mostly Individual Benefit - 60 - 85% Cost Recovery

These are specialized services generally for specific groups and may have a competitive focus.

Programs Include Tennis Summer Camp, Tennis Lessons, Synchronized Swim, Needle Felting, KidzArt, Knitting, Music Academy of Tucson

Individual/Community Benefit - 35 - 60% Cost Recovery

Facilities, services and programs that promote individual physical and mental well-being and provide an intermediate level of recreational skill development. Provides more individual benefit and less community benefit

Programs Include Summer Fun Camps, Fall Break Fun Camp, Spring Break Fun Camp, Pre - K Adventures, Duathlon

Community/Individual Benefit - 10 - 35% Cost Recovery

Facilities, services and programs which promote individual physical and mental well-being, and provide recreation skill development. The focus of these services remain geared toward the community but also provide increased one on one learning opportunities for individuals.

Programs Include Swim Lessons, Adult Swim for Fitness, Aqua Fitness, Dive - In

Community Benefit - Full Subsidy or 0 - 10% Cost Recovery

Facilities, services and programs which benefit the community as a whole

Programs Include Biking Club, Walking Club, Open Swim, Lap Swim, James D. Kreigh Park, CDO Riverfront Park, Lambert Lane Park, Naranja Town Site, Unimproved Trails, Improved Trails, Paved Trails, Adopt-A-Trail Program, Tree Lighting, Egg Hunt, Rec, Roll and Read, Kids Fun Run

Town Council Regular Session **Item # 1.**

Meeting Date: 05/04/2011

Requested by: David Williams **Submitted By:** David Ronquillo, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING - ORDINANCE NO. (O)11-12 REZONING REQUEST BY ST. MARK CHURCH, FOR THE 17 ACRE PROPERTY LOCATED AT 2727 W. TANGERINE ROAD FROM R-144 TO PRIVATE SCHOOL DISTRICT

RECOMMENDATION:

Staff recommends approval, with the unanimous concurrence of the Planning & Zoning Commission, subject to the conditions in Exhibit A.

EXECUTIVE SUMMARY:

The request before Town Council involves rezoning property currently occupied by St. Mark Church from R1-144, Single Family Residential District to PS, Private Schools District. The substantive items on this project specifically relate to the General Plan, Tangerine Road Corridor Overlay District (TRCOD) requirements, view-shed analysis, building height & setbacks, neighborhood compatibility, environmental preservation and parking, access & circulation. There are two existing buildings on the site. The development is proposed in three phases and will include a sanctuary, social hall, religious education/administration building, recreation area and other site improvements. The facility will also include a kindergarten school.

BACKGROUND OR DETAILED INFORMATION:

The site is 17 acres and is currently zoned R1-144, Single Family Residential. Two existing buildings on the site total 12,000 square feet. The proposed new buildings total 63,672 square feet and will vary in height from 15' to 35', with tower elements on the proposed sanctuary building up to 45'.

Planning & Zoning Commission Action:

At their regular meeting March 1, 2011, the Planning & Zoning Commission recommended conditional approval of the proposed rezoning. Additional information is contained in the attached Planning & Zoning Commission staff report and minutes dated March 1, 2011.

STAFF ANALYSIS OF PROPOSED REZONING

The General Plan Designation on this property is Public/Semi-Public with an overlay of Significant Resource Area. This General Plan designation denotes an area dedicated for public uses which include religious institutions, police/fire and Town facilities. The Significant Resource Area is intended to preserve the environmentally sensitive areas of the property. The proposed rezoning is consistent with the General Plan.

Below is a summary of the substantive items related to the rezoning of this property:

1. Tangerine Road Corridor Overlay District (TRCOD): The project is in general conformance with the TRCOD requirements as follows:

- A 50' frontage tract has been provided along Tangerine Road.
- A 4:1 building height to setback ratio has been achieved as follows:

  a. Sanctuary building (35' height): 140' setback required and 204' proposed
  b. Religious education (16' height): 64' setback required and 185' proposed
  c. Social Hall (24' height): 96' setback required and 320' proposed.

2. Building Height, Setbacks and Buffers: The buildings on this site will vary from 15' to 35'. The height of each building is specified on the Tentative Development Plan. The tallest building will be the sanctuary at 35' with tower elements at 45' in height.

PS District height standards will provide flexibility for additional height; however, the rezoning will not automatically authorize the additional building heights up to 45'. The PS district in the Zoning Code specifies that no building shall exceed 24'. Additional building heights may be granted beyond the 24' as specified below:

The following increased building heights are subject to Development Review Board (DRB) approval:

a. Architectural elements may exceed the building height up to 10'. A total building height of 34'.
b. Auditoriums up to 45 feet (no additional height beyond this). The sanctuary qualifies as an "assembly" area, meeting the definition of an auditorium.
c. Gymnasiums up to 36 feet (no additional height beyond this).

Setbacks: The project is in conformance with the PS zoning district, specifically a 50' side and rear setback. The following building setbacks (to the property line) are proposed on the south side of the property, adjacent to the existing residence:

- Social hall: 73'
- New sanctuary: 83'
- Existing sanctuary: 62'
- Religious education/administration: 192'

The closest home south of the proposed sanctuary building is 140' (building to building). Buffer yards have been provided along the perimeter of the property, 50' along Tangerine Road, 30' along Shannon Road, existing 8' buffer along east side of property and 22' – 58' buffer along the south side of the property, adjacent to the existing residence.

3. Neighborhood Compatibility: There are rural properties approximately 3.3 acres or larger east and south of this property. Other homes in proximity are located northeast of this property (across Tangerine Road). Tangerine Road is planned to be improved as a regional roadway facility in the near future. There are other religious institutions located along Tangerine Road but they are on smaller parcels. The St. Mark Church campus will be relatively large consisting of five buildings totaling 75,672 square feet. St. Mark Church plans to limit the property to church related uses and kindergarten education to further achieve compatibility.

Mitigation measures such as limited building/parking lot lighting, additional landscape buffers/wall screening and increased setbacks, per the neighbor requests, have been provided to further achieve compatibility.

4. Access, Parking and Circulation: The site will be accessed from an existing driveway on Tangerine

Road. New access points on Tangerine Road and Shannon Road will be proposed in the future, but will require a variance from the TRCOD requirements. Parking and traffic circulation has been deemed adequate subject to a final traffic analysis.

Public Notification and Comment

At the Planning & Zoning Commission meeting March 1, 2011, many residents attended and 13 people spoke on the project. Of these residents, eight spoke in support of the project and five members of the public expressed concerns regarding traffic, height of buildings, lighting and buffer yards. Since the meeting, no further comments have been received.

Please refer to the attached Planning & Zoning Commission report and neighborhood issues summary table for further details on specific neighbor concerns and applicant mitigation measures.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to [adopt, adopt with conditions OR deny], Ordinance NO. (O)11-12, Rezoning for St. Mark Church property from
R1-144 to PS with conditions as specified in Exhibit A.

Attachments

Ordinance 11-12

Att 2 Site Analysis Booklet

Att 3 PZC Report Dated March 1, 2011

Att 4 PZC Draft Minutes Dated March 1, 2011

Att 5 Neighbor Issues Summary Table

ORDINANCE NO. (O)11-12

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING A REZONING REQUEST BY ML2 MANAGEMENT, L.L.C. REPRESENTING ST. MARKS CHURCH, FOR THE PROPERTY LOCATED AT 2727 W. TANGERINE ROAD FROM R1-144 TO PRIVATE SCHOOL DISTRICT

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 Applicant, ML2 Management, L.L.C., representing St. Marks Church, applied for a rezoning from R1-144 (Single Family Residential District) to PS (Private School District) for the property located at 2727 W. Tangerine Road, as depicted on Exhibit "B"; and

WHEREAS, the gross area of the requested rezoning is approximately 17 acres which currently has a church office and a recreation building/sanctuary; and

WHEREAS, the Applicant wishes to change the zoning of the 17 acres from R-144 to PS to take advantage of the more flexible development standards in PS; and

WHEREAS, the Applicant's request for rezoning complies with the applicable General Plan requirements; and

WHEREAS, on March 1, 2011 at a duly noticed public hearing, the Planning & Zoning Commission recommended approval for rezoning the property from R1-144 to PS with conditions, attached hereto as Exhibit "A"; and

WHEREAS, the Oro Valley Town Council has duly considered the proposed rezoning and the Planning and Zoning Commission's recommendations at a duly noticed Public Hearing; and finds that it 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 rezoning request by the Applicant, representing St. Marks Church, to rezone the property located 2727 W. Tangerine Road from R1-144 to PS as shown in Exhibit "B", is hereby adopted with conditions, attached hereto as Exhibit "A".

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 4th day of May, 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
CONDITIONS OF APPROVAL
OV910-02
ST. MARK CHURCH

Planning

1. Provide the following as general notes on the cover sheet of the Tentative Development Plan (TDP):
   - Along the south buffer yard, screen walls shall be 5' high constructed of stucco with pier offsets and shall be located no closer than to south property line than shown on the TDP. All walls shall be contoured (not straight line)
   - The treatment of the detention basins must contain natural materials such as rock, decomposed granite and shall not be constructed of concrete.
   - On the southwest corner of property multiple smaller detention basins must be constructed. The detention basin associated with Phase 1 must be constructed similar in design.
   - All building lighting will be shielded in accordance with Town lighting code to achieve dark sky lighting.
   - The refuse container located on the southwest corner of building #4 must be enclosed as part of the loading zone area.
2. Revise general note #13 on the TDP as follows:
   - Existing site: Remove existing pole lights and replace with 15' tall shielded lights or at a lesser height consistent with zoning code requirements. All other building lights shall not exceed 9' and shall be shielded. Additional lights may be installed as required by Town lighting code, provided pole heights do not exceed 10' if located south of the buildings or 8' if located along the south drive lane.
3. A mitigation/restoration plan must be submitted for the proposed septic system and associated leach area, encroaching within the natural open space area on the western portion of the site. Adequate screening of all mechanical equipment must be provided to minimize any impacts on the adjacent properties. Minimal disturbance must be achieved.

Oro Valley Water

4. The following are conditions of approval of this rezoning and must be acknowledged in writing.
   - The applicant must sign an exempt well draw down waiver. The form will be supplied by Oro Valley Water (condition has been met).
     No new wells shall be drilled on the site
   - No expansion of what the existing well serves.
   - If the owner has Grandfathered water rights, they cannot sell or transfer them to any individual or entity within the Oro Valley Water service area.
   - A 12 inch main shall be extended west from the connection point at Tangerine and Vista Del Sol within a 15 foot wide easement that has as its northern boundary line the future southern right of way line of Tangerine Road. It shall be constructed to the western most entrance of the property with a Modified Drain Valve Assembly to the west.
   - An internal looped system will be required for the fully developed site and will include a modified Drain Valve Assembly in Shannon Road from the southern most Shannon Road entrance/exit of the site.

Planning & Zoning Commission Conditions:

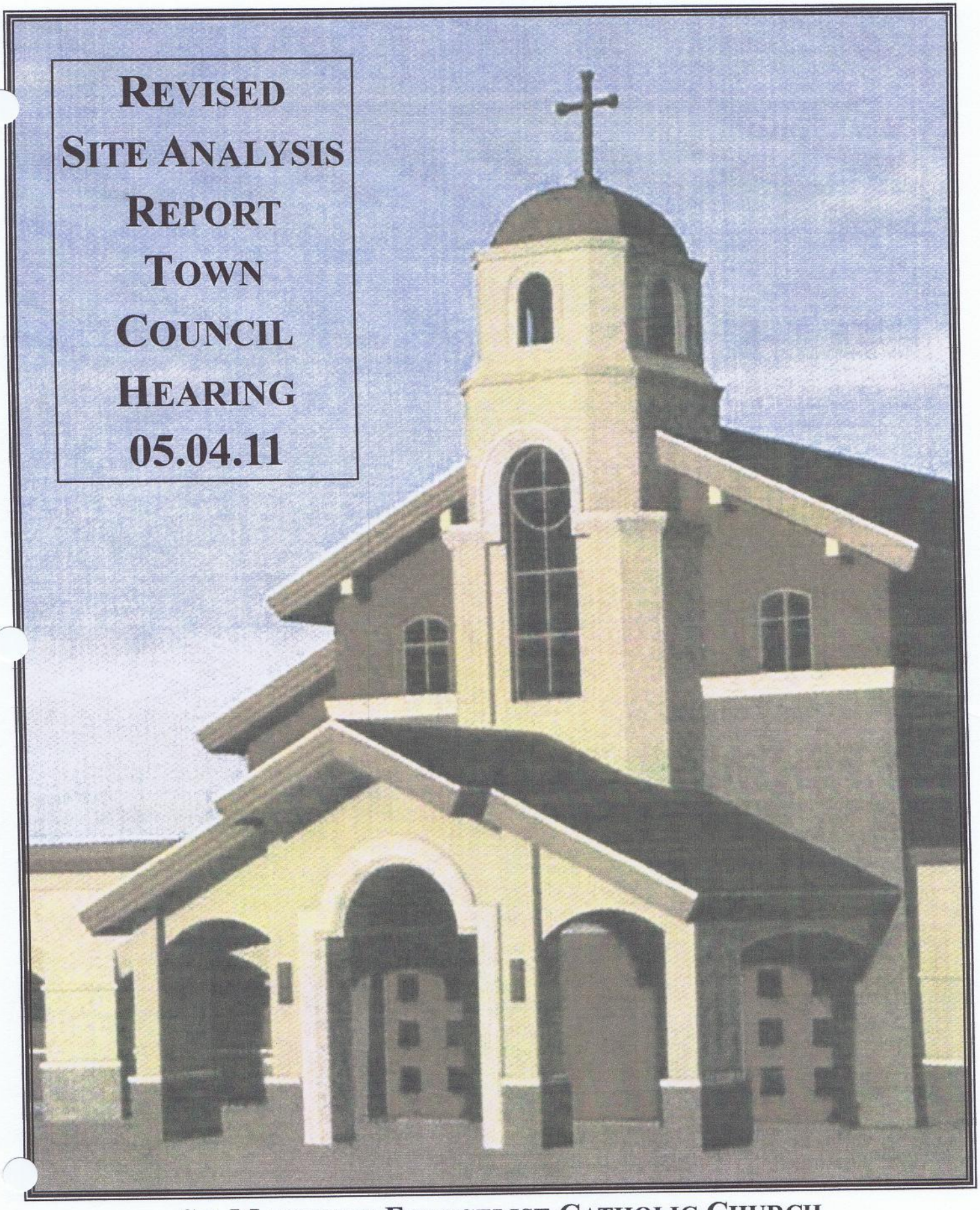
1. Revise the Phase 1 plan to match the tentative development plan, specifically the south buffer yard walls.
2. Revise the riparian boundaries delineated on the tentative development plan to reflect the correct adopted riparian boundaries.
3. In Exhibit 23, clarify what areas will be landscaped and what areas will remain as preserved and/or natural open space. Remove the term re-vegetated.
4. Provide a riparian mitigation plan for the roadway crossings. Correctly label the required 15' protective apron on the outer edges of the riparian boundaries.
5. The open space area west of building 5 must remain as "natural" open space.
6. The parking area that loops around the western portion of the property must be located closer to the building areas to minimize site disturbance. Revise the TDP accordingly.
7. Revise the TDP to distribute the parking to the sides and rear of building. No more than 50% of parking may be located in the front yard.
8. First through twelfth grade education is not a permitted use.
9. On the south buffer yard, replace the straight line walls with contoured walls similar to the section west of the wash, with the exception of the wall on the southwest corner of property (south of detention basin).
10. Existing site: Remove existing pole lights and replace with 15' tall shielded lights. All other building lights shall not exceed 9' and shall be shielded. Additional lights may be installed as required by Town lighting code, provided pole heights do not exceed 10' if located south of the buildings or 8' if located along the south drive lane.
11. New Development: Parking lot lights along the south drive lane shall be no taller than 8' and shall be fully shielded. All other building lights shall not exceed 9' in height and shall be shielded. Additional lights may be installed as required per the Town lighting code, provided pole heights do not exceed 10' if located south of the buildings or 8' if located along the south drive lane.
12. Screen walls shall be 5' high constructed of stucco with pier offsets and shall be located no closer than to south property line than shown on the TDP.
13. The treatment of the detention basins must contain natural materials such as rock, decomposed granite and shall not be constructed of concrete.
14. On the southwest corner of property multiple smaller detention basins must be used. The detention basin associated with Phase 1 must be constructed similar in design.
15. All building lighting will be shielded in accordance with Town lighting code to achieve dark sky lighting.
16. Relocate the refuse container away from the southern portion of the property, specifically within an enclosed area as part of the loading zone on the southwest corner of building #4.
17. Dedication of the northern 100' of the subject parcel to the Town for the purposes of Tangerine Road right of way.
18. A full Traffic Impact Analysis (TIA) shall be required as part of any future Development/Site plan submittal. This development shall be responsible to design and pay for any improvements to Tangerine Road as determined to be required by the TIA.
19. A full Drainage Report shall be required as part of any future Development Plan submittal. All post development flow shall be mitigated and released in the same manner and quantity as the existing condition.
20. Shannon Road shall provide a minimum of three lanes at the intersection of Tangerine road. These three lanes shall consist of:
    a. One Southbound Thru Lane

b. One Westbound Left Turn Lane
c. One Eastbound Right Turn Lane

Shannon Road shall be constructed as a requirement for the Phase 2 expansion of the Development or as determined by the project TIA. This development shall be responsible for all construction costs associated with Shannon Road.

21. The construction of Shannon Road shall not occur until the sight distance safety issues and drainage mitigation have been rectified on Tangerine Road for this intersection. If this development requires the Shannon road connection to be constructed prior to the RTA expansion of Tangerine Road, the developer will be responsible for all associated design and construction costs.
22. This development must construct a 10’ wide asphalt multiuse pedestrian path in the new ROW dedication and locate said path as far south as to accommodate the future expansion of Tangerine Road.
23. The tentative development plan (TDP) is conditionally accepted regarding driveway locations until a variance for said features is formally accepted and approved by the Town.
24. Update the TDP to map schematic hydrologic watershed boundary delineation, concentration points and general flow patterns for the developed condition on the TDP. This information need not be detailed any more than concept level.
25. For the Canada Agua 1 watershed, delineate the limits of the 100 year floodplain.

Revised Site Analysis Report Town Council Hearing 05.04.11



St. Mark the Evangelist Catholic Church

OV910-002 | Rezoning from R1-144 to PS

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SITE ANALYSIS REPORT CONTRIBUTORS

ARCHITECTURE & LAND PLANNING:	BCDM Architecture
CIVIL ENGINEERING:	Ron Staub Associates
HYDROLOGY:	Bogardus Engineering
TRAFFIC STUDY:	Curtis Lueck & Associates
ENVIRONMENTAL ENGINEERING:	Darling Environmental & Survey (wildlife) P.A.S.T. (archaeology/cultural/historic resources)
VEGETATION & NATIVE PLANT INVENTORY:	Desierto Verde
SEPTIC ENGINEERING	Nichols On-Site Engineering

SITE ANALYSIS REPORT PREPARED BY:

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Mitch@ML2Management.com

Mitchell L. Lorenz
Project Manager for St. Mark Roman Catholic Parish – Tucson

INVENTORY & ANALYSIS

PART 1 – A: EXISTING LAND USES

1. SITE LOCATION

St. Mark the Evangelist Catholic Church (St. Mark) is situated on the south side of Tangerine Rd. at the western edge of Oro Valley jurisdiction as is presently zoned as R1-144. The 17 acre property is addressed as 2727 W. Tangerine Rd. Oro Valley, AZ 85742 (SEC of Tangerine Rd. & Shannon Rd.) Shannon Rd. is currently undeveloped at this intersection but can be found at the mile between Thornydale Rd. & LaCholla Blvd. Although undeveloped at this time, Shannon Rd. does actively serve as an access drive to multiple residential lots and homes south of the St. Mark property.
(Refer to Exh. 1 – SITE LOCATION)

2. EXISTING LAND USES

The existing property is divided by a large natural drainage feature, herein referred to as the 'main wash' throughout this report. The eastern third of the property is developed and includes two existing buildings and associated gravel and asphalt parking.

The two existing buildings are: a +/-3500 SF residential structure that has been converted to serve as St. Mark's administration office for church staff, priests and volunteers; an +/-8500 SF Sanctuary building where religious services are held, religious education is taught, and is also used for other Catholic faith volunteer groups and group activities.
(Refer to Exh. 2 – AERIAL PHOTOGRAPH)

3. ADJACENT PROPERTY INFORMATION (WITHIN ¼ MILE)

a. Existing Zoning:
   All properties north, south and east of St. Mark are zoned R1-144.
   (There is a sub-division zoned R1-43 that lies just beyond a ¼ mile from the eastern property line of St. Mark (Sunset Canyons Estates).
   The property directly west of St. Mark is outside Oro Valley's jurisdiction.
b. Existing Land Use:
   The property directly north of St. Mark across Tangerine Rd. is vacant.
   The property directly east of St. Mark has a single family residential home on it.
   The property directly south of St. Mark has a single family residential home on it.
c. All residential homes within ¼ mile of St. Mark are single story.
d. There are no pending rezoning cases as of the time of this application.
e. There are no conditionally approved zoning cases as of the time of this application.
f. The only sub-division or development plan that has been approved is for Sunset Canyon in 2005/2006 which lies beyond ¼ mile east of St. Mark.
g. There is no consistent architectural style for the adjacent residential structures and no homes have been built at the Sunset Canyon sub-division.

4. LOCATION & OWNERSHIP OF WELLS/WELL SITES (WITHIN 100 FT.)

The neighboring properties directly east and south utilize shallow wells for their respective water sources.

PART 1 – B: TOPOGRAPHY

1. **GENERAL DESCRIPTION OF EXISTING PROPERTY TOPOGRAPHY**
   Generally speaking, the St. Mark property slopes from the high point at the NEC of the site to the west & southwest with an approximate drop in elevation of 22-25 ft. in a relatively flat and even slope. With exception of the main wash, the average cross-slope of the property is approximately 4%. The main wash divides the site with the western portion of the property in a natural undeveloped state, with the exception of a small gravel overflow parking area. East of the main wash is developed and follows the natural slope of the property by draining to the south and into an engineered above ground detention basin located along the southern property line.
   (Refer to Exh. 4 – TOPOGRAPHICAL MAP)

   a. This property is not located within a designated "Hillside Conservation" area.
   b. No rock outcroppings are located on the property.
   c. As described above, the majority of the property is relatively flat with gradual slopes far less than 15%. Exceptions are within the main wash and four other small areas west of the main wash where the slopes are slightly more than 15%.
   d. There are no other significant topographic features on property.

   (Refer to Exh. 4 – TOPOGRAPHY-ROCK OUTCROPPING OVERLAY)

2. **STATEMENT OF PRE-DEVELOPMENT AVERAGE CROSS-SLOPE**
   See above.

1. **DESCRIPTION OF PERIMETER OFF-SITE WATER SHEDS EFFECTING OR AFFECTED BY THE SITE UPSTREAM & DOWNSTREAM**
   An off-site aerial photograph with the Pima County GIS 2 foot contour intervals showing all of the off-site watersheds directly impacting this project has been included and is the background image of the Hydrology exhibits referenced below.

   The Canada Agua 1 Wash covers approximately 0.12% of the site or approximately 898 SF located at the northwest corner of the parcel, which is within the additional 100 ft. R.O.W. dedication and outside the developable area of the property. Measured from the centerlines of Tangerine Rd. and Shannon Rd., this flood plain covers an approximate area equal to 4,335 SF of the property. All of which is within the dedicated R.O.W. This floodplain has been designated as a Zone AO by FEMA which has a depth of approximately 3 feet and a velocity of 7 feet per second.

   The main wash watershed originates north of Tangerine Rd. and sheds water south through the length of the property as identified on Exh. 6. This exhibit identifies the 100 year peak discharges in cubic feet per second (CFS). Note the most significant amount of water enters the property at point 4.1 (112 CFS) with additional flood water projected to leave the property at Point 4.0 (121 CFS).

   The next greatest discharge of water is 41 CFS at Point 2.0 near the southwest corner of the property.

   (Refer to Exh. 5 – PRE-DEVELOPED WATER SHED MAP)
   (Refer to Exh. 21.b – TENTATIVE DEVELOPMENT PLAN)

   a. This property is located within a critical basin.

2. **DESCRIPTION OF SIGNIFICANT NATURAL OR MAN-MADE OFF-SITE FEATURES (FROM ITEM #1)**
   Tangerine Rd. bounds the property on the north and it provides an all weather access adjacent to the property. Dipped roadway sections collect storm water runoff from the off-site watersheds that originate north of the property. Storm water runoff is then directed through the property as described in Item 1 above.

3. **ACREAGE OF UPSTREAM OFF-SITE WATER SHEDS WITH 100 YEAR DISCHARGES GREATER THAN 100 CFS (FROM ITEM #1)**
   There is one off-site watershed directly impacting the site that exceeds 100 CFS located at Point 4.0 from Exh. 5. The watershed drains an area of approximately 24.34 acres and has a 100 year peak discharge of approximately 121 CFS. The Canada Agua 1 Wash watershed clips the northwest corner of the property as described in Item 1 above. The upstream watershed drainage acreage is not known at this time.
   (Refer to Exh. 7 – FLOOD PLAIN MAP)

4. **DESCRIPTION OF CHARACTERISTICS OF ON-SITE HYDROLOGY**
   a. As represented in Exh. 6, Point 4.0 identifies a watershed that has a 100-year peak discharge that ranges from approximately 112 CFS at the northern property line to 121 CFS as the

runoff exits the property across the southern properly line. This watershed drains a total area of approximately 24.34 acres. The Pima County Method for determining the peak discharge calculation sheets were utilized to determine this and have been included as reference. *(Refer to Exh. 6 – PIMA COUNTY DISCHARGE METHOD)*

b. There are no regulatory special flood hazard areas of sheet flow.

c. Approximately 99.88% of the parcel has been designated as being located within a FEMA un-shaded Zone X, pursuant to the FEMA Flood Insurance Rate Map (FIRM) Community Panel No. 04019C 1020K, Effective date February 8, 1999. This indicates that the majority of the site is located outside the FEMA 100 and 500-year floodplain and will not require a detailed analysis from FEMA. The remaining .12% of the property is covered by the Canada Agua 1 Wash at the northwest corner of the property as described in Item 1 above.

d. The 100-year peak discharges for all watersheds within the boundaries have been quantified and shown on the aerial photograph included as Exh. 7.

5. QUALITATIVE DESCRIPTION OF EXISTING DRAINAGE CONDITIONS ALONG THE DOWNSTREAM PROPERTY BOUNDARY

Exh. 5 shows storm water runoff at Point 4.0 exiting the property within a well defined channel. Storm water runoff from the existing parking lot will enter a retention/detention basin that will release the existing onsite runoff into the natural flow paths as sheet flow. The runoff from the existing basin will coalesce with the offsite runoff along the southern property line. The remainder of the onsite water shed features drain areas that range in size from 0.46 acres to 6.50 acres generating a 100-year peak discharge from 5 CFS to 41 CFS, all of which are non-regulatory discharges; and will be released from the site as sheet flow.

The small area of the Canada Agua 1 Wash that overlaps the property is conveyed in a dipped section within Tangerine Rd. at the approximate alignment of the future Shannon Rd. and flows in a southwesterly direction away from the St. Mark property and therefore does not impact the southern property line.

PART 1 – D: VEGETATION

1. **Vegetative Communities & Associations on the site:**
   a. Zone = Sonoran Desert Scrub
      i. This property is within a low/mid-altitude region (500 to 4000 ft.) and receives 12 inches or less rain annually. Summer highs exceed 100 degrees Fahrenheit and winter lows occasionally range as low as 20 degrees Fahrenheit. The growing season extends from mid-February through November. Cities/Towns in this zone include Oro Valley, Phoenix, Yuma, Wickenburg and Tucson. Select landscape plants are adapted to sandy soil, extreme heat, low humidity, light frosts and extended droughts. Characteristic desert shrub associations include creosote bush, mesquite, cholla, prickly pear and brittlebush. Desert foothill plant associations include palo verde, ocotillo and saguaros. [(A)]
      (A) Excerpt from Landscaping with Native Plants of the Southwest by George Oxford Miller.

2. **Threatened or Endangered Species:**
   No significant groups of cacti, shrubs or trees found on the property are considered to be a threatened or endangered species according to Oro Valley and State of Arizona Endangered Species List.

3. **Vegetative densities by approximate percentage of plant cover**

BARREL CACTUS	18.00%
CANARY ISLAND DATE PALM	< 0.05%
CHAINFRUIT CHOLLA	14.00%
OCOTILLO/BAREROOT	< 0.05%
SAGUARO	17.00%
STAGHORN CHOLLA	0.13%
BLUE PALO VERDE	0.27%
CATCLAW ACACIA	2.84%
CHAINFRUIT CHOLLA	9.14%
CHILEAN MESQUITE	< 0.05%
DESERT WILLOW	< 0.05%
FOOTHILL PALO VERDE	14.81%
GREYTHORN	0.27%
HACKBERRY	0.27%
HOPBUSH	0.18%
NATIVE MESQUITE	7.10%
OCOTILLO/BAREROOT	< 0.05%
PINE	< 0.05%
SAGUARO	< 0.05%
STAGHORN CHOLLA	0.15%
WHITE THORN ACACIA	15.21%

(Refer to Exh. 8 – NATIVE PLANT INVENTORY REPORT)

PART 1 – E: WILDLIFE

1. There have been two independent environmental studies conducted on this property in relation to two wildlife species, the Cactus Ferruginous Pygmy Owl and the Lesser Long-Nosed Bat.
   a. No state listed threatened or endangered species have been detected on or adjacent to the site.
   b. There are no high densities of a given species population or unusually high diversity of species located on or adjacent to the site.
   c. There are no aquatic or riparian ecosystems located on or adjacent to the site.

2. There are no wildlife concerns for this property.

(Refer to Exh. 9 – DARLING ENVIRONMENTAL REPORT-OWLS)

(Refer to Exh. 10 – DARLING ENVIRONMENTAL REPORT-BATS)

PART 1 – F: VIEW SHEDS

1. SIGNIFICANT VIEW SHEDS
   a. There are no significant view sheds of natural features to the west or south of the property.
   b. There are prominent views of the Tortolita Mountain Range to the far north from a vantage point south of the property. Viewing angles vary from unimpeded views of the mountains to partially and fully blocked views as the vegetation on and off the property becomes sparse and dense from area to area. View Sheds become less impacted as one stands farther away from the southern property line. The residential property south of St. Mark has similar view sheds of these mountains, ranging from full views to fully blocked views due to the dense vegetation that exists on and off both properties.
   c. There are prominent views of the Catalina Mountain Range to the far east from a vantage point west of the property. Views of this mountain range are far less impacted by dense areas of vegetation due to their significant mass and height, even at this distance of approximately six miles. No dwellings exist west of the property nor are any communities planned at this time.

   (Refer to Exh. 11 – VIEW SHED PHOTOS)

2. There are no areas on site that are considered to be of high visibility from adjacent off-site locations.

3. Refer to Part 2 – I, Exh. 26 – View Shed Overlay Map, for the highest proposed structure the development superimposed onto photographs of the property.

1. **ALL EXISTING AND PROPOSED OFF-SITE STREETS BETWEEN THE DEVELOPMENT AND THE NEAREST ARTERIAL STREETS**

   St. Mark is directly adjacent to Tangerine Rd., which is classified as an arterial street. The proposed development is an expansion of existing facilities with direct ingress and egress off Tangerine Rd.

2. **ALL ARTERIAL STREETS WITHIN ONE MILE OF THE PROJECT SITE WITH THE FOLLOWING INFORMATION**

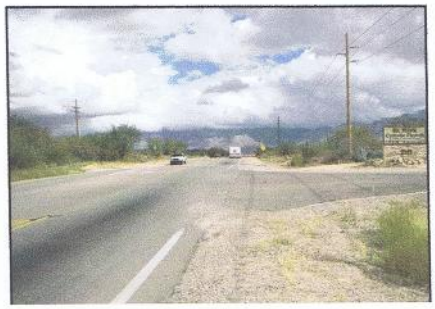
   A Roadway Inventory Table has been prepared by the traffic engineering consultant and is included as Exh. 12. This table specifically addresses Items 'a, b, c, e & f' from the TOV Rezoning Handout. Items 'd, h & g' are addressed as follows within the narrative sections below.
   (Refer to Exh. 12 – ROADWAY INVENTORY)

d. Alignment of Right-of-Way (jog or continuous)

Tangerine Rd.

This section is a two-lane, east-west arterial road with a posted speed limit of 45 mph in the vicinity of the project. Access to the existing property is off Tangerine Rd. From I-10 it continues east through the Town of Marana and Pima County and through the Town of Oro Valley to its eastern terminus at Oracle Rd. (SR 77).

Tangerine Rd. has several horizontal curves along its mostly straight alignment. It has paved, striped shoulders acceptable for bicycle use throughout most of its length, but in the vicinity of the project, there are narrow (1-2 ft.) shoulders with no bike lanes.



Tangerine Rd. – looking east @ existing entry

Shannon Rd.

This section is a two-lane north-south rural local road within the Town of Oro Valley west of the proposed project. It is a narrow (± 20 ft.) paved roadway in the vicinity of the project that provides access to rural residential parcels south of Tangerine Rd. It does not have a posted speed limit sign and is not a continuous straight alignment. A future Phase II project driveway is proposed to be on Shannon Rd.

Shannon Rd. – looking south

Tangerine Crossing Dr. & Thornydale Rd.

These are roadways within the Town of Marana, approximately one mile west of St. Mark. Tangerine Crossing Dr. provides access to the Tangerine Crossing residential development. A signalized intersection west of this road provides access to The Shoppes at Tangerine Crossing retail development on the north side of the road. An additional signalized intersection at Tangerine Rd./Thornydale Rd. is also within the Town of Marana.

La Cholla Blvd.
This street is the next major arterial in the vicinity of the project and is approximately one mile east of St. Mark. It is classified as a major arterial south of Tangerine Rd. and a minor collector north of Tangerine Rd.

Camino del Fierro
This is a two-lane north-south rural collector within the Town of Oro Valley approximately 220 feet east of St. Mark and on the north side of Tangerine Rd. It is a narrow unpaved roadway in the vicinity of the project that provides access to rural residential parcels north of Tangerine Rd. It is posted for 15 mph and mostly has a straight and continuous alignment.

Camino del Fierro – looking north

h. Program for completion of roadway and intersection improvements

- There are two projects on Tangerine Rd. listed in the adopted 2011-2015 Pima Association of Governments Transportation Improvement Program (PAG TIP) within the project area. The roadway widening project is scheduled for implementation in the 2nd Phase of the RTA Plan (2012-2016).

  Tangerine Rd. – Widening
  This project includes the length of Tangerine Rd. from I-10 to La Canada Blvd. and proposes to widen Tangerine Rd. to four lanes divided by a raised median with sidewalks and multi-use lanes. It is anticipated this project will include the Tangerine Rd./Shannon Rd. intersection scope of work.

  Tangerine Rd. – R.O.W. Acquisition
  This project includes the acquisition of additional and necessary right of way along the length of Tangerine Rd. between Shannon Rd. to La Canada Dr.

- Additional roadway improvements could also include the section of Shannon Rd. that is immediately adjacent to the St. Mark property. St. Mark's responsibility for the Shannon Rd. improvements shall only be required in the event St. Mark chooses to construct a driveway allowing ingress/egress onto Shannon Rd. (additional description of improvements is covered in 'Part 2 – J: Traffic' within the Site Analysis report.

3. Existing and proposed intersections on arterials within one mile and most likely to be used by traffic from this site
Existing and nearby intersections are Tangerine Rd./Shannon Rd. and Tangerine Rd./Camino del Fierro. Both Shannon Rd. and Camino del Fierro in the vicinity of the project are local roads that serve a few residential parcels. Both have signs near their entrances indicating that they are "private" roads.

Major intersections nearby include:

- To the West – Un-signalized entrance into the Tangerine Crossings Sub-division at Tangerine Rd. & Tangerine Crossing Dr.;
- To the West – Signalized Access to the Shoppes at Tangerine Crossing retail center on the north side of Tangerine Rd.;
- To the West – Signalized intersection at Tangerine Rd. & Thornydale Rd.;
- To the East – Signalized intersection at Tangerine Rd. & La Cholla Blvd.

4. **Existing bicycle and pedestrian ways adjacent to the site and their connections with arterial streets, parks, and schools.**

In the vicinity of the project, Tangerine Rd. does not have paved shoulders. The Tucson Bike Map shows that the section of Tangerine Rd. from just east of Thornydale Rd. to La Canada Dr. is not a bike route, although most of Tangerine Rd. beyond these limits is designated as a bike route. There are no sidewalks or other pedestrian ways in the immediate vicinity of the project. Additional information on nearby paths and bike routes can be seen in Exh. 13, including in the next section of this revised Site Analysis report.

PART 1 – H: RECREATION & TRAILS

1. There are two bike paths located within one mile of the property. One located along W. Glover Rd. to the south and east and the other along W. Naranja Dr. also to the south of the property. Neither bike path connects to the subject property.

   There are no parks or recreation areas located within one mile of the property.

2. Size in acres of parks and recreation areas: N/A.

(Refer to Exh. 13 – ORO VALLEY PATHS)

PART 1 – I: CULTURAL / ARCHAEOLOGICAL / HISTORIC RESOURCES

1. St. Mark has retained the services of Professional Archaeological Services of Tucson (P.A.S.T.) to perform a Class III Cultural Resources Report, included herein, for the property that addresses Items 'a-c' below as listed in the Rezoning Handout.

    a. Determine whether the site has been field surveyed for cultural resources:
    Yes it has been field surveyed and no resources were found (refer to P.A.S.T. report).

    b. Identify any previously recorded archaeological or historic resources known to exist on the property:
    None identified from the UofA Archaeological Records Search Results.

    c. State the probability that buried archaeological resources not visible from the surface would be discovered on the site:
    Refer to P.A.S.T. report.

(Refer to Exh. 14 – THE UofA ARCHAEOLOGICAL RECORDS SEARCH RESULTS)
(Refer to Exh. 15 – P.A.S.T. CLASS III REPORT)

PART 1 – J: SCHOOLS

1. Richard B. Wilson K-8 School is located to the south and east of the property at LaCholla Blvd. & W. Glover Rd. and is approximately ½ mile away.

   Ironwood Ridge High School is located to the south of the property at Shannon Rd. & W. Naranja Dr. and is approximately one mile away.
   (Refer to Exh. 16 – LOCAL SCHOOLS)

2. N/A

PART 1 – K: WATER

1. The Oro Valley Water Utility is the water service provider for this area.
   OVWU Offices:
   11000 S. La Canada Dr.
   Oro Valley, AZ 85737
   Contact: Mark Moore Ph# 520-229-5010

2. There is presently no public water main extended to the property. The nearest water connection point is approximately 620 LF east of the property along the south side of Tangerine Rd. at the Vista del Sol alignment. The proposed development will extend a new 12" public water main from this connection point.

   The existing water source is from an active well on site. This well provides potable water to the existing St. Mark office building; as well as, potable and fire protection water to the existing Sanctuary building. St. Mark's well shall remain active as the sole water source to the existing buildings, while the public water main extension shall provide domestic, irrigation and fire water services to the future development of the project.

   St. Mark agrees to the following stipulations as required by OVWU as conditions to retain its well rights and keep the existing well active as described above:
   - St. Mark shall execute an exempt well draw down waiver prepared by OVWU and reviewed and accepted by St. Mark and Diocese of Tucson attorney;
   - St. Mark agrees to not drill any new wells on the site;
   - St. Mark agrees the existing well will not serve any new development associated with the proposed TDP ("new development" shall be considered West of the main wash);
   - If St. Mark has Grandfathered water rights, St. Mark shall not sell or transfer them to an individual or entity within the OVWU service area.

   (Refer to Exh. 17 – OVWU Services Map)

   Refer to 'Part 2 – Section O: Water' of this revised Site Analysis report for additional description of the proposed water main improvements for the project.

PART 1 – L: SEWERS

1. Two maps have been provided showing the locations of the nearest public sewer mains in relation to the subject property.
   (Refer to Exh.18 – PIMA COUNTY SEWER SERVICEMAPS)

   The existing public sewer main to the west of the property is approximately 3,700 LF away along the north side of Tangerine Rd. Although the invert elevations of the nearest existing sewer connection manhole appear to allow for gravity flow, the existing road conditions have multiple dipped sections which will not allow for the required backfill coverage for a sewer main. Additionally, the development expense associated with this option is not viable to St. Mark.

   The existing public sewer main to the east of the property is approximately 2,400 LF away along the south side of Tangerine Rd. within the unfinished sub-division named Sunset Canyons Estates. The nearest manhole within the sub-division lays approximately 200 LF south of Tangerine Rd. and under a newly paved private street. Upon further due diligence of these sewer improvements, St. Mark has learned the developer did not gain full approval from Pima County Wastewater and the nearest manhole invert is higher than the proposed finish floor of the proposed St. Mark development, which does not allow for gravity flow of wastewater.

   The sewer main for Sunset Canyon Estates sub-division is connected to the sewer main at Richard B. Wilson School approximately 3,500 LF away from St. Mark. Although the invert elevations of the nearest connection manhole appear to allow for gravity flow, the development expense associated with this option is not viable to St. Mark. Additionally, there are several different properties that would require easements with several different private property owners and/or legal entities.

   The existing St. Mark office and Sanctuary buildings are on two independent and private septic systems. The office septic system is 1000 gallons and located directly south of the building under decomposed granite open space area. The septic system for the Sanctuary building is 2,400 gallons and is located directly north of that building underneath an asphalt parking lot. St. Mark will not make any modifications associated to the proposed development to either of these existing septic systems. It is St. Mark's intention to continue to utilize the existing septic systems as described above along with a new septic system for the proposed development.

   Refer to 'Part 2 – K: Sewers' for additional description of the proposed on-site wastewater system for the new development.

PART 1 – M: MCHARG COMPOSITE MAPS

The following maps graphically identify areas on the site that show cumulative number of characteristics applying to specific locations within the property boundaries. Although not specifically identified via symbols or shading, it should be noted the entire property is within a Significant Resource Area (SRA) and Riparian Area, as designated by the Town of Oro Valley.

Map #1 – Topography:

The entire property is located within a "Significant Resource Area" (SRA). The only significant environmentally sensitive features on site are the main wash and the section of the Canada Agua 1 Wash at the northwest corner of the property.

There are no rock outcroppings located onsite and all slopes of 15% or greater have been shaded and noted on the Map Legend.
(Refer to Exh. 19.a – TOPOGRAPHY OVERLAY MAP)

Map #2 – Hydrology:

Areas onsite where water could flow greater than 50 cfs have been shaded and noted on the Map Legend.

There are no regulatory special flood hazard areas of sheet flow located on site.

No federally mapped floodways or floodplains are located within the property with the exception of approximately 898 SF of Canada Aqua 1 Wash that crosses the northwest corner of the property within the dedicated R.O.W. proposed along Tangerine Rd. Refer to 'Part 1 Section C – Hydrology' for additional explanation and description of hydrological characteristics of this property.

(Refer to Exh. 19.b – HYDROLOGY OVERLAY MAP)

Map #3 – Vegetation:

The property is heavily vegetated with native species as identified in Part 1 – Section D of this report. Any federally listed endangered or threatened species, saguaro and/or other visually prominent cacti shall be protected in place and/or salvaged, if salvageable, and replanted on site.

No existing vegetation on site facilitates soil stabilization.

(Refer to Exh. 19.c – VEGETATION OVERLAY MAP)

Map #4 – Wildlife:

No wildlife habitat will be adversely affected by the proposed development. Wildlife species in relation to this project has been addressed in Part 1 – Section E of this report.

(Refer to Exh. 19.d – WILDLIFE OVERLAY MAP)

Map #5 – Composite Map:

This map shows the composite level of overlay for the previous four maps as described above.

(Refer to Exh. 19.e – COMPOSITE OVERLAY MAP)

LAND USE PROPOSAL

PART 2 – A: PROJECT OVERVIEW

SUMMARY:

St. Mark the Evangelist Catholic Church is located at 2727 West Tangerine Road in Oro Valley, Arizona at the southeast corner of Tangerine Road and the Shannon Road alignment. The property is north and west of existing residentially zoned parcels with two existing single story residential structures located near the St. Mark east and south property lines.

The Parishioners at St. Mark have a long range plan to expand the current parish by increasing their congregation size and the facilities that will eventually support such growth. In order to accomplish this goal, St. Mark has prepared a tentative development plan reflecting new buildings for a Main Sanctuary, Social Hall and Religious Education/Administration; along with the accompanying site improvements associated with the proposed development.

There are two existing buildings that will remain in place and be utilized for ancillary parish uses. Existing buildings include a 3,500 SF Church Administrative office and an 8,500 SF Sanctuary (future uses are not yet determined for these buildings). A wash divides the property with the eastern portion being the existing developed area of +/- 3 acres (gross); +/- 2.5 acres (net). There are no major improvements planned for the existing developed area other than what is described below.

The gross site area is 16.87 acres, including the existing developed property as described above. The net site area is 14.04 acres after right of way dedications are removed. The proposed development area, after the existing area is removed, is approximately 11.5 acres (delineated as net developed area west of the main wash).

GENERAL PROJECT OVERVIEW:

PROJECT DESCRIPTION – SITE

The gross site area is 16.87 acres, including the existing developed property as described above. The net site area is 14.04 acres after right of way dedications are removed. The proposed development area, after the existing area is removed, is approximately 11.5 acres (delineated as net developed area west of the wash).

The proposed site improvements are intended to have as minimal of an impact to the undeveloped property as possible while still achieving the desired expansion of the St. Mark parish. The property is located with a Significant Resource Area as designated by the Town of Oro Valley, which means the property is considered environmentally sensitive due to the native vegetation and presence of a natural drainage feature (wash) that are located on the property.

The proposed buildings are placed around a common central courtyard in an attempt to create a dense concentration toward the middle of the property. This will allow the western portion of the development to remain as natural open space with the exception of a parking area that will directly west of the Social Hall and Religious Education/ Administration buildings.

PROJECT DESCRIPTION – BUILDINGS

The proposed building sizes and heights for the proposed development are as follows:

- Main Sanctuary – 29,632 SF | 35 ft. tall to main roof line[(A)]

(A) Two architectural elements extend up to 45 ft. tall (a steeple at the front entry & what's referred to as the 'lantern' which raises the roof directly above the Altar)

- Social Hall – 15,660 SF | 24 ft. tall
- Religious Education/Administration – 18,380 SF | 16 ft. tall

ANTICIPATED PROJECT PHASING

The proposed development is intended to be phased over time with phases of work to be implemented as parish growth warrants the need for expansion of the new facilities. In general, there are anticipated to be two distinct phases to achieve the fully developed property. Phase I is the Main Sanctuary along with a portion of the site improvements. Phase II is the Social Hall and Religious Education/Administration buildings with the balance of the site improvements.

Although St. Mark anticipates Phase II will include the buildings as mentioned above, it is a possibility the Social Hall and Religious Education/Administration buildings could be split into multiple phases (II & III) as parish growth warrants and funding becomes available.

PHASE I SITE & MAIN SANCTUARY BUILDING

Phase I site improvements are approximately 4.5 acres and generally include the following:

- Two wash crossings connecting existing to new development
- Drive lane and parking areas to meet Phase I occupancy
- Lighting will be limited in height along southern property line
- Landscape will be primarily salvaged and replanted with additional native plantings
- Irrigation systems will be supplemented with rain water harvesting
- Storm water will be detained mainly along western edge of drive lane
- Screen walls will meander through the south buffer yard
- Existing drive entrance will be widened to allow for additional egress lanes
- Water will be extended to the new development
- Electric utilities will be extended to the new development
- A new onsite septic system will be utilized to treat waste water from the development
- Offsite improvements are anticipated with the first phase and include: extension of public water main

The New Sanctuary building is designed to be in multiple phases as follows:

- Phase I-a: 21,100 SF: 740 seats – Main Church worship space
- Phase I-b: 3,800 SF: 100 seats – Day Chapel addition
- Phase I-c: 4,732 SF: 460 seats – Transept additions to Main Church worship space

Total seating for the Main Church worship space will eventually be 1200 seats (Chapel seating is not calculated into this total since the two worship spaces will not be occupied concurrently during mass, weddings, funerals, etc…)

Timing for Phase I site and building is anticipated to commence as soon as permits become available and based on the present schedule, permits should become available in Fall of 2011. First phase of construction is anticipated to take 10-12 months.

(Refer to Exh. 20 – PRELIMINARY PHASE I SITE PLAN)

PHASE II SITE, SOCIAL HALL & RELIGIOUS EDUCATION/ADMINISTRATION BUILDINGS

Phase II site improvements will expand upon what is built with the first phase by continuing to develop the western portion of the property. Onsite utilities will be extended, as will the onsite septic system to accommodate the additional buildings. Significant additions of off & onsite work include the following:

- Main entrance on Tangerine Rd. *(Tangerine Rd. improved by RTA)*
- Deceleration lane(s) along Tangerine Rd. coordinated with RTA work
- Drive entry onto Shannon Rd.
- Shannon Rd. improvements from intersection to southern property line
- Keep the existing drive way as an additional access point.

The timeframes for the future phases of work beyond what's described as Phase I depends on multiple factors. Tangerine Rd. will be widened to a divided four lane desert parkway by the Regional Transit Authority with an estimated start date in five years. St. Mark is not likely to commence with Phase II site or buildings until this project is underway. Improvements to Shannon Rd. will be a requirement to complete the Phase II site and buildings only if St. Mark is allowed an access point onto this road as proposed.

Expansion of the Main Sanctuary to add Ph. I-b & I-c depends on growth of the parish and the available funding that will be necessary to build those additions. Adding the Chapel is more likely to occur before addition of the Transepts, but may not occur until after the Social Hall and/or Religious Education/ Administration buildings are built. Adding the Chapel to the Main Sanctuary does not increase traffic or parking since it is already accounted for as an existing use (refer to the existing Sanctuary building described above). This allows the Chapel to be a relatively minor addition to the development.

(Refer to Exh. 21 – TENTATIVE DEVELOPMENT PLAN)

ANTICIPATED PHASING SCHEDULE

The timeframes for the future phases of work beyond what's described as Phase I above is highly contingent upon multiple factors. Tangerine Road improvements are completely out of the control of St. Mark and those improvements are not anticipated to occur for another five years. That being said, Phase II buildings and site improvements are not likely to commence until the Tangerine Road project is underway. Expansion of the Main Sanctuary to add Ph. I-b and I-c depends on the growth of the parish and the available funding that will be necessary to build those additions. Adding the Chapel (Ph. I-b) is more likely to occur before the addition of the Transepts, but may not occur until after the Social Hall and/or Religious Education/Administration buildings are built. The final phasing of what building gets built next and the sequence and timing is not determined at this time.

PROJECT OVERVIEW CLOSING

The following sections of Part 2 of the Site Analysis report cover specific aspects of the land use for the proposed development. St. Mark has communicated with the immediate neighbor to the south in an effort to address their specific concerns associated with the proposed development. Many of the concerns that were raised throughout that communications process have been addressed and incorporated into the intended design and/or included within the narrative sections and exhibits of this revised Site Analysis report. Other concerns regarding traffic impacts onto Tangerine Rd. due to the anticipated increased parish size are preliminary addressed by the traffic engineering consultant and are described in more detail later in this report.

Exhibit A – Conditions of Approval from the Town of Oro Valley Staff were provided to the applicant on March 7, 2011 and are also incorporated by revisions to the narrative sections and/or revisions to the following exhibits. St. Mark has accepted each of the 26 Conditions of Approval.

LAND USE PROPOSAL

PART 2 – B: TENTATIVE DEVELOPMENT PLAN

(Refer to Exh. 21 – TENTATIVE DEVELOPMENT PLAN)

PART 2 – C: EXISTING LAND USES

1. The zoning boundaries along with the general plan maps have been provided to further describe the land uses that surround St. Mark. Also refer to 'Part 1 – A: Existing Land Uses' for additional narrative on existing properties within ¼ mile of St. Mark.
   (Refer to Exh. 22– GENERAL PLAN & ZONING MAPS)

2. The proposed land use for the development plan does not deviate from how St. Mark presently operates; therefore, adjacent properties are not anticipated to be adversely affected. Appropriate screening along the southern property line is proposed which will mitigate any visual, audible or other perceived nuisance from any other minor activity that may occur as St. Mark utilizes its new facilities as the project is developed. Refer to 'Part 2 – H: Buffer Plan' for additional description.

   Increased traffic activity related to the proposed development has been preliminarily contemplated by St. Mark's traffic engineer and accounted for as the project is developed in multiple phases. Refer to 'Part 2 – J: Traffic' for further information related to impacts on traffic and off-site improvements.

PART 2 – D: TOPOGRAPHY

1. As described in 'Part 1 – B: Topography', the properties existing grade slopes from northeast to west/southwest with the main wash dividing the property in two. None of the proposed improvements as shown on the TDP will adversely impact the natural topography.

   Site and building improvements are designed to step and/or slope with the natural grade. Example: the proposed new Sanctuary finish floor is 2748 ft. while the proposed buildings to the west for Religious Education/Administration and Social Hall are at 2747 ft. and 2746 ft., respectively. This shows how the proposed improvements will work with, not against, existing conditions. Any attempt at lowering the buildings into the natural terrain would result in a significantly more intense grading operation and would produce an unnecessary amount of exported fill dirt material.

   Minor improvements are proposed to the existing improvements east of the wash that include widening of the drive entrance/exit and where the north wash crossing will be built. Neither of these improvements will permanently impact the existing topography or other natural feature, i.e. main wash.

2. There are no slopes in excess of 15% present onsite.

3. Hillside District Regulations do not apply to this project.

4. N/A

5. The approximate percentage of graded (or disturbed) site area for the proposed development west of the main wash is +/- 71% (calculated from net land area west of the wash only). Percentage of re-vegetated area is 25% and is not inclusive of buffer yards, wash boundaries or the natural open space area west of Phase II buildings as these areas are intended to be left as undisturbed as possible.

   (Refer to Exh. 23 – EXTENT OF GRADING/LANDSCAPE AREAS)

PART 2 – E: HYDROLOGY

1. **DESCRIBE HOW THE TDP RESPONDS TO HYDROLOGIC CHARACTERISTICS DESCRIBED IN PART 1 – C: HYDROLOGY**

   The revised TDP references future drainage improvements related to the flood plain associated with the Canada Agua 1 Wash as it interacts with the proposed improvements at the northwest corner of the property and within the Shannon Rd. alignment. As described in 'Part 2 – A: Project Overview', it is St. Mark's intention to delay development of the Phase II improvements until after the RTA has sufficiently completed the Tangerine Rd. improvements, including the intersection with Shannon Rd. St. Mark understands the intersection improvements will include some type of drainage structure that conveys storm water associated with the Canada Agua 1 Wash from north to south of Tangerine Rd. If Shannon Rd. is improved by St. Mark as Phase II is realized, the drainage structures will be continued as necessary from the south side of the intersection diagonally in a southwesterly alignment beyond the west limits of the future Shannon Rd. right of way.

   The revised TDP allows the existing 100 year flood plain to remain undisturbed (represented as Point 4.0 & 4.1 on Exh. 6). Circulation from the east side to the west side of the main wash is achieved by construction of two wash crossings that will not impede storm water runoff as it flows through the property. A 15 ft. protective apron offers additional erosion protection surrounding both sides of the main wash that is intended to prevent any site development directly adjacent to the protected wash feature.

   The proposed development includes three new buildings that are centrally located on the TDP and well away from the required setbacks. The site layout creates a dense concentration of the three buildings allowing for minimal impacts to both natural and designed open space throughout the project. Parking areas and driving lanes surrounding the centrally positioned buildings shall be graded in a manner to detain storm water runoff prior to it leaving the site. Storm water runoff from building roofs and paved surfaces as much as can be collected, will be utilized for water harvesting and used for irrigation purposes. Remaining storm water runoff not collected for harvesting purposes will be detained within above ground basins located within the open space throughout the development. Storm water runoff under post-developed conditions leaving the site will be in the same location as the existing conditions with the peak discharge reduced as this parcel is located within a critical basin. In general, it is anticipated that all storm water runoff will be conveyed into a detention basin(s) and spread to the existing flood plain characteristics via a weir outlet structure used for detention. There may be locations where the water shed contributing point of concentration will be reduced in size commensurate to the reduction in discharge required for a critical basin.

2. **INFO & SUBSTANTIATION FOR ENCROACHMENT/MODIFICATION OF DRAINAGE PATTERNS**

   The revised TDP reflects two conditions on the east side of the main wash where the existing drive lane encroaches within the 15 ft. protective apron, which also denotes the riparian boundary, by no more than a few feet. The revised TDP also shows a 10 ft. wide asphalt multi-use path crossing the main wash. St. Mark recognizes the protective apron is intended to prevent development directly adjacent to the wash and has proposed to mitigate these encroachments by enhancing the landscaping at these areas

Existing encroachment condition

in a similar fashion to what's in place now along the drive lane as shown in the accompanying photo.

Utility trenches for water and electricity will also cross the main wash as preliminary shown on the revised TDP. As described in Item 1 above, mitigation of the Canada Agua 1 Wash will be done initially by the RTA improvements with additional continuation of the same level of engineered drainage structure improvements as necessary for future Shannon Rd. improvements done with Phase II of this development.

3. **A MAP OF POTENTIAL DRAINAGE IMPACTS TO OFF-SITE LAND USES UPSTREAM & DOWNSTREAM**

   No adjacent land uses are adversely impacted by the proposed development.

4. **DESCRIBE & MAP OF ENGINEERING & DESIGN FEATURES TO BE USED TO MITIGATE DRAINAGE & EROSION PROBLEMS**

   Refer to the revised TDP for locations of the two wash crossings and anticipated alignment of Shannon Rd. and the intersection at Tangerine Rd. & Shannon Rd. Engineering has not started for either of these features.

5. **DESCRIBE HOW THE TDP CONFORMS TO AREA PLANS, BASIN MANAGEMENT PLANS & TOWN OF ORO VALLEY POLICIES**

   The proposed development will provide storm water detention below the existing conditions by a minimum of 10%. Fifteen Foot Setback requirements surrounding the main wash feature are in place to mitigate erosion and are measured from the edge of flood plains. Building finished floor elevations are designed to be elevated a minimum of one foot above the adjacent high water surface elevations. The design of the hydraulic structures will conform to Town of Oro Valley engineering standards.

PART 2 – F: VEGETATION

1. As described in 'Part 1 – D: Vegetation', the property is heavily vegetated with native plants, shrubs and trees. A native plant inventory has been performed and vegetation appropriately tagged for salvage, protect in place and destroy. Those trees and plants that have been tagged for salvage will be integrated into the landscape, irrigation and native plant preservation plans and eventually replanted within the proposed development.

   There are areas within the middle of the property, as well as, along the property boundaries that are intended to remain as untouched as possible as the site improvements commence. One such area is within the protected limits of the main wash that divides the property. Native vegetation within this protected area shall remain in place, with any minor encroachment of this land being restored to its natural state. Other protected areas include the required right-of-way dedication and buffer yard setbacks along the northern, western and southern property lines. Native vegetation within these protected zones is also intended to remain as untouched as possible as development of the site occurs. Any encroachment within these areas will also be restored to its natural state.

   New trees and plants that are indigenous to the region will be incorporated into the landscape design. The irrigation system will work in tandem with a proposed water harvest collection system to irrigate the newly landscaped development.

   Plants and trees located within the Buffer Yard setbacks are intended to be completely off irrigation and self sufficient within five years of planting. The balance of the water usage for the remaining landscaping will be substantially reduced by 50% within a five year time frame from the date of the certificate of occupancy.

2. A riparian mitigation plan will be prepared that will address how the riparian boundary and wash disturbances will be treated. In general there are five distinct riparian boundary crossings that will be focused on.
   1. Multi-use trail within R.O.W. dedication
   2. Water utility crossing (potentially done via boring beneath wash)
   3. North wash crossing
   4. Electric utility crossing (potentially done via boring beneath wash)
   5. South wash crossing

   Another area within the wash that will be mitigated, or better described as replanted, is the existing gravel drive crossing. This drive is intended to be removed and replanted with a Town of Oro Valley approved desert seed mix and potentially with relocated salvaged trees or cacti.

PART 2 – G: WILDLIFE

1. As described in 'Part 1 – E: Wildlife', there are no concerns for endangered species in relation to the proposed development of this property as described herein. That said, multiple areas within the proposed development are intended to be left in their natural condition, most notably within the main wash and the required property dedication and setbacks as detailed throughout Part 2 of this report.

PART 2 – H: BUFFER PLAN

1. The proposed development will have three distinct buffer areas around the perimeter of the improvements. The intent of these buffer areas is to mitigate sound, visibility, exterior lighting and internal traffic that may be attributed to the proposed development of the property. Mitigation efforts are described as follows:
   a. Sound:
   OVZCR 25.1.A.3 restricts noise levels to be a maximum of 40 decibels at property lines. The gathering areas as identified on the TDP are in the courtyard directly in front of the new Sanctuary as part of Phase I which is strategically placed between the new Sanctuary and the residential properties to the south and east. Phase II will include an outdoor recreation area that is located west of the future Social Hall building (refer to the TDP for locations and minimum setbacks). Noise from these areas will be limited to times immediately before and after Mass or during larger Parish functions that occur periodically throughout the year.

   b. Visibility:
   Visibility looking into the proposed development from adjacent properties will be limited by a combination of vegetation and screen walls. The required vegetation within the Buffer Yard setbacks is meant to be left untouched and if replanting is necessary, it will be with the native plants and trees from those salvaged from the property or nursery grown. The heavily vegetated Buffer Yards will offer a natural screening solution from outside looking in.

   In addition to the natural vegetative screening, a five foot tall screen wall will also be constructed within the southern Buffer Yard as required by code to separate two distinct land uses (R1-144 to the south & PS St. Mark new zoning). The proposed screen wall will follow the existing grade contours while meandering through the middle of the Buffer Yard width. The screen wall design will be consistent with the architectural theme of the proposed buildings. Phase I will include a screen wall length consistent with the extent of the Phase I improvements. As development progresses with Phase II, the screen wall will continue to also extend to the western edge of the development.

   Also note that an existing chain link fence located south of the existing Sanctuary building will be removed and replaced with a new screen wall of identical design and construction.

   c. Exterior Lighting:
   OVZCR 27.5 restricts site and building lighting for the proposed development. All proposed site and exterior wall mounted building lights adjacent to residentially zoned properties (south and east) shall be fully shielded to limit the impact of light pollution as viewed from those residential properties. Site light pole heights are also restricted by code to be no taller than 18 ft. Although this ordinance section would allow for taller site light poles, the proposed development will limit all light poles on the south side of the project to no taller than eight feet. Proposed exterior lights will also be controlled by a timer to turn the majority of lights off after hours leaving only minimal security lighting on.

Also note that four existing parking lot lights that are currently 30 ft. tall around the exiting Sanctuary building will be lowered and/or relocated by St. Mark and will be no taller than 15 ft. and will be fully shielded to meet the above referenced ordinance. This is an additional activity St. Mark has elected to perform in an attempt to work with the neighbor to the south. Along with one of these existing lights being relocated, wall mounted lights will be installed along the south façade of the existing Sanctuary building.

d. Internal Traffic:
Internal traffic related to the proposed development shall be hidden from external view behind screen walls and/or vegetation as described above. The height and placement of these screening methods are intended to fully block views of car head lights, as well as, views of parked cars from adjacent property viewing angles.

2. The three Buffer Yards required for the development of this property are identified on the TDP, as well as, on the attached Buffer Plan located within this section and include: 30 ft. along the northern property line, 30 ft. along the western property line and 15 ft. along the southern property line.

   Although the minimum required southern Buffer Yard is only 15 ft., the actual width is 35 ft. for the majority of the length with the narrowest portion being 22 ft. and the widest being approximately 58 ft. Note that St. Mark made additional concessions to widen the southern Buffer Yard to address the neighbor's concerns. This change resulted in all of the parking spaces being relocated from the south buffer area throughout the proposed development.

   (Refer to Exh. 24 – BUFFER PLAN)

3. A line of sight study has been performed and included for review in this section. The study shows the proposed direct viewing angle of a six ft. tall person standing in front of the existing residence south of the St. Mark property and looking toward the new Sanctuary building. The study shows that a five ft. tall screen wall alone adequately blocks views of typically sized vehicles. Additional landscape along the southern property line will also be present that will aid in additional screening of the proposed development.

   (Refer to Exh. 25 – LINE OF SIGHT STUDY)

PART 2 – I: VIEW SHEDS

1. The highest proposed structure for the development is the new Sanctuary building with a main roof line height of 35 ft. above finished grade. There are two proposed architectural elements that extend an additional ten feet above the main roof line to include a steeple at the main entry and a "lantern" feature that raises the roof structure directly above the Altar space within the Sanctuary.

   The proposed Sanctuary building has been superimposed on the existing landscape photographs for a depiction of what the viewing angles will be from adjacent off-site locations. A total of four photos from each property line looking toward the proposed Sanctuary building are a part of this study. A second and more schematic study shows approximate building outlines superimposed on the existing landscape photos.
   These studies reflect the following:
   a. No views or vistas from off-site locations are blocked by the tallest proposed structure from viewing positions from the north, west or east looking toward or through the proposed project;
   b. Views from the south looking north toward or through the project will be impacted by the proposed buildings. The views of the Tortolita Mountains to the north will be partially blocked as a person stands directly in line with the buildings from a position south of the property. As one moves west the views are less impacted due to shorter buildings and eventually no buildings as the western ¼ of the property will be left undeveloped without vertical construction.
   c. There are no areas of high visibility associated with this property or the proposed development.

   (Refer to Exh. 26 – VIEW SHED OVERLAY MAPS)

2. No plans or proposed engineering concepts have been prepared for the infrastructure improvements related to the RTA project to widen Tangerine Rd. or for the pending improvements to Shannon Rd. that may be associated with Phase II of the St. Mark development. That being said, no realistic explanation or description can be provided at this time as to how these future roadway improvements will be effected by or affect the natural terrain. Mitigation of scarring associated with these roadway improvements shall be performed in accordance with the Tangerine Road Corridor Overlay District (TRCOD) Regulations and Guidelines per OVZCR 24.1.

PART 2 – J: TRAFFIC

The preliminary traffic analysis addresses the potential traffic impacts associated with the proposed expansion of St. Mark based upon buildings sizes, seating capacities/occupancies and anticipated traffic flows. St. Mark has retained Curtis Lueck & Associates as the traffic engineering consultant for this project.
(Refer to Exh. 27 – PRELIMINARY TRAFFIC ANALYSIS)

1. PRELIMINARY TRAFFIC ANALYSIS
   a. Internal Circulation and Arterial Street System Access
      The TDP shows three access points into the development described as follows:
      1. An existing driveway on Tangerine Rd.
      2. A proposed new main entrance at the center of the development on Tangerine Rd.
      3. A proposed driveway on Shannon Rd.

      The following distances have been included on the revised TDP (all measurements are centerline to centerline):
      1. Phase II main entrance to the Shannon Rd. alignment is 660 ft.
      2. Phase II main entrance to the existing entrance is 560 ft.
      3. Phase II main entrance to Vista del Sol (next adjacent Tangerine Rd. tract crossing east of the property) is 1180 ft.
      4. Existing entrance to Camino Del Fierro is 220 ft.
      5. Phase II Shannon Rd. driveway to Tangerine Rd. is 600 ft. (distance from R.O.W. dedication to driveway is 450 ft.)

      The existing driveway will be expanded to include two egress lanes (one left turn, one right turn), and one ingress lane. A variance request will be necessary to have a second driveway on Tangerine Rd. and a driveway on Shannon Rd. (both included with Phase II improvements). The second driveway on Tangerine Rd. will become the primary access for entry to St. Mark as part of the Phase II expansion. However, based on requirements for the Tangerine Corridor Overlay District (TRCOD) in the Town Zoning Code, driveways on Tangerine Rd. must be no less than 1000 feet from any other access point (24.1.D.1a). Access on Shannon Rd. is also restricted to 600 feet from the Tangerine Rd. right of way (24.1.E.1a and 24.1.E.1b). This requirement cannot be met because the property will be approximately 500 feet deep after additional right of way is dedicated for Tangerine Rd. (100 feet additional right of way is required). Approval of a Variance Request allowing the described access points from the Town of Oro Valley will be required for the Phase II driveways. Refer to the TDP for the internal circulation network.

   b. Future off-site road improvements required and projected time frames
      The RTA project for Tangerine Rd. from I-10 to La Canada Dr., will widen Tangerine Rd. to a four-lane urban section with a raised median. This is scheduled for the 2nd RTA Implementation Plan Period, 2012 to 2016.

   c. Projected ADT for internal circulation systems at build out and level of service to all streets
      (Include a projection of traffic volumes and capacity analysis for intersections)

      Trip generation estimates for the development are based on current trip generation rates derived from recorded volumes and based on the number of seats. It is estimated that for Phase I-a (expansion to 750 seats), there will be about 228 new trips during the average weekday, 455 new trips on Saturday, and 1,255 new trips on Sunday. Phase I-b is not

anticipated to have any change since it is essentially transferring 100 seats from the existing Sanctuary to the New Chapel. For Phase I-c (expansion to 1,200 seats), there will be about 484 new trips during the average weekday, 968 new trips on Saturday, and 2,668 new trips on Sunday (more than existing). The addition of site traffic for both phases on Tangerine Rd. is not projected to exceed its theoretical weekday LOS D capacity as a two-lane roadway of 14,850 vehicles per day assuming traffic volume growth does not increase substantially over the next few years.

Volumes on Tangerine Rd. collected on Thursday, Dec. 17, 2009 by CLA were 13,150; 12,800 on Saturday, Dec. 19th; and 10,200 on Sunday, Dec. 20th.

Because the traffic volumes are not projected to be substantial during the typical morning and afternoon weekday peak periods, it is not anticipated that St. Mark traffic will degrade the capacity of the surrounding roadway system (including study area intersections) to the extent that mitigation will be required based on the site traffic.

d. Impact to Existing Development Abutting Off-Site Streets
The project area is rural/suburban and residential. The St. Mark site traffic added to the background traffic on Tangerine Rd. is not anticipated to exceed its daily LOS D capacity. This project is not expected to negatively impact existing development abutting off-site streets.

e. Capacity Analysis for Proposed Internal and Off-site streets, including right-of-way and pavement widths, geometrics, design speeds and traffic control improvements needed
As previously described above, the projected traffic is not expected to exceed the LOS D capacity threshold of 14,280 based on FDOT criteria for Tangerine Rd. or Shannon Rd. All roads are two-lane roads with few driveways in the vicinity of the project area. Tangerine Rd. is signed for 45 mph, and Shannon Rd. does not have a posted speed limit south of Tangerine Rd. The pavement widths on Tangerine Rd. are generally between 28 and 40 feet in the vicinity of the project. The pavement width on Shannon Rd. is generally less than 24 feet in the vicinity of the project. Right of way widths are provided in 'Part 1 – G: Traffic'. Tangerine Rd. has narrow (one to two foot) paved shoulders in the vicinity of the project. Shannon Rd. has unpaved narrow shoulders in the vicinity of the project.

CLA conducted a preliminary intersection capacity analysis for the Tangerine Rd./Project Driveway intersection for existing (2009) and with Phase I-a project conditions. For simplicity, site traffic has been added to the existing traffic volumes. It is also assumed that the driveway would be improved to have separate left turn and right turn egress lanes. The results below show that project traffic will create additional delay during the Sunday generator peak hour. This is to be expected for traffic entering a major roadway.

	Year 2009							
	AM		**PM**		**Saturday**		**Sunday**	
Tangerine Road/Church Entrance	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
Westbound Left	8.8	A	8.6	A	8.5	A	8.5	A
Northbound Left/Right	17.9	C	18.6	C	16.9	C	25.2	D

	With Phase 1-a							
	AM		PM		Saturday		Sunday	
Tangerine Road/Church Entrance	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
Westbound Left	9.0	A	8.6	A	9.0	A	9.1	A
Northbound Left/Right	22.6	C	23.8	C	28.4	D	155.3	F
Northbound Right	12.7	B	12.1	B	11.1	B	15.8	B
Northbound Approach	*16.4*	*C*	*16.4*	*C*	*17.6*	*C*	*71.6*	*F*

CLA did not conduct an intersection analysis for the Phase 1-c or the Phase II condition since it is unknown when these expansions will occur. However, it is likely to occur after Tangerine Rd. is widened to a four-lane divided roadway. Site traffic for the future phases and traffic control improvement recommendations will be determined from a traffic impact study for a more developed site plan as part of the forthcoming Development Plan process.

f. A description of improvements required for those streets described in sub-paragraph "e" above
The Town of Oro Valley does not include turn lane warrants in their subdivision street standards. Pima County does include these warrants and they are based on the daily volume of the street where a potential turn lane may be and the peak hour turning volumes. The Saturday and Sunday peak hour preliminary site trips for the Phase I-a projections have 90 (Saturday) and 95 (Sunday) peak hour eastbound right turning vehicles from Tangerine Rd. to the existing St. Mark driveway. This preliminary analysis shows that the numerical warrants are met for a right turn lane on Tangerine Rd., which has over 10,000 vehicles per day (VPD), based on Pima County turn lane warrant criteria.

According to the Town of Oro Valley Subdivision Street Standards and Policy Manual, pavement widening to accommodate local street turning movements may be required by the Town Engineer at intersections with collector and arterial streets (turning lanes shall be 14 ft. wide). Turn lanes and pavement tapers required for any of the above improvements shall be designed in accordance with Pima County's "Roadway Design Manual". By reference, Pima County's Roadway Design Manual defers to the Pima County/City of Tucson Pavement Marking Design Manual, and the Pima County Subdivision and Development Street Standards for the length and design of turn lanes. For a 45 mph roadway, the minimum turn lane storage length is 150 ft., with a taper length of 210 ft. This requirement will be reviewed in the traffic impact study at Development Plan phase.

Pima County Right Turn Warrants are in the table below.

ADT (2-way)	Max. Peak Hour Right Turn Volume (w/o RT Lane)
2,500-5,000	100
5,000-10,000	70
>10,000	40

g. <u>The Party/Agency whom the applicant believes to be responsible for making necessary improvements</u>
The Applicant understands a development plan agreement between St. Mark and the Town of Oro Valley will be necessary for any offsite improvements associated with the proposed development. Some improvements could be done when Tangerine Rd. is widened to a four-lane roadway under the RTA project.

Shannon Rd. improvements shall be considered part of the development scope of work and the responsibility of St. Mark only if St. Mark chooses to include an access point onto Shannon Rd. Improvements would include at a minimum one south bound lane, one north bound lane and designed right and left turn lanes onto Tangerine Rd. This access point will require a variance approval from the Town of Oro Valley.

2. St. Mark's property is a single parcel development with no on-site streets and therefore does not have any on-site right of way dedications. Internal circulation is via private drive lanes.

3. Pedestrian paths from St. Mark parking areas and buildings are referenced on the TDP.

PART 2 – K: SEWERS

As previously described in 'Part 1 – L: Sewers', there is no available public sewer main adjacent to the St. Mark property. The proposed development intends to design and install a new onsite septic system that will treat and disperse waste water produced by the new buildings.

Proposed building additions are to occur in multiple phases as outlined in 'Part 2 – A: Project Overview'. For purposes of the septic system expansion, the phases are described slightly different. Phase I-Septic includes Ph. I-a/b (New Sanctuary + Chapel) building improvements, consisting of approximately 24,900 SF with 740 + 100 seats respectively. Phase I-c is considered an independent phase of work and hereby labeled as Phase II-Septic and expands the New Sanctuary to a total built out size of 29,632 SF with 1200 seats (+ 100 seats with the Chapel). It should be understood that the New Sanctuary worship space and the Chapel worship space are not occupied concurrently and although the combined seating count is 1300, in reality that is an inaccurate total. The appropriate waivers to PDEQ related to this have been requested. Phase III-Septic includes the future Social Hall and Religious Education/Administration buildings (15,660 SF & 18,380 SF respectively).

The proposed onsite septic system is designed to allow for maximum flexibility related to the actual phasing of the work as described above with the Phase I-Septic proposed to be installed first. The system will include standard septic tanks for primary treatment below grade and will be immediately adjacent to the buildings they serve. Waste water is then treated to remove excessive nitrates through a series of nitrate treatment filtering pods prior to being pumped to the leach field area. The filtering pods are anticipated to be located immediately west of the parking area with the leach fields being within the natural and/or designed open space area located between the parking area and the western property line. A 50 ft. setback from the residential property to the south is required. The filtering pods will be within a designated yard and completely screened from view with a five foot tall site wall to match the other walls within the development. This yard will also be located well away from the neighboring residential property to the south. Because St. Mark desires to disturb the area as little as possible, a subsurface drip line disposal method is anticipated to be utilized. Installation of a drip line system requires narrow trenches that can be placed within the natural open space and around the native vegetation with minimal disturbance to the natural landscape with the intent to remove as little native trees and cacti as possible. This location also works well as it allows the drip line system to flow with the natural slope of the land (north to south) which again aids with the intent to have minimal impacts to the natural conditions. Any additional native plant salvage associated with this system shall be incorporated into the overall Native Plant Inventory plan for both Phase I and the master development plan.

The drip lines are 1/2" diameter flexible tubing with emitters designed for treated effluent. They are made by Geoflow (see geoflow.com). The tubing is buried approximately 12" to 18" deep in narrow trenches (4" if possible), in rows, no closer than 24" on center. The maximum length on the tubing runs is ~200 '. There will be pvc header pipes at either end of the tubing runs, one to supply effluent to the drip lines and the other to collect effluent to allow the drip lines to be flushed either continuously or periodically. A flush "return" line conveys effluent from the flush header back to the inlet of the treatment system. The drip line disposal area can be one or multiple rectangular areas or zones. This system is independent of any other landscape irrigation with potable water.

A fully designed onsite septic system will be included with the forthcoming development plan process. Although the Town of Oro Valley does not review, approve, permit or inspect waste water systems coordination of these systems in relation with the balance of the development will be necessary. St.

Mark's waste water engineering consultant is coordinating all necessary approvals, waivers and engineering standards with Pima County Department of Environmental Quality (PDEQ) and Arizona Department of Environmental Quality (ADEQ) staff in association with this proposed onsite septic system.

(Refer to Exh. 28 – Preliminary Septic System Design)
(Refer to Exh. 29 – Proposed Nitrate Filter Pods Data Sheets)

PART 2 – L: RECREATION & TRAILS

1. Refer to 'Part 1 – H: Recreation & Trails', for maps of trails, parks and recreation within one mile of the site.

2. There are no parks or recreation areas within one mile of the site.

3. The proposed development will include a 10 ft. wide asphalt multi-purpose trail within the Tangerine Rd. right-of-way dedication for future connection to the town/county wide trail system. The proposed new path will run the length of the Tangerine Rd. frontage. St. Mark is not aware of any proposed connection to either end of the path in the immediate future as there is no knowledge of plans to develop the adjacent properties along Tangerine Rd.

4. St. Mark will retain sole ownership of all natural and designed open space within its property.

PART 2 – M: CULTURAL / ARCHAEOLOGICAL / HISTORIC RESOURCES

As described in 'Part 1 – I: Cultural/Archaeological/Historic Resources', the property has undergone a recent Class III Cultural Resource Survey by P.A.S.T., a Tucson area archaeologist with an active State Antiquities permit. Refer to the aforementioned report for detailed information that addresses Items # 1, #2 and #3 from the Rezoning Handout for this section as no 'Resources' were discovered during the site survey. However, should any cultural, archaeological or historic resources be identified during the ensuing development of the property, a qualified archaeologist will be retained under the direction of the Arizona State Museum to investigate.

PART 2 – N: SCHOOLS

1. The proposed development will not impact the school district since it is not increasing the population of school aged children. Nor is this development going to include a private parochial school that could compete with the local public school district.

   Religious education is currently provided at St. Mark inside the existing Sanctuary building. This service will continue as the property is developed, with this function staying in the existing building after Phase I is completed. Phase II will include a new building that will provide dedicated space for religious education, as well as, new administration offices for the priests, deacons, administrative staff and volunteers. In general, religious education at St. Mark is related solely to the teaching of the Catholic faith and is not intended to serve as temporary supervision or general education for first through 12th grades. St. Mark agrees to a land use restriction prohibiting a private school for first though 12th grades.

2. School district capacity is not applicable.

3. A letter from the school district regarding for a proposed site to accommodate projected number of residents is not applicable.

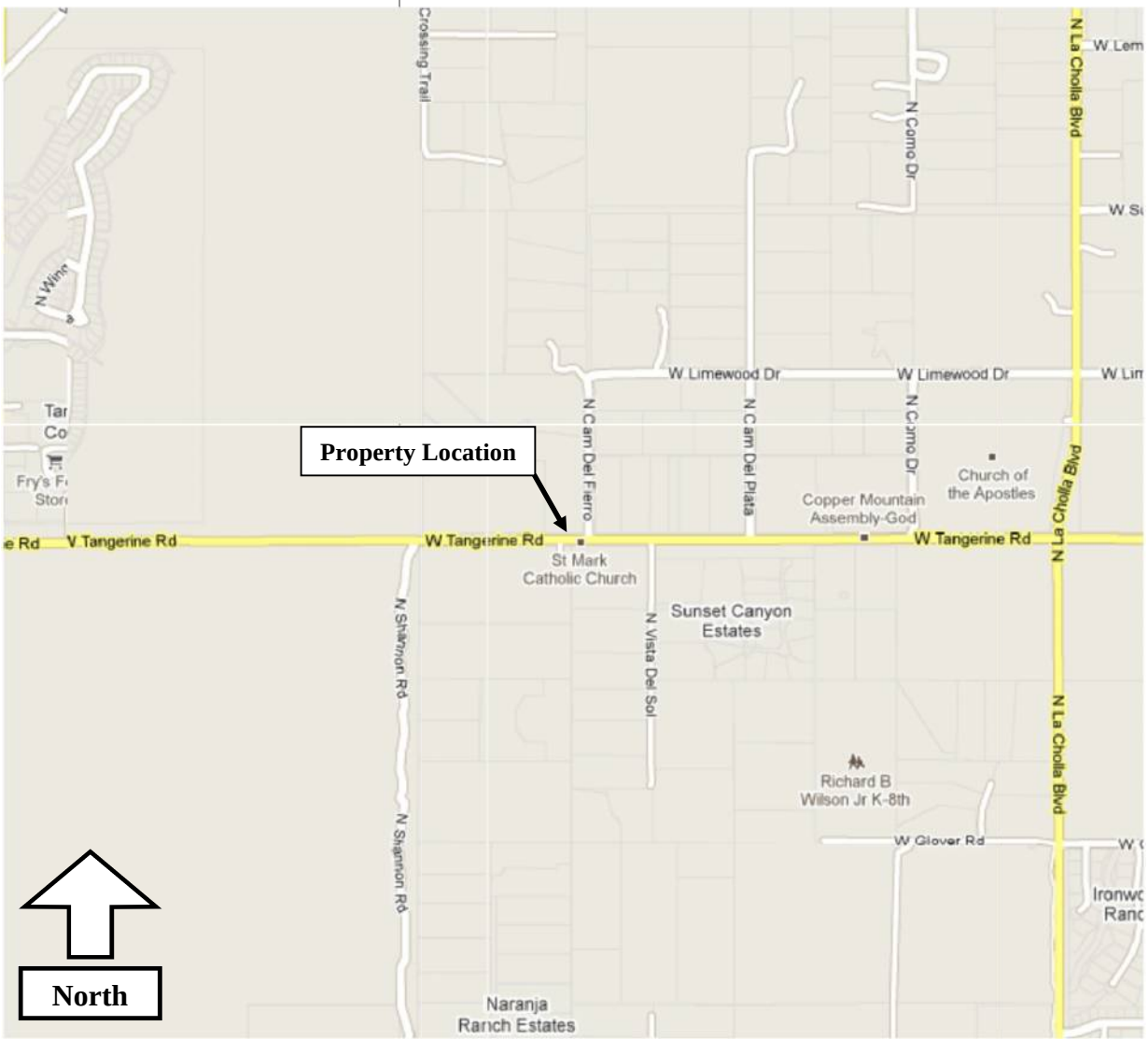
PART 2 – O: WATER

1. As described in 'Part 1 – K: Water', there is no existing public water demand for this property since the existing well is fully operational. That being said, additional water demand for the development is broken down into anticipated usage for Phase I and Phase II buildings.
   a. Ph. I Building: Approximate annual demand is 100,000 gallons
   b. Ph. II Buildings: Unknown at this time since buildings are not fully designed

   Also refer to 'Part 2 – Section A: Project Overview' of this revised Site Analysis for a description of the phased improvements associated with the overall development, including the public water main extensions.

2. Since there is no current water service capacity there is no way to approximate the percentage of the existing capacity from applicable water co.

   (Refer to Exh. 30 – OVWU WAIVER)


Property Location
North
W Tangerine Rd
W Limewood Dr
N Camino Del Fierro
N Camino Del Plata
N Como Dr
N La Cholla Blvd
Crossing Trail
St Mark Catholic Church
Copper Mountain Assembly-God
Church of the Apostles
Sunset Canyon Estates
N Vista Del Sol
N Shannon Rd
Richard B Wilson Jr K-8th
W Glover Rd
Naranja Ranch Estates

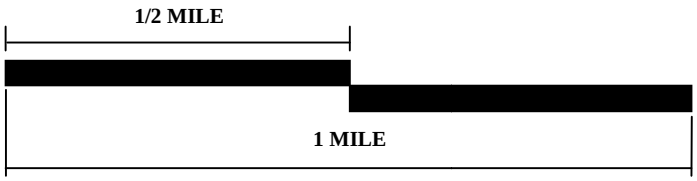
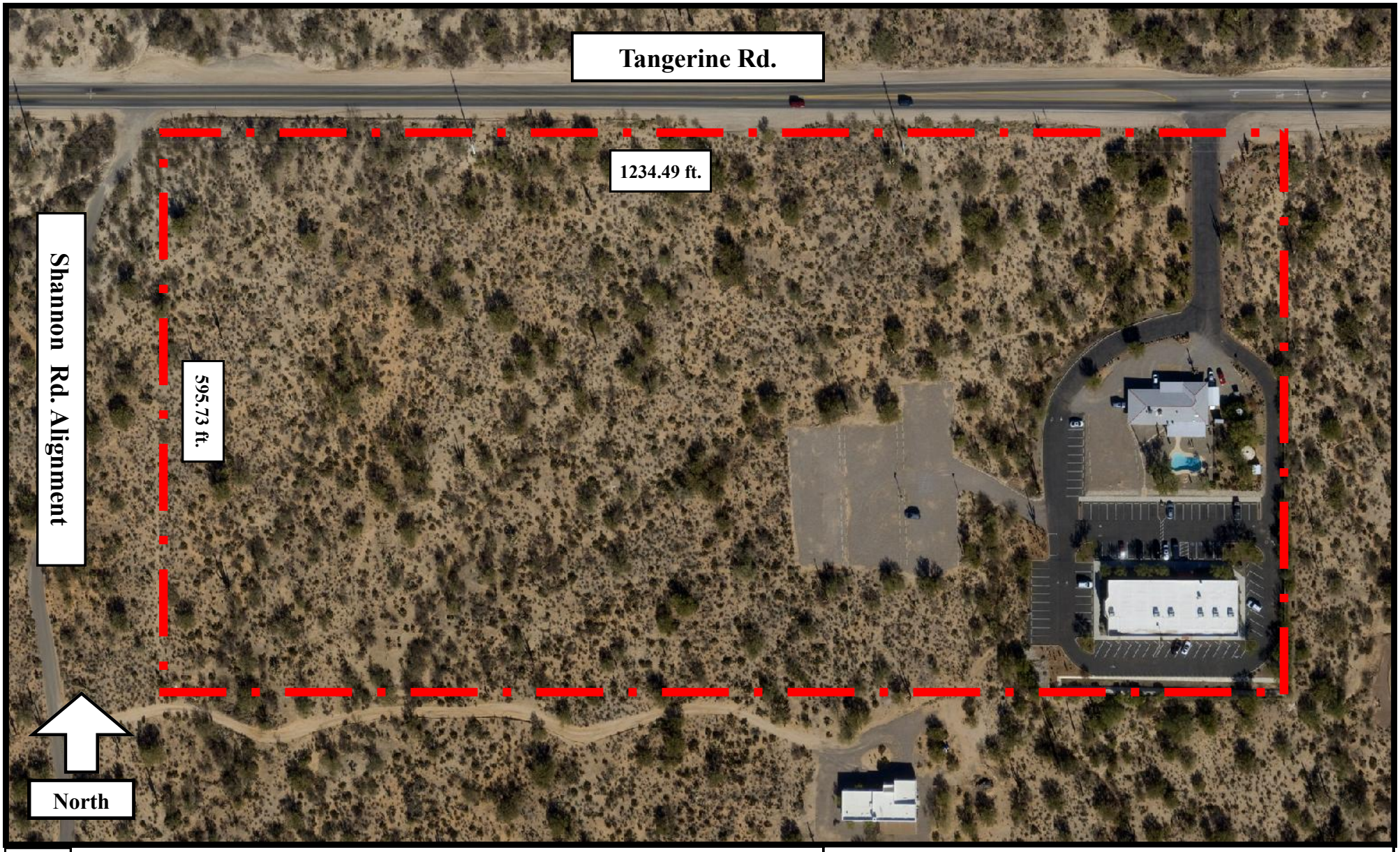

1/2 MILE
1 MILE

Exhibit - 1



Aerial Photo Taken January 3, 2010

Exhibit—2

TOPOGRAPHICAL MAP

Contours are at 1' intervals - Slopes greater than 15% are identified on the following sheet.

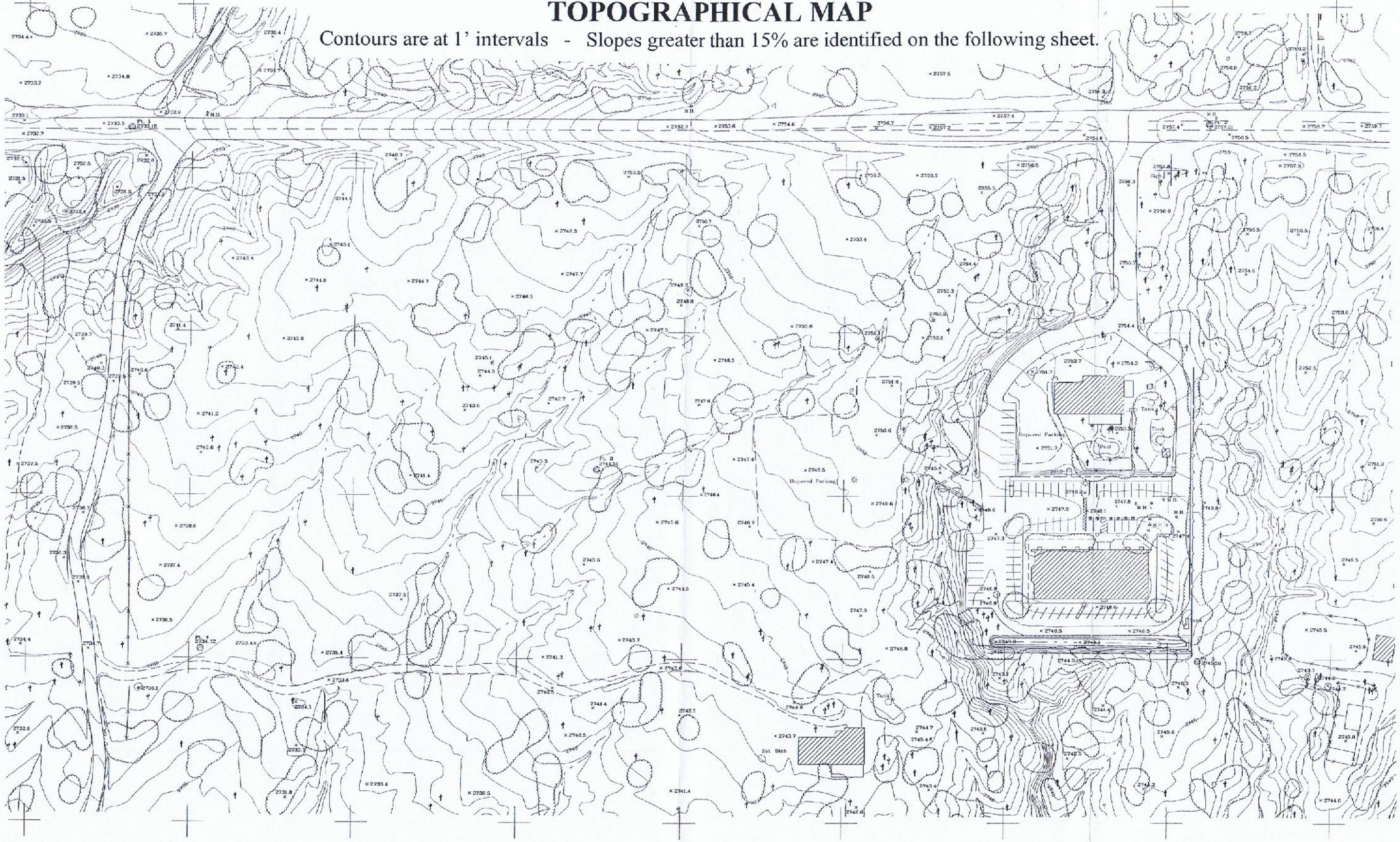
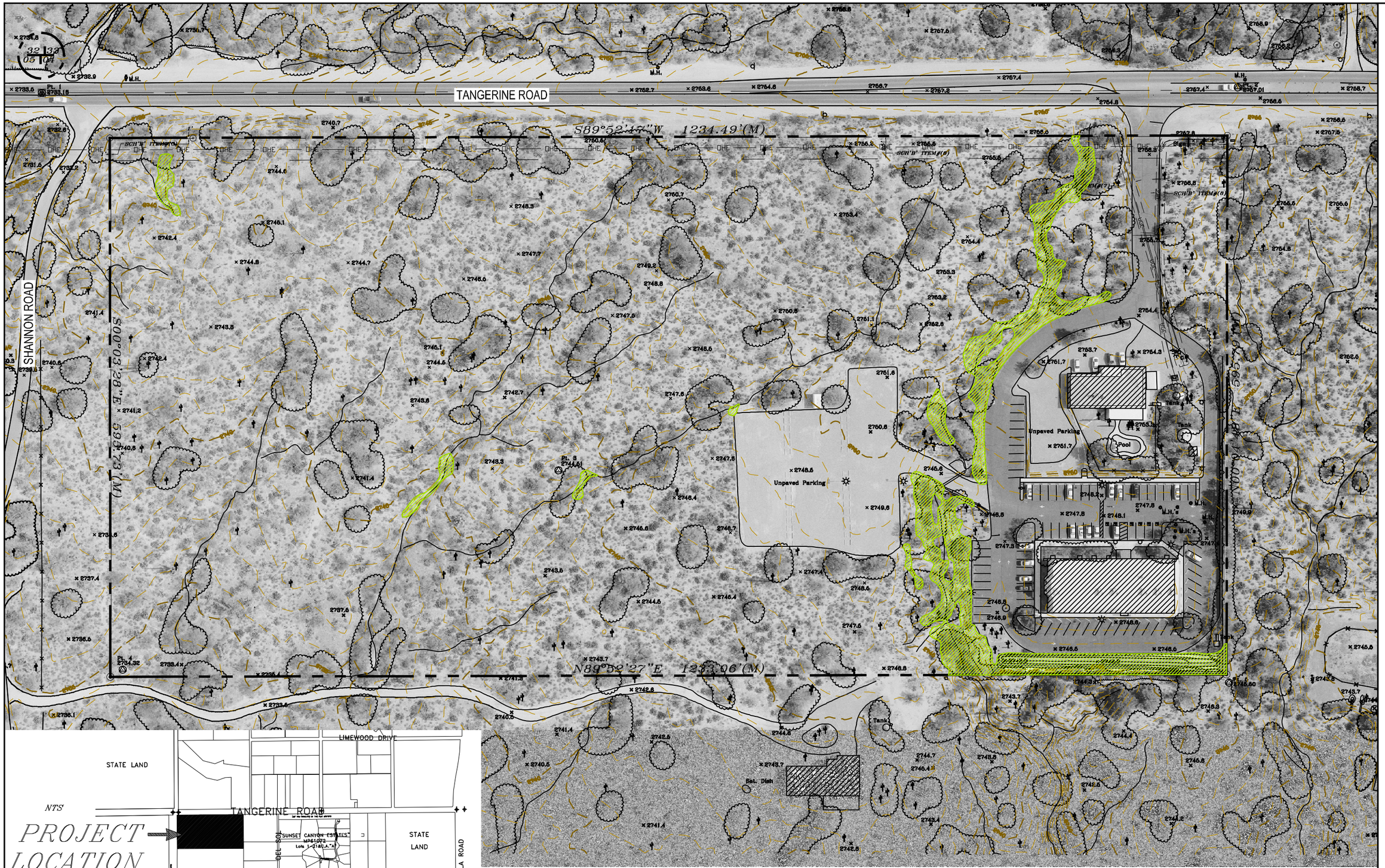


Exhibit - 3

New Generation Surveys " St. Marks Catholic Church " 1"=40' C.I. 1' 6-4-2019 Sun Mapping, LLC 290591



NOTES:

A. No rock outcroppings were found on-site.

LEGEND:

TOPOGRAPHY >15°

ROCK OUTCROPPINGS

NORTH

0 100

SCALE (ft)

St. Mark the Evangelist Catholic Church, Phase 1

Saint Mark Roman Catholic Parish - Tucson

Oro Valley, AZ

NAME:	TOPOGRAPHY OVERLAY	FOR:	REZONING APPLICATION
PROJ. #:	4470-03	DATE:	04/06/2010
SHEET NO.:	1 of 5	SCALE:	AS SHOWN

BERINGER CIACCIO DENNELL MABREY

Exhibit - 4

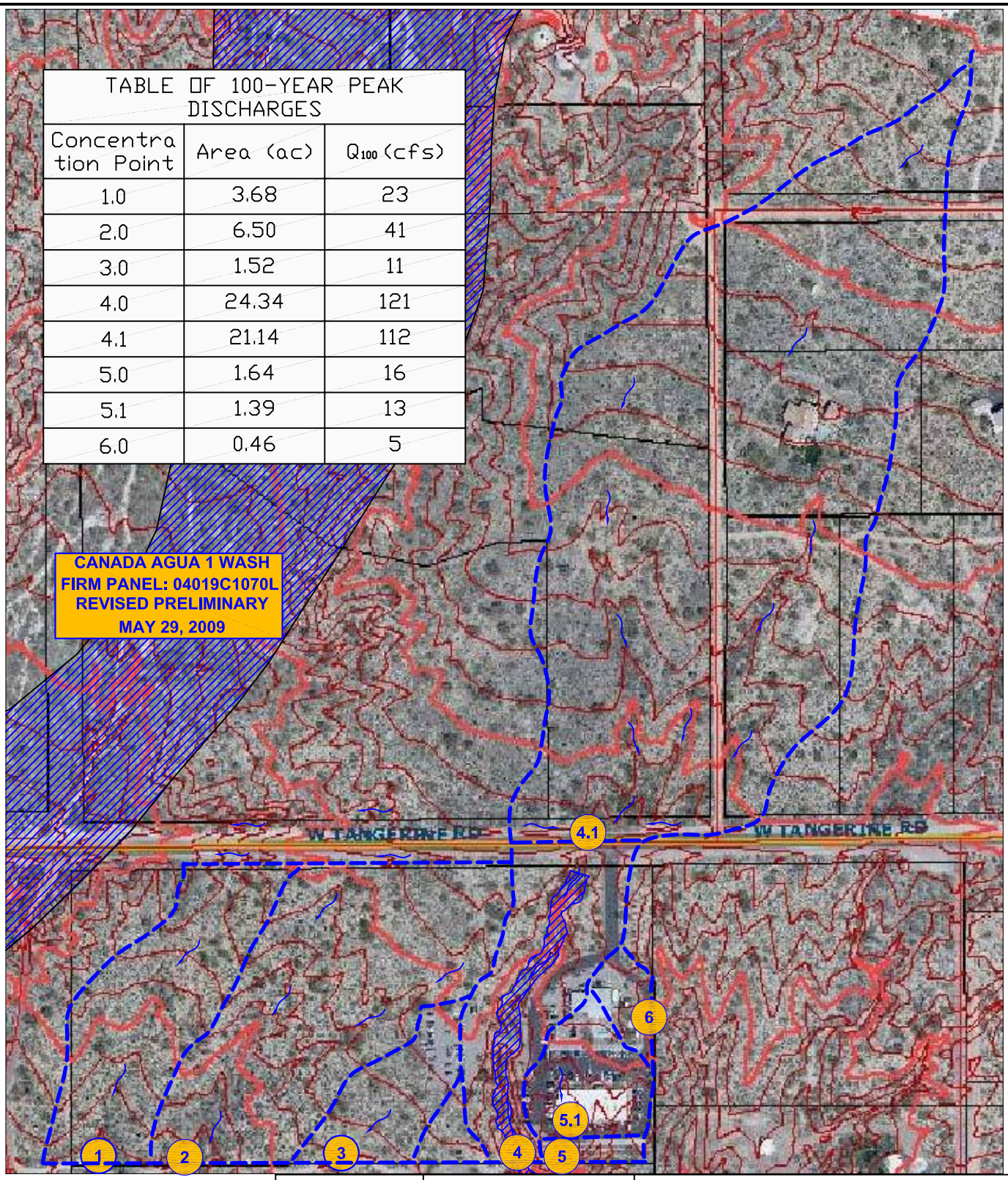


TABLE OF 100-YEAR PEAK DISCHARGES

Concentration Point	Area (ac)	Q_{100} (cfs)
1.0	3.68	23
2.0	6.50	41
3.0	1.52	11
4.0	24.34	121
4.1	21.14	112
5.0	1.64	16
5.1	1.39	13
6.0	0.46	5

N

0′ 150′ 300′ 450′

BOGARDUS ENGINEERING LLC
Hydrologic / Hydraulic Engineering

BOGARDUS ENGINEERING, LLC
17090 S. Vanilla Peak Court
Vail, AZ 85641
Phone (520) 572-6530 Fax (520) 300-8044

PREDEVELOPED WATERSHED MAP

SAINT MARK CATHOLIC CHURCH

BEING A PORTION OF SECTION 04,
T-12-S, R-13-E, G.&S.R.M., PIMA COUNTY, ORO VALLEY, ARIZONA

NO.	REVISION	DATE
1	ADD FLOODPLAINS	10/10

DATE: 03/10/2010
SCALE: 1" = 300'
BOGARDUS PROJECT NO.: 10-012-A-001D
SHEET 1 OF 1

Exhibit - 5

HYDROLOGIC DATA SHEET FOR PIMA COUNTY FLOOD PEAK PROCEDURE

Pima County Regional Flood Control District

Client: Ron Staubb and Associates
Prepared by: Bogardus Engineering, LLC
Project Name: Saint Mark Catholic Church
Date: 3/9/2010
Concentration Point: 4
Job #: 10-006-A-001D

Watershed Area: 24.3 ac
Watershed Type: Suburban-Foothills

Watercourse Data By Reach

Reach No.	Height (Hi)	Length (Li)	Slope (Si)	Basin Factor (Nb)
1	54.0	2,622	0.0206	.035

Length of Watercourse (Lc): 2,622 feet
Mean Slope: 0.0206
Length to Cen. of Gravity (Lca): 1,311 feet
Weighted Basin Fac.: 0.035
Veg. Cover Type(s): Desert Brush
Veg. Cover Density: 30 %

RETURN PERIOD: 100-years

Rainfall Depths: NOAA Atlas 14 (90% UCL) @ Latitude: 32.4228 Longitude: -111.0276

Duration:	5-min	10-min	15-min	30-min	60-min	2-hr	3-hr	6-hr	12-hr	24-hr
Point Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64
Areal Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64

Soils Data

Soil Type	Percent	Curve # (CN)	Adj. Curve # (CN*)	Runoff Coef. (C)
B	50	82.	86.58	0.543
C	50	87.	90.2	0.645
D	0	.	.	0.000
Imp.	5	99.	99.	0.957

Weighted Runoff Coef. (Cw): 0.612
Time of Concentration: 9.6 min
Rainfall Intensity (i) @ Tc: 8.09 in/hr
Runoff Supply Rate (q) @ Tc: 4.95 in/hr

PEAK DISCHARGE: 121 cfs

Lesser Return Periods

Return Period	Ratio	Qpeak
2-year	0.15	18
5-year	0.28	34
10-year	0.40	49
25-year	0.60	73
50-year	0.80	97

PC-Hydro, Ver 5.3.1

Exhibit - 6.a

HYDROLOGIC DATA SHEET FOR PIMA COUNTY FLOOD PEAK PROCEDURE

Pima County Regional Flood Control District

Client: Ron Staubb and Associates
Prepared by: Bogardus Engineering, LLC
Project Name: Saint Mark Catholic Church
Date: 3/9/2010
Concentration Point: 4.1
Job #: 10-006-A-001D

Watershed Area: 21.1 ac
Watershed Type: Suburban-Foothills

Watercourse Data By Reach

Reach No.	Height (Hi)	Length (Li)	Slope (Si)	Basin Factor (Nb)
1	36.0	1,896	0.0190	.035

Length of Watercourse (Lc): 1,896 feet
Mean Slope: 0.0190
Length to Cen. of Gravity (Lca): 948 feet
Weighted Basin Fac.: 0.035
Veg. Cover Type(s): Desert Brush
Veg. Cover Density: 30 %

RETURN PERIOD: 100-years

Rainfall Depths: NOAA Atlas 14 (90% UCL) @ Latitude: 32.4228 Longitude: -111.0276

Duration:	5-min	10-min	15-min	30-min	60-min	2-hr	3-hr	6-hr	12-hr	24-hr
Point Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64
Areal Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64

Soils Data

Soil Type	Percent	Curve # (CN)	Adj. Curve # (CN*)	Runoff Coef. (C)
B	50	82.	86.58	0.543
C	50	87.	90.2	0.645
D	0	.	.	0.000
Imp.	5	99.	99.	0.957

Weighted Runoff Coef. (Cw): 0.612
Time of Concentration: 7.9 min
Rainfall Intensity (i) @ Tc: 8.62 in/hr
Runoff Supply Rate (q) @ Tc: 5.27 in/hr

PEAK DISCHARGE: 112 cfs

Lesser Return Periods

Return Period	Ratio	Qpeak
2-year	0.15	17
5-year	0.28	31
10-year	0.40	45
25-year	0.60	67
50-year	0.80	90

PC-Hydro, Ver 5.3.1

Exhibit - 6.b

HYDROLOGIC DATA SHEET FOR PIMA COUNTY FLOOD PEAK PROCEDURE

Pima County Regional Flood Control District

Client: Ron Staubb and Associates
Prepared by: Bogardus Engineering, LLC
Project Name: Saint Mark Catholic Church
Date: 3/9/2010
Concentration Point: 5
Job #: 10-006-A-001D

Watershed Area: 1.6 ac
Watershed Type: Suburban-Foothills

Watercourse Data By Reach

Reach No.	Height (Hi)	Length (Li)	Slope (Si)	Basin Factor (Nb)
1	13.0	378	0.0344	.020

Length of Watercourse (Lc): 378 feet
Mean Slope: 0.0344
Length to Cen. of Gravity (Lca): 189 feet
Weighted Basin Fac.: 0.020
Veg. Cover Type(s): Desert Brush
Veg. Cover Density: 30 %

RETURN PERIOD: 100-years

Rainfall Depths: NOAA Atlas 14 (90% UCL) @ Latitude: 32.4228 Longitude: -111.0276

Duration:	5-min	10-min	15-min	30-min	60-min	2-hr	3-hr	6-hr	12-hr	24-hr
Point Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64
Areal Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64

Soils Data

Soil Type	Percent	Curve # (CN)	Adj. Curve # (CN*)	Runoff Coef. (C)
B	50	82.	86.58	0.543
C	50	87.	90.2	0.645
D	0	.	.	0.000
Imp.	90	99.	99.	0.957

Weighted Runoff Coef. (Cw): 0.921
Time of Concentration: 5.0 min
Rainfall Intensity (i) @ Tc: 10.44 in/hr
Runoff Supply Rate (q) @ Tc: 9.61 in/hr

PEAK DISCHARGE: 16 cfs

Lesser Return Periods

Return Period	Ratio	Qpeak
2-year	0.25	4.0
5-year	0.35	5.6
10-year	0.50	7.9
25-year	0.70	11
50-year	0.90	14

PC-Hydro, Ver 5.3.1

Exhibit - 6.c

HYDROLOGIC DATA SHEET FOR PIMA COUNTY FLOOD PEAK PROCEDURE

Pima County Regional Flood Control District

Client: Ron Staubb and Associates
Prepared by: Bogardus Engineering, LLC
Project Name: Saint Mark Catholic Church
Date: 3/9/2010
Concentration Point: 5.1
Job #: 10-006-A-001D

Watershed Area: 1.4 ac
Watershed Type: Suburban-Foothills

Watercourse Data By Reach

Reach No.	Height (Hi)	Length (Li)	Slope (Si)	Basin Factor (Nb)
1	11.0	318	0.0346	.020

Length of Watercourse (Lc): 318 feet
Mean Slope: 0.0346
Length to Cen. of Gravity (Lca): 159 feet
Weighted Basin Fac.: 0.020
Veg. Cover Type(s): Desert Brush
Veg. Cover Density: 30 %

RETURN PERIOD: 100-years

Rainfall Depths: NOAA Atlas 14 (90% UCL) @ Latitude: 32.4228 Longitude: -111.0276

Duration:	5-min	10-min	15-min	30-min	60-min	2-hr	3-hr	6-hr	12-hr	24-hr
Point Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64
Areal Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64

Soils Data

Soil Type	Percent	Curve # (CN)	Adj. Curve # (CN*)	Runoff Coef. (C)
B	50	82.	86.58	0.543
C	50	87.	90.2	0.645
D	0	.	.	0.000
Imp.	90	99.	99.	0.957

Weighted Runoff Coef. (Cw): 0.921
Time of Concentration: 5.0 min
Rainfall Intensity (i) @ Tc: 10.44 in/hr
Runoff Supply Rate (q) @ Tc: 9.61 in/hr

PEAK DISCHARGE: 13 cfs

Lesser Return Periods

Return Period	Ratio	Qpeak
2-year	0.25	3.4
5-year	0.35	4.7
10-year	0.50	6.7
25-year	0.70	9.4
50-year	0.90	12

PC-Hydro, Ver 5.3.1

Exhibit - 6.d

HYDROLOGIC DATA SHEET FOR PIMA COUNTY FLOOD PEAK PROCEDURE

Pima County Regional Flood Control District

Client: Ron Staubb and Associates
Prepared by: Bogardus Engineering, LLC
Project Name: Saint Mark Catholic Church
Date: 3/9/2010
Concentration Point: 6
Job #: 10-006-A-001D

Watershed Area: 0.5 ac
Watershed Type: Suburban-Foothills

Watercourse Data By Reach

Reach No.	Height (Hi)	Length (Li)	Slope (Si)	Basin Factor (Nb)
1	4.0	130	0.0308	.020

Length of Watercourse (Lc): 130 feet
Mean Slope: 0.0308
Length to Cen. of Gravity (Lca): 65 feet
Weighted Basin Fac.: 0.020
Veg. Cover Type(s): Desert Brush
Veg. Cover Density: 30 %

RETURN PERIOD: 100-years

Rainfall Depths: NOAA Atlas 14 (90% UCL) @ Latitude: 32.4228 Longitude: -111.0276

Duration:	5-min	10-min	15-min	30-min	60-min	2-hr	3-hr	6-hr	12-hr	24-hr
Point Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64
Areal Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64

Soils Data

Soil Type	Percent	Curve # (CN)	Adj. Curve # (CN*)	Runoff Coef. (C)
B	50	82.	86.58	0.543
C	50	87.	90.2	0.645
D	0	.	.	0.000
Imp.	90	99.	99.	0.957

Weighted Runoff Coef. (Cw): 0.921
Time of Concentration: 5.0 min
Rainfall Intensity (i) @ Tc: 10.44 in/hr
Runoff Supply Rate (q) @ Tc: 9.61 in/hr

PEAK DISCHARGE: 4.5 cfs

Lesser Return Periods

Return Period	Ratio	Qpeak
2-year	0.25	1.1
5-year	0.35	1.6
10-year	0.50	2.2
25-year	0.70	3.1
50-year	0.90	4.0

PC-Hydro, Ver 5.3.1

Exhibit - 6.e

HYDROLOGIC DATA SHEET FOR PIMA COUNTY FLOOD PEAK PROCEDURE

Pima County Regional Flood Control District

Client: Ron Staubb and Associates
Prepared by: Bogardus Engineering, LLC
Project Name: Saint Mark Catholic Church
Date: 3/9/2010
Concentration Point: 1
Job #: 10-006-A-001D

Watershed Area: 3.7 ac
Watershed Type: Suburban-Foothills

Watercourse Data By Reach

Reach No.	Height (Hi)	Length (Li)	Slope (Si)	Basin Factor (Nb)
1	14.0	694	0.0202	.035

Length of Watercourse (Lc): 694 feet
Mean Slope: 0.0202
Length to Cen. of Gravity (Lca): 347 feet
Weighted Basin Fac.: 0.035
Veg. Cover Type(s): Desert Brush
Veg. Cover Density: 30 %

RETURN PERIOD: 100-years

Rainfall Depths: NOAA Atlas 14 (90% UCL) @ Latitude: 32.4228 Longitude: -111.0276

Duration:	5-min	10-min	15-min	30-min	60-min	2-hr	3-hr	6-hr	12-hr	24-hr
Point Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64
Areal Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64

Soils Data

Soil Type	Percent	Curve # (CN)	Adj. Curve # (CN*)	Runoff Coef. (C)
B	50	82.	86.58	0.543
C	50	87.	90.2	0.645
D	0	.	.	0.000
Imp.	0	99.	99.	0.000

Weighted Runoff Coef. (Cw): 0.594
Time of Concentration: 5.0 min
Rainfall Intensity (i) @ Tc: 10.44 in/hr
Runoff Supply Rate (q) @ Tc: 6.20 in/hr

PEAK DISCHARGE: 23 cfs

Lesser Return Periods

Return Period	Ratio	Qpeak
2-year	0.10	2.3
5-year	0.23	5.3
10-year	0.35	8.0
25-year	0.55	13
50-year	0.75	17

PC-Hydro, Ver 5.3.1

Exhibit - 6.f

HYDROLOGIC DATA SHEET FOR PIMA COUNTY FLOOD PEAK PROCEDURE

Pima County Regional Flood Control District

Client: Ron Staubb and Associates
Prepared by: Bogardus Engineering, LLC
Project Name: Saint Mark Catholic Church
Date: 3/9/2010
Concentration Point: 2
Job #: 10-006-A-001D

Watershed Area: 6.5 ac
Watershed Type: Suburban-Foothills

Watercourse Data By Reach

Reach No.	Height (Hi)	Length (Li)	Slope (Si)	Basin Factor (Nb)
1	22.0	970	0.0227	.035

Length of Watercourse (Lc): 970 feet
Mean Slope: 0.0227
Length to Cen. of Gravity (Lca): 485 feet
Weighted Basin Fac.: 0.035
Veg. Cover Type(s): Desert Brush
Veg. Cover Density: 30 %

RETURN PERIOD: 100-years

Rainfall Depths: NOAA Atlas 14 (90% UCL) @ Latitude: 32.4228 Longitude: -111.0276

Duration:	5-min	10-min	15-min	30-min	60-min	2-hr	3-hr	6-hr	12-hr	24-hr
Point Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64
Areal Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64

Soils Data

Soil Type	Percent	Curve # (CN)	Adj. Curve # (CN*)	Runoff Coef. (C)
B	50	82.	86.58	0.543
C	50	87.	90.2	0.645
D	0	.	.	0.000
Imp.	0	99.	99.	0.000

Weighted Runoff Coef. (Cw): 0.594
Time of Concentration: 5.0 min
Rainfall Intensity (i) @ Tc: 10.44 in/hr
Runoff Supply Rate (q) @ Tc: 6.20 in/hr

PEAK DISCHARGE: 41 cfs

Lesser Return Periods

Return Period	Ratio	Qpeak
2-year	0.10	4.1
5-year	0.23	9.3
10-year	0.35	14
25-year	0.55	22
50-year	0.75	30

PC-Hydro, Ver 5.3.1

Exhibit - 6.g

HYDROLOGIC DATA SHEET FOR PIMA COUNTY FLOOD PEAK PROCEDURE

Pima County Regional Flood Control District

Client: Ron Staubb and Associates
Prepared by: Bogardus Engineering, LLC
Project Name: Saint Mark Catholic Church
Date: 3/9/2010
Concentration Point: 3
Job #: 10-006-A-001D

Watershed Area: 1.5 ac
Watershed Type: Suburban-Foothills

Watercourse Data By Reach

Reach No.	Height (Hi)	Length (Li)	Slope (Si)	Basin Factor (Nb)
1	9.0	462	0.0195	.030

Length of Watercourse (Lc): 462 feet
Mean Slope: 0.0195
Length to Cen. of Gravity (Lca): 231 feet
Weighted Basin Fac.: 0.030
Veg. Cover Type(s): Desert Brush
Veg. Cover Density: 30 %

RETURN PERIOD: 100-years

Rainfall Depths: NOAA Atlas 14 (90% UCL) @ Latitude: 32.4228 Longitude: -111.0276

Duration:	5-min	10-min	15-min	30-min	60-min	2-hr	3-hr	6-hr	12-hr	24-hr
Point Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64
Areal Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64

Soils Data

Soil Type	Percent	Curve # (CN)	Adj. Curve # (CN*)	Runoff Coef. (C)
B	50	82.	86.58	0.543
C	50	87.	90.2	0.645
D	0	.	.	0.000
Imp.	25	99.	99.	0.957

Weighted Runoff Coef. (Cw): 0.684
Time of Concentration: 5.0 min
Rainfall Intensity (i) @ Tc: 10.44 in/hr
Runoff Supply Rate (q) @ Tc: 7.15 in/hr

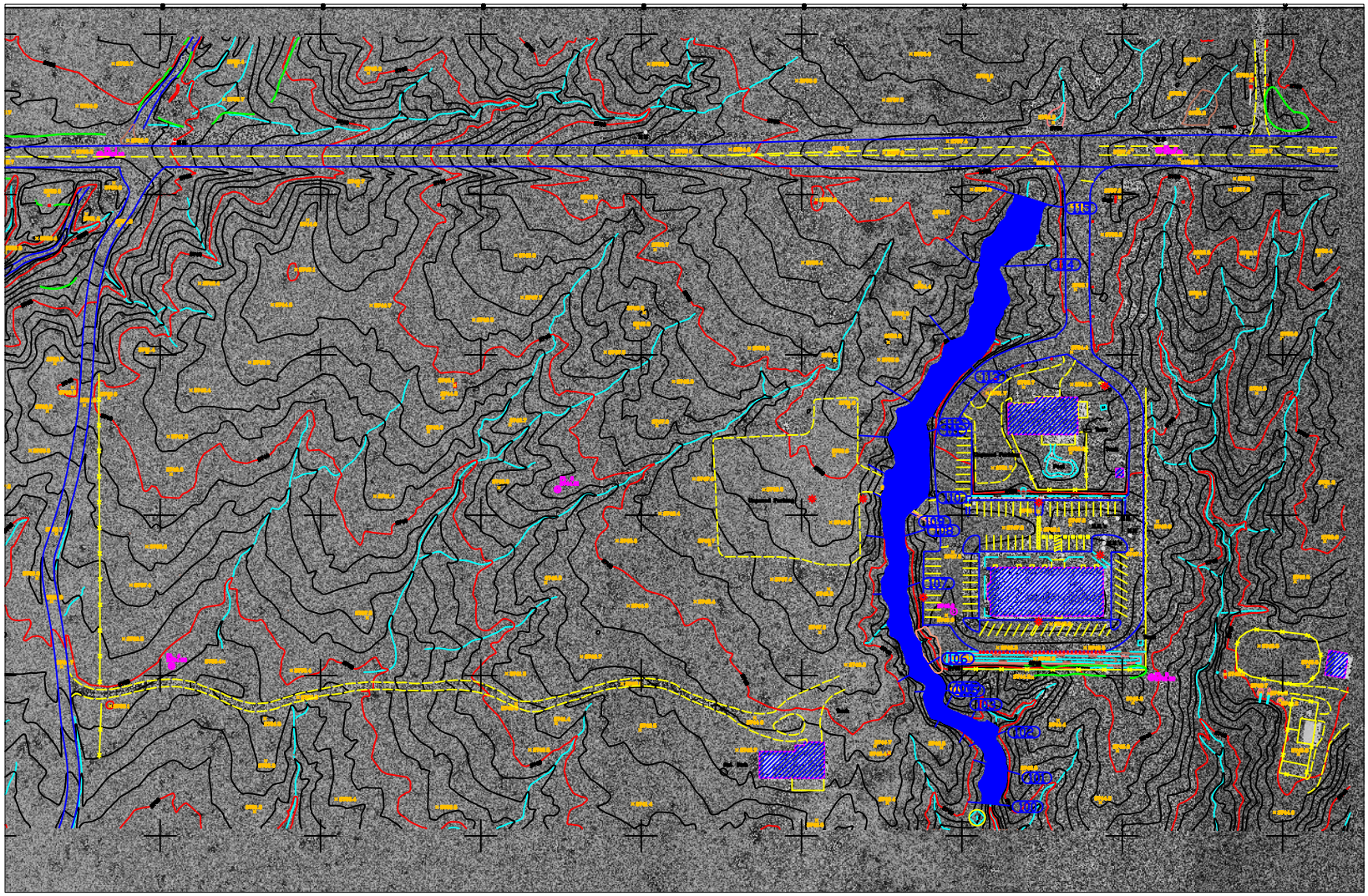
PEAK DISCHARGE: 11 cfs

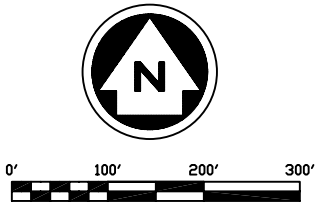
Lesser Return Periods

Return Period	Ratio	Qpeak
2-year	0.15	1.6
5-year	0.28	3.1
10-year	0.40	4.4
25-year	0.60	6.6
50-year	0.80	8.8

PC-Hydro, Ver 5.3.1

Exhibit - 6.h





BOGARDUS ENGINEERING, LLC

17090 S. Vanilla Peak Court
Vail, AZ 85641
Phone (520) 572-6530 Fax (520) 300-8044

Hydrologic / Hydraulic Engineering

NO.	REVISION	DATE

FLOODPLAIN MAP

SAINT MARK CATHOLIC CHURCH

BEING A PORTION OF SECTION 04,
T-12-S, R-13-E, G.&S.R.M., PIMA COUNTY, ORO VALLEY, ARIZONA

DATE:	BOGARDUS PROJECT NO.:	SHEET
03/09/2010	10-006-A-001D	1 OF 1
SCALE: 1" = 200'		

Exhibit - 7

Desierto Verde

Movers and Shapers of Native Trees

910 N. Alma School Rd • P.O. Box 10309 • Scottsdale, AZ 85271-0309
(480) 423-0202 • Fax (480) 423-0303 • ROC 235834

April 23, 2010

BCDM Construction Services
624 S. Perry Lane
Suite 101
Tempe, AZ 85281

Reference: St. Mark's of the Evangelist Catholic Church, Oro Valley, AZ
Native Plant Inventory

Attention: Dean Schifferer

Dean,

Desierto Verde performed the site survey for the native plant inventory for the above referenced project in March, 2010. A total of 2,254 plants were located, tagged and recorded using GPS data collectors on the site. A total of 14,189 small miscellaneous cacti were counted and flagged as well on the site. All of the plants inventoried were categorized as protected native plants per the Oro Valley Native Plant Ordinance. None of the plants fell within the salvage or harvest restricted category with the exception of the Saguaros (391 total). A total number of 2 ocotillos and 517 Chain-Fruit Chollas fall within the salvage restricted category. No plants were tagged or located that fell within the highly safeguarded category.

Attached is a summary sheet listing all of the species that were inventoried on the site showing the quantity of each species and whether they were determined to be salvageable or non-salvageable. A list of the miscellaneous cacti that was tagged is also attached.

It will be determined by the owner what plants may be able to remain in place and which plants will need to be salvaged and maintained in a holding yard on site for the duration of the construction period. If any salvaged plants are removed from the site and taken to a different location, a native plant tag and permit will need to be obtained from the Arizona Department of Agriculture prior to commencement of those activities. A Notice of Intent to Clear Land will also need to be filed with the Arizona Department of Agriculture prior to any plants being destroyed on the site.

Please feel free to call the undersigned with any questions regarding the site inventory.

Best regards,

Terri Deemer

Terri Deemer
Administrative Coordinator

Attachment

Exhibit - 8.a

ST. MARKS OF THE EVANGELIST
CATHOLIC CHURCH
NATIVE PLANT INVENTORY
BY DESIERTO VERDE

BAREROOT TABLE

SPECIES	SALVAGE		NON-SALVAGE		REMAIN		TOTAL	
	QTY.	FT.	QTY.	FT.	QTY.	FT.	QTY.	FT.
BARREL CACTUS	380.0	828.0	31.0	95.0	0.0	0.0	411.0	923.0
CANARY ISLAND DATE PALM	0.0	0.0	1.0	0.0	0.0	0.0	1.0	0.0
CHAINFRUIT CHOLLA	14.0	55.0	297.0	1692.0	0.0	0.0	311.0	1747.0
OCOTILLO/BAREROOT	1.0	13.0	0.0	0.0	0.0	0.0	1.0	13.0
SAGUARO	370.0	2207.0	21.0	1609.0	0.0	0.0	391.0	3816.0
STAGHORN CHOLLA	3.0	13.0	0.0	0.0	0.0	0.0	3.0	13.0
TOTALS	768.0	3116.0	350.0	3396.0	0.0	0.0	1118.0	6512.0

BOX TABLE

SPECIES	SALVAGE		NON-SALVAGE		REMAIN		TOTAL	
	QTY.	IN.	QTY.	IN.	QTY.	IN.	QTY.	IN.
BLUE PALO VERDE	3.0	42.0	3.0	56.0	0.0	0.0	6.0	98.0
CATCLAW ACACIA	11.0	87.0	53.0	363.0	0.0	0.0	64.0	450.0
CHAINFRUIT CHOLLA	20.0	78.0	185.0	742.0	0.0	0.0	206.0	823.0
CHILEAN MESQUITE	1.0	3.0	0.0	0.0	0.0	0.0	1.0	3.0
DESERT WILLOW	1.0	3.0	0.0	0.0	0.0	0.0	1.0	3.0
FOOTHILL PALO VERDE	192.0	2828.0	142.0	1643.0	0.0	0.0	334.0	4471.0
GREYTHORN	1.0	4.0	5.0	29.0	0.0	0.0	6.0	33.0
HACKBERRY	0.0	0.0	6.0	62.0	0.0	0.0	6.0	62.0
HOPBUSH	4.0	17.0	0.0	0.0	0.0	0.0	4.0	17.0
NATIVE MESQUITE	43.0	688.0	117.0	1560.0	0.0	0.0	160.0	2248.0
OCOTILLO	1.0	8.0	0.0	0.0	0.0	0.0	1.0	8.0
PINE	1.0	7.0	0.0	0.0	0.0	0.0	1.0	7.0
STAGHORN CHOLLA	0.0	0.0	3.0	17.0	0.0	0.0	3.0	17.0
WHITE THORN ACACIA	109.0	713.0	234.0	1840.0	0.0	0.0	343.0	2553.0
TOTALS	387.0	4478.0	748.0	6312.0	0.0	0.0	1136.0	10793.0

SALVAGEABILITY CODES

Y = SALVAGE N = DESTROY R = REMAIN

Exhibit - 8.b

ST. MARK'S OF THE EVANGELIST
CATHOLIC CHURCH
SMALL CACTI COUNT

CACTI UNDER 6':

BARREL CACTI	SALVAGEABLE =	28
MAMMALARIA	SALVAGEABLE =	10,801
PRICKLY PEAR	SALVAGEABLE =	3,360
	TOTAL =	14,189

Exhibit - 8.c

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May 4, 2009

St. Mark Parish
Attn: John C. Shaheen
P.O. Box 31
Tucson, AZ 85702

Office:(520) 792-3410
Fax:(520) 792-0219

RE: 2009 Cactus Ferruginous Pygmy-Owl Surveys – (St. Mark Roman Catholic Church)

Dear Mr. Shaheen:

Cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) surveys were performed on the undeveloped portions of the approximately 17-acre property at 2727-2827 W. Tangerine Road within Section 4, Township 12 S, Range 13 East, Oro Valley, Pima County, Arizona. Darling Environmental and Surveying, Ltd., in accordance with the most recent protocol recommended by U.S. Fish and Wildlife Service and Arizona Game and Fish Department, conducted surveys between March 11th and April 28th, 2009. This survey is the first of the two consecutive year requirement that was necessary before vegetation clearing prior to delisting.

No pygmy-owls or other endangered, candidate, special concern, sensitive, or special status species were detected on or adjacent to the site.

If you have any questions or if we can be of any further assistance to you, please do not hesitate to call.

Best regards.

Sincerely,
Darling Environmental & Surveying, Ltd.

Douglas K. Warren
Environmental Division Manager

Exhibit - 9.a

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2009 Cactus Ferruginous Pygmy-Owl Survey Report

St. MARK CHURCH

(17 Acres)

Exhibit - 9.b

EXECUTIVE SUMMARY

At the request of Mr. John C. Shaheen of St. Mark Parish, cactus ferruginous pygmy-owl ("pygmy-owl") 2009 field surveys were conducted on and adjacent to the undeveloped portions of the approximately 17-acre property at 2727-2827 W. Tangerine Road within Section 4, Township 12 S, Range 13 East, Oro Valley, Pima County, Arizona. The purpose of the field surveys was to determine the presence or absence of the pygmy-owl. The pygmy-owl was federally listed as an endangered species in March 1997, was proposed for delisting on August 3, 2005 and was delisted on April 14, 2006. Litigation contesting the delisting continues in the courts and, although the species is no longer listed, surveys have been conducted to maintain the continuity of survey records for this property.

The subject property is located in an area that was proposed as potential designated critical habitat for the pygmy-owl. During surveys performed this year, no pygmy-owls or signs of their presence (e.g., nests, castings, white wash accumulation, or prey remains) were detected on the property. Although only pygmy-owl surveys were done on the site, no other federally listed endangered, threatened, candidate, special concern, sensitive, or special status wildlife species were found on or next to the site.

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Exhibit - 9.c

1.0 INTRODUCTION

Surveys for the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*), hereinafter "pygmy-owl," were conducted on and adjacent to the undeveloped portions of the approximately 17-acre property at 2727-2827 W. Tangerine Road within Section 4, Township 12 S, Range 13 East, Oro Valley, Pima County, Arizona (see Attachment 1).

The purpose of the surveys was to determine the presence or absence the pygmy-owl, federally listed as an endangered species on March 10,1997, effective April 9, 1997 (FR 62, No. 46, p. 10730). Critical habitat was designated July 12, 1999 (FR 64, No. 132, p. 37419) and withdrawn in September 2001. On November 27, 2002, a new pygmy-owl proposed critical habitat was published by the United States Fish and Wildlife Service (USFWS) (FR 67, No. 229, p. 71032-71064). However, on August 3, 2005 the USFWS proposed the delisting of the species (FR 70, No. 148, 8-3-05, p. 44547) and delisted the species on April 14, 2006 (FR 71, No. 72, 4-14-06, p. 19452).

Despite the delisting of the species, pygmy-owl surveys were conducted in 2009 to comply with requirements that were required by USFWS for permitting and vegetation clearing activities when the species was listed. Lawsuits contesting the delisting have been filed and the results of these litigations are still undetermined.

No pygmy-owls were detected on or adjacent to the site. Although only pygmy-owl surveys were performed on the site, no other endangered, threatened, candidate, special concern, sensitive, or special status wildlife species were detected on or near the site.

Darling Environmental and Surveying, Ltd. performed the surveys between January 1st and June 30th, 2009 in accordance with the 2000 protocol recommended by U.S. Fish and Wildlife Service and Arizona Game and Fish Department.

2.0 DESCRIPTION OF THE CACTUS FERRUGINOUS PYGMY-OWL AND ITS HABITAT

The ferruginous pygmy-owl is a tropical owl, with the scientific name of *Glaucidium brasilianum*, originally taxonomically described in Brazil. The race or subspecies of ferruginous pygmy-owl located in Arizona is called the "cactus ferruginous pygmy-owl", because the most common nesting vegetation locally available is large columnar desert cacti.

The pygmy-owl is a small bird, approximately $6^3/_4$ inches long, about the size of a robin. It

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Exhibit - 9.d

is usually reddish-brown overall, with a cream-colored belly streaked with reddish-brown. The eyes are yellow and there are no visible signs of ears. Two black spots on the back of the head mimic eyes. The tail is relatively long for an owl, rufous colored with dark bars. This owl is crepuscular, meaning that it is most active at dawn and dusk. Instead of the usual owl "hoot" sound, the pygmy-owl call is a series of short whistle notes of a single high pitch.

The pygmy-owl is a cavity nester, meaning that to breed it must find a cavity large enough to enter and exit, lay eggs, and feed young. In the Tucson area, one of the most available plants with the optimum size cavity is the saguaro cactus. Further south in Arizona the favored plant is an organ pipe cactus. In Texas and portions of Mexico the pygmy-owl nests in large oak or cottonwood trees as well as cacti. These owls will also nest in manmade bird boxes. Breeding begins in late winter (November to December) and ends in the spring.

In the Tucson area the pygmy-owl is presently found in Arizona uplands and desert scrubs characterized by places with saguaro cacti, ironwood, mesquite, paloverde, acacia, and bursage. According to some general information collected in the late 1880's and early 1900's, records of habitat for this owl in Arizona included riparian woodlands and mesquite forests (bosques). Nest cavity availability was most likely the reason for this bird's affinity for large plants that existed in these habitat types in the past.

3.0 METHODOLOGY

The protocol used was the one developed by Arizona Department of Game and Fish, effective January 26, 2000. The protocol includes performing surveys at approximately 150-meter intervals in potential pygmy-owl habitat. A tape-recorded call of the pygmy-owl was broadcast during the surveys to stimulate return calls or the appearance of pygmy-owls in the area. Calls were performed for 30 seconds followed by 90 second listening periods for at least 15 minutes at each call point.

The owl surveys were performed at dawn (approximately one hour before sunrise until two hours after sunrise) on March 11th, March 30th, and April 28th, 2009.

4.0 ENVIRONMENTAL SETTING

4.1 GENERAL DESCRIPTION

The project is within the Paloverde-Mixed Cacti ("Arizona Upland") Series of the Sonoran Desertscrub biome (Brown 1982). This widespread subdivision is

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dominated by foothill paloverde (*Cercidium microphyllum*) with saguaro (*Carnegiea gigantea*) as a common co-dominant. Common shrubs and sub-shrubs include whitethorn (*Acacia constricta*), ocotillo (*Fouquieria splendens*), creosotebush (*Larrea tridentata*) and brittlebush (*Encelia farinosa*). Triangle-leaf bursage (*Ambrosia deltoidea*) is the dominant understory forb in a majority of the subdivision. Other cacti (i.e. *Opuntia* spp., *Cylindropuntia* spp., *Ferocactus* spp., *Mammillaria* spp.) are conspicuous members of the subdivision. Precipitation is bimodal throughout the region with widespread frontal winter rains (Dec-Feb) and scattered thunderstorms in the summer (Jun-Aug). Hot summers and moderately warm winters characterize the region.

4.2 VEGETATION WITHIN THE SURVEY AREA

The native vegetation in the area is comprised of upland Sonoran desert scrub. Plants noted on the relatively flat, sandy site included saguaros, whitethorn, foothills paloverde, mesquite (*Prosopis velutina*), ironwood (*Olneya tesota*), staghorn cholla (*Cylindropuntia versicolor*), chain fruit cholla (*C. fulgida*), prickly pear, triangle leaf bursage, and barrel cactus (*Ferocactus wislizenii*).

5.0 SURVEY RESULTS

5.1 CACTUS FERRUGINOUS PYGMY-OWL SURVEY RESULTS

During the 2009 field surveys, no pygmy-owls or signs of the owl's presence (nests, castings, white wash accumulation, or prey remains) were detected.

5.2 OTHER WILDLIFE

Avifauna observed during surveys include Gambel's quail (*Callipepla gambelii*), Gila woodpecker (*Melanerpes uropygialis*), house finch (*Carpodacus mexicanus*), cactus wren (*Campylorhynchus brunneicapillus*), curve billed thrasher (*Toxostoma curvirostre*), roadrunner (*Geococcyx californianus*), northern flicker (*Colaptes auratus*), titmouse (*Baeolophus* sp.), black-headed grosbeak (*Pheucticus melanocephalus*), dusky flycatcher (*Empidonax oberholseri*), European starling (*Sturnus vulgaris*), verdin (*Auriparus flaviceps*), green-tailed towhee (*Pipilo chlorurus*), mourning dove (*Zenaida macroura*), and white-winged dove (*Z. asiatica*).

No reptiles were found and no permanent water exists on the site to support fish or other aquatic life.

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Desert cottontail rabbits (*Sylvilagus auduboni*) were the only mammals observed during surveys.

6.0 SUMMARY

No pygmy-owls were found on or next to the site.

7.0 REFERENCES

Brown, D.E. 1982. Biotic Communities of the American Southwest-United States and Mexico. Desert Plants, Volume 4, Numbers 1-4. The University of Arizona for the Boyce Thompson Southwestern Arboretum.

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EXECUTIVE SUMMARY

At the request of Mr. John C. Shaheen of St. Mark Parish, cactus ferruginous pygmy-owl ("pygmy-owl") 2009 field surveys were conducted on and adjacent to the undeveloped portions of the approximately 17-acre property at 2727-2827 W. Tangerine Road within Section 4, Township 12 S, Range 13 East, Oro Valley, Pima County, Arizona. The purpose of the field surveys was to determine the presence or absence of the pygmy-owl. The pygmy-owl was federally listed as an endangered species in March 1997, was proposed for delisting on August 3, 2005 and was delisted on April 14, 2006. Litigation contesting the delisting continues in the courts and, although the species is no longer listed, surveys have been conducted to maintain the continuity of survey records for this property.

The subject property is located in an area that was proposed as potential designated critical habitat for the pygmy-owl. During surveys performed this year, no pygmy-owls or signs of their presence (e.g., nests, castings, white wash accumulation, or prey remains) were detected on the property. Although only pygmy-owl surveys were done on the site, no other federally listed endangered, threatened, candidate, special concern, sensitive, or special status wildlife species were found on or next to the site.

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FIGURE 1.

2727-2827 W. Tangerine Road, Oro Valley, Pima County, Arizona
(Section 4, T 12 S, R 13 E)

Lesser Long-Nosed Bat Habitat Assessment

July 19, 2010

Saint Marks Church

2727-2827 W. Tangerine Road,
Oro Valley, Arizona

A biological habitat assessment was performed to determine impacts of the proposed church development on the federally listed lesser long-nosed bat and its habitat. Results are detailed within this report.

Exhibit - 10.a

EXECUTIVE SUMMARY

On behalf of Saint Marks Church and at the request of Mr. Mitchell Lorenz, Construction and Real Estate Consultant, ML2 Management, LLC; a lesser long-nosed bat (LLNB) habitat assessment was performed on the undeveloped portions of the approximately 17-acre property at 2727-2827 W. Tangerine Road within Section 4, Township 12 S, Range 13 East, Oro Valley, Pima County, Arizona.

The purpose of the habitat assessment was to determine suitability for the LLNB.

Status: The LLNB was proposed for listing as Endangered by the USFWS in 1987 (52 FR 25171), with the final ruling in 1988 (53 FR 38456; 9-30-88), without Critical Habitat. A Recovery Plan was published in March 1997 (USFWS 1997). It is also an AGFD Wildlife Species of Special Concern (AGFD, 1996).

Description: The lesser long-nosed bat (LLNB) is a medium-sized bat with yellowish-brown or pale gray above and cinnamon-brown below; a slender elongated nose with a small nose-leaf on the tip; a minute tail.

Range of the Species: These bats are seasonal (April-September) residents of southwestern Arizona (including Santa Cruz County), and possibly extreme western Arizona. Pregnant females arrive in Arizona in late April and early May, and feed on nectar and pollen of saguaros and other columnar cacti (Wilson, 1985). Maternity roosts are usually located in natural caves or abandoned mines. In late July and early August, adult males arrive to join females and young as they disperse from maternity roosts to feed on the nectar and pollen of agave flowers. At this time, the species' range expands east and north, and into plant communities generally occurring at higher elevations than the earlier foraging grounds (Cockrum and Petryszyn, 1991). By mid- to late-September, the majority of bats have left Arizona and New Mexico, and returned to Mexico. The closest known maternity roost is located at Old Mammon Mine, which is approximately 70 miles northwest of the property (USFWS, 1995).

Tracking data (reported in USFWS, 1997) have indicated that this species of bat will fly up to 50 to 63 miles a night while foraging. At the Bluebird Mine, bats tagged in early July commuted an average distance of 8.6 miles to their feeding areas. As cactus food resources became scarcer in August, adults commuted an average of 10.9 miles. Several tagged bats monitored during this study flew a distance of about 15 miles between their day roost and foraging areas. The Pinacate Cave population in northern Mexico probably forages in ORPI, up to 25 to 31 miles from their day roost in the Pinacate Cave. Based upon these and other studies, Flemming concluded (in the Recovery Plan for this species) that LLNBs forage over large distances, possibly from 31 to 63 miles from their day roost.

The LLNB occurs in southern Arizona from the Picacho Mountains southwest to the Agua Dulce Mountains and southeast to the Chiricahua Mountains, far southwestern New Mexico, and south and east throughout the drier portions of Mexico as far as south Guatemala

Exhibit - 10.b

(USFWS, 1997). Although two immature females were reported in Maricopa County (Hoffmeister 1986; August 30 and September 16, 1963, both at residential homes: one was found on a screen door, and one was found dead in a yard), these occurrences do not reflect the typical range of this species (Cockrum, 1991).

Habitat Requirements: In Arizona, New Mexico, and northwestern Mexico, the species is migratory. Pregnant females arrive in Arizona in late April and early May, and feed on nectar and pollen of saguaros and other columnar cacti (Wilson, 1985). Maternity roosts are usually in natural caves or abandoned mines. In late July and early August, adult males arrive to join females and young as they disperse from maternity roosts to feed on the nectar and pollen of agave flowers. At this time, the species' range expands east and north, and into plant communities generally occurring at higher elevations than the earlier foraging grounds (Cockrum and Petryszyn, 1991). By mid- to late September, the majority of LLNB have left Arizona and New Mexico to return to Mexico.

Project Habitat Description: The project is in Oro Valley, within the Paloverde-Mixed Cacti ("Arizona Upland") Series of the Sonoran Desertscrub biome (Brown 1982). This widespread subdivision is dominated by foothill paloverde (*Cercidium microphyllum*) with saguaro (*Carnegiea gigantea*) as a common co-dominant. Common shrubs and sub-shrubs include whitethorn (*Acacia constricta*), ocotillo (*Fouquieria splendens*), creosotebush (*Larrea tridentata*) and brittlebush (*Encelia farinosa*). Triangle-leaf bursage (*Ambrosia deltoidea*) is the dominant understory forb in a majority of the local area. Other cacti (i.e. *Opuntia* spp., *Cylindropuntia* spp., *Ferocactus* spp., *Mammillaria* spp.) are conspicuous members of the local area. Precipitation is bimodal throughout the region with widespread frontal winter rains (Dec-Feb) and scattered thunderstorms in the summer (Jun-Aug). Hot summers and moderately warm winters characterize the region.

The site specific native vegetation is comprised of upland Sonoran desert scrub. Plants noted on the relatively flat, sandy site included saguaros, whitethorn, foothills paloverde, mesquite (*Prosopis velutina*), ironwood (*Olneya tesota*), staghorn cholla (*Cylindropuntia versicolor*), chain fruit cholla (*C. fulgida*), prickly pear, triangle leaf bursage, and barrel cactus (*Ferocactus wislizenii*).

Potential for Occurrence in the Project Area: The potential for this bat to forage within the Saint Marks parcel of land exists. However, there is no nearby roosting habitat and the forage resources present on the property are not significant in quality and/or quantity to affect the bat one way or the other.

Impact: Where feasible, the project proponent will attempt to have all saguaro cacti preserved in place or transplanted on site, unless the plants are too large to successfully transplant. Since the Saint Marks Property lacks suitable roosting habitat, the proponent will preserve nectar producing plants, and foraging plants are not a limiting factor for this bat in the vicinity of the Church, this project not adversely affect the LLNB.

Exhibit - 10.c

CONCLUSION

Results of the initial screening process indicate that the LLNB has some potential to occur on or near the Saint Marks property during the months of April to September. There is no suitable roosting habitat on-site for the LLNB. Individuals of the species may forage on saguaros in the area during the flowering season. Based on the lack of roosting habitat for the LLNB in the area, the abundance for forage in this part of southern Arizona, and the proponents willingness to preserve saguaros in place or transplant them on site, the project will not adversely affect this federally listed species.

Prepared by:

Mary E. Darling, MS, JD
Senior Project Wildlife Biologist

Exhibit - 10.d

PHOTO KEY PLAN
Refer to the following sheets of this exhibit for view shed photos
1
2
3
4
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22
23
24
25
26
27
28
29
30
North
Exhibit - 11.a

View Shed Photo #1

View Shed Photo #2

Exhibit - 11.b

View Shed Photo #3

View Shed Photo #4

Exhibit - 11.c

View Shed Photo #5

View Shed Photo #6

Exhibit - 11.d

View Shed Photo #7

View Shed Photo #8

Exhibit - 11.e

View Shed Photo #9

View Shed Photo #10

Exhibit - 11.f

View Shed Photo #11

View Shed Photo #12

Exhibit - 11.g

View Shed Photo #13

View Shed Photo #14

Exhibit - 11.h

View Shed Photo #15

View Shed Photo #16

Exhibit - 11.i

View Shed Photo #17

View Shed Photo #18

Exhibit - 11.j

View Shed Photo #19

View Shed Photo #20

Exhibit - 11.k

View Shed Photo #21

View Shed Photo #22

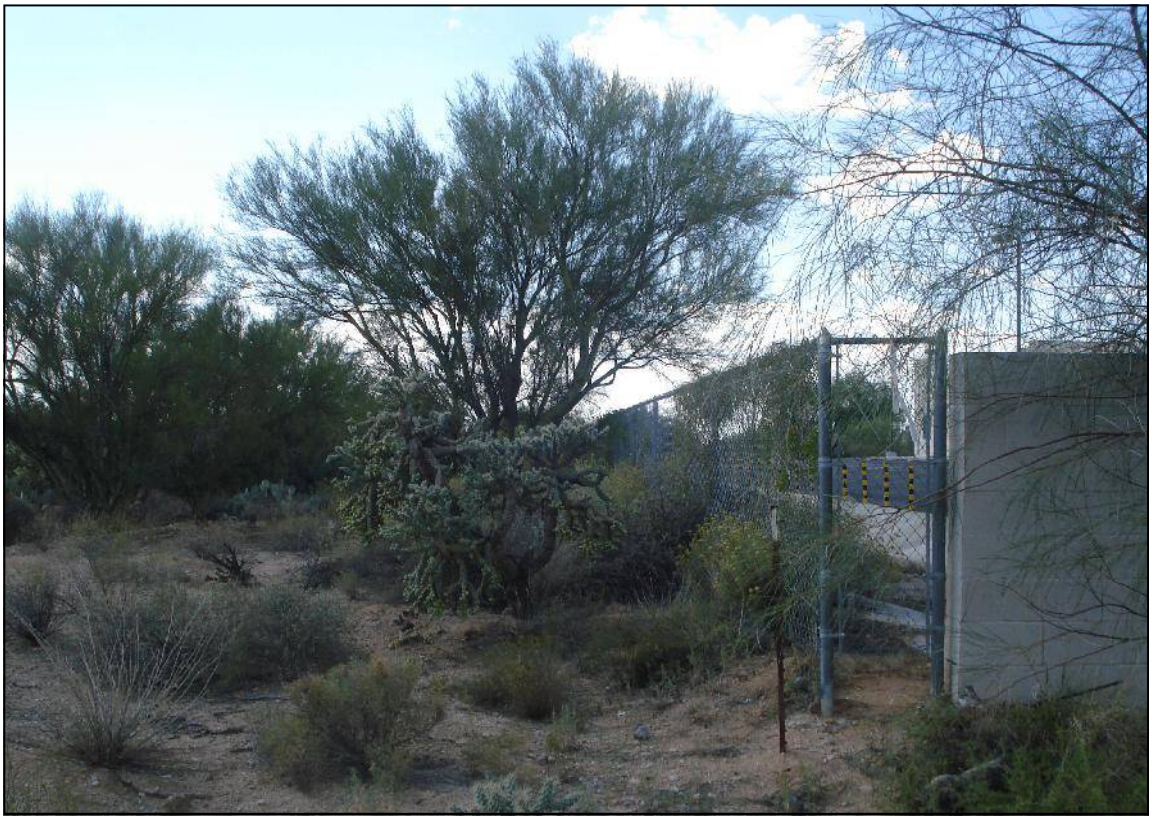
Exhibit - 11.L

View Shed Photo #23

View Shed Photo #24

Exhibit - 11.m

View Shed Photo #25



View Shed Photo #26

Exhibit - 11.n

View Shed Photo #27

View Shed Photo #28

Exhibit - 11.o

View Shed Photo #29

View Shed Photo #30

Exhibit - 11.p

ROADWAY INVENTORY

Surrounding St. Mark the Evangelist Catholic Church

Roadway Segment	No. Lanes	Classification	Existing ROW	Future ROW	ROW Conformance to Minimum Requirements	Jurisdiction	ADT[1]	2040 ADT[3]	Maximum (LOS D) Daily Service Volume[4]	Speed Limit	Surface Condition
Tangerine Road - Thornydale Road to Shannon Road	2	Major Arterial (TOV General Plan)	Varies (125 to 200 ft)	300	Yes	Pima County, Marana	13,150	30,000	14,850	45	Fair
Tangerine Road - Shannon Road to La Cholla Boulevard	2	Major Arterial (TOV General Plan)	Varies (100 to 200 ft)	300	Yes	Oro Valley	13,150	30,000	14,850	45	Fair
Shannon Road - South of Tangerine Road	2	Minor Local Road	150	Unknown	Yes	Oro Valley	100 (est)	100 (est)	N/A	Not Posted	Poor
Camino del Fierro	2	Minor Local Road	30	Unknown	No	Oro Valley	100 (est)	100 (est)	N/A	15	Unpaved
Thornydale Road - North of Tangerine Road	2	Not Classified (Local Road - Marana)	150	Unknown	Yes	Marana	4,430	11,900	14,850	40	Good
Thornydale Road - South of Tangerine Road	2	Major Route (Marana 2007 General Plan)	100	Unknown	Yes	Marana	9,300	25,000	14,850	45	Good
La Cholla Boulevard - South of Tangerine Road	2	Major Arterial (TOV General Plan)	150	Unknown	Yes	Oro Valley	7,900	18,800	14,850	45	Good
La Cholla Boulevard - North of Tangerine Road	2	Minor Collector (TOV General Plan)	150	Unknown	Yes	Oro Valley	2,700	12,500	14,850	45	Good

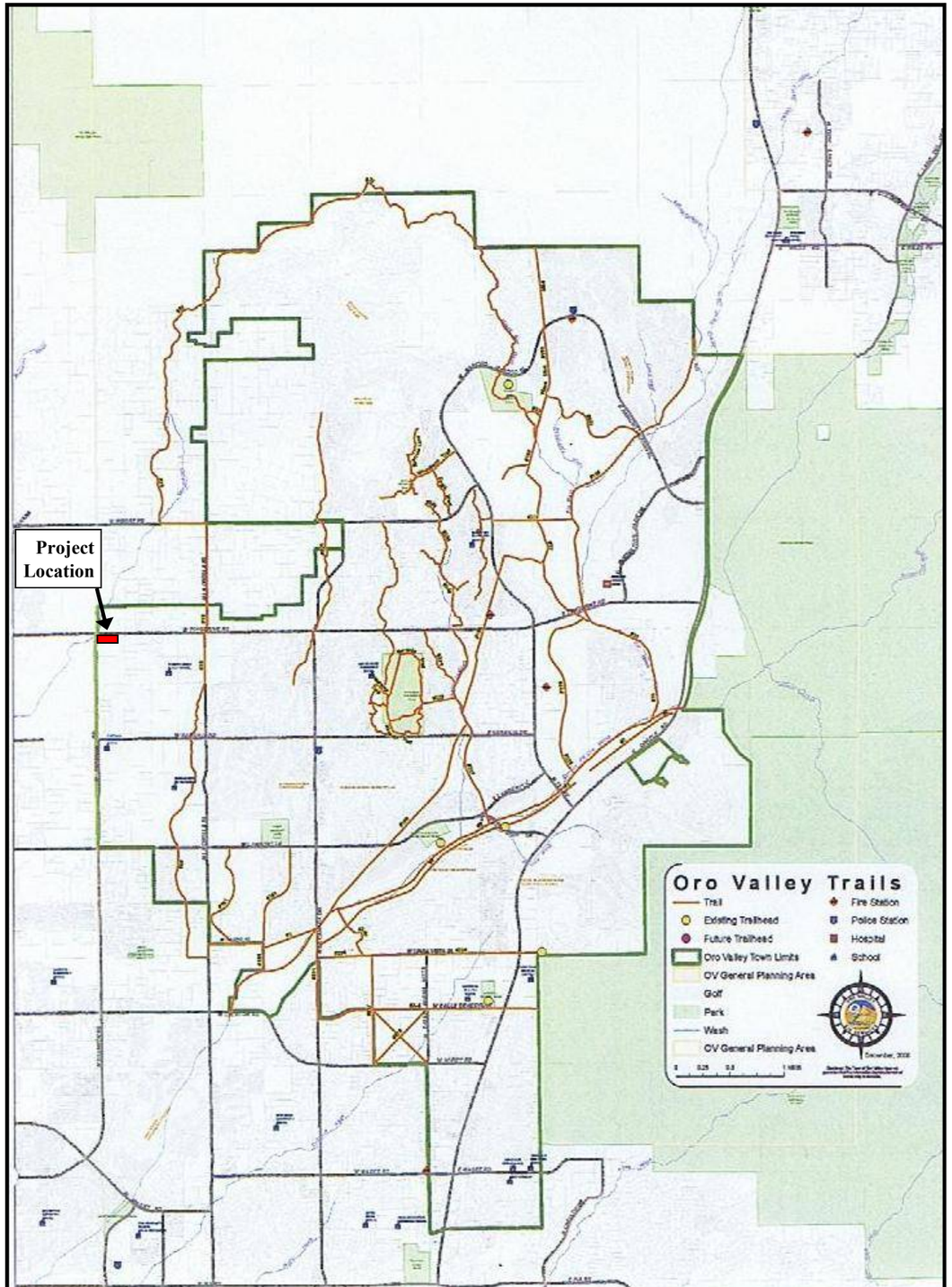
[1] *Sources of ADT are CLA (Tangerine Road - 2009 volumes and Shannon Road - estimated), and PAG (Thornydale Road, La Cholla Boulevard -- 2006, 2007 volumes).*

[2] *PAG 2040 RTP.*

[3] *FDOT Level of Service Gernatized Tables*

Prepared by Curtis Lueck & Associates
Tucson, AZ

Exhibit - 12


Project Location
Oro Valley Trails
Trail
Existing Trailhead
Future Trailhead
Oro Valley Town Limits
OV General Planning Area
Golf
Park
Wash
OV General Planning Area
Fire Station
Police Station
Hospital
School

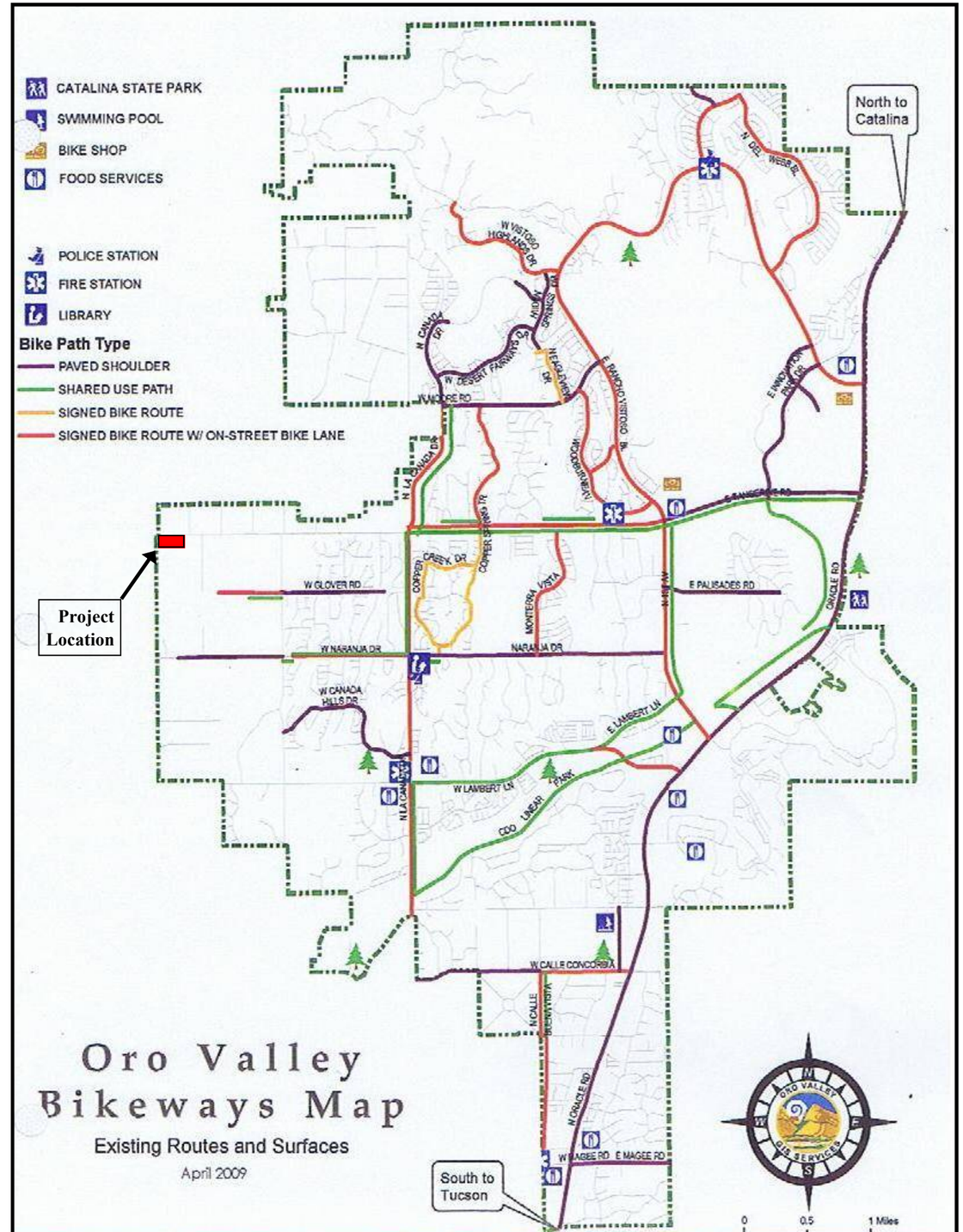

CATALINA STATE PARK
SWIMMING POOL
BIKE SHOP
FOOD SERVICES
POLICE STATION
FIRE STATION
LIBRARY
Bike Path Type
PAVED SHOULDER
SHARED USE PATH
SIGNED BIKE ROUTE
SIGNED BIKE ROUTE W/ ON-STREET BIKE LANE
North to Catalina
Project Location
South to Tucson
Oro Valley
Bikeways Map
Existing Routes and Surfaces
April 2009
0 0.5 1 Miles

Exhibit - 13

THE UNIVERSITY OF ARIZONA.

Arizona State Museum

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Fax: (520) 621-2976

ARCHAEOLOGICAL RECORDS SEARCH RESULTS

E-mail **Request Received:** 2/16/2010 **Records Search Completed:** 3/8/2010

Requester Name and Title: Dean Schifferer
Company: bcdm Construction Services
Address: 2210 S. Mill Avenue, Suite 7
City, State, Zip Code: Tempe, AZ 85282
Phone/Fax/or E-mail: (480) 967-7007

Project Name and/or Number
St. Mark's Catholic Church additional development

Project Description
Develop & rezone about 17 acres

Project Area Location: SEC Tangerine & Shannon Rds / 2727 & 2827 W Tangerine, Town of Oro Valley, Pima County, Arizona.

Legal Description: portion of NW, NW, S4, T12S, R13E, G&SR B&M, Town of Oro Valley, Pima Co, AZ.

Search Results: A records search of the archaeological site files retained at the Arizona State Museum (ASM) found that the subject project area was intensively surveyed by a professional archeologist in 2000 and in 1981. No cultural resources are identified within the proposed project area. Twenty-four cultural resources have been recorded within a mile of the project area. Twelve additional archaeological inspections were completed within a mile of the proposed project between 1979 and 2004. A 2008 color orthophotograph of the proposed project area, enclosed, depicts church structures and paved parking in the east half of the parcel and native ground in the west half.

Sites in Project Area: None.

Recommendations: The subject project area has been intensively surveyed twice with no evidence of historically significant resources being found in the parcel. The ASM agrees with the recommendation of the most recent archaeological contractor, that the proposed development and rezoning may proceed as planned without any additional archaeological investigation in the project area.

It is possible, however, that cultural resources may be uncovered during construction. In that unlikely event, the ASM recommends that a professional archaeologist evaluate the exposed material before any work continues in the area of the discovery. In the unlikely event that cultural resources are exposed, you will need to consult with one of the qualified archaeological contractors whose contact information is posted on the ASM website at the following address:
http://www.statemuseum.arizona.edu/crservices/index.shtml.

Pursuant to *ARS* §41-865, if any human remains or funerary objects are uncovered during the project work, all effort will stop within the area of the discovered remains and Mr. John Madsen, ASM associate curator of archaeology, will be contacted immediately at (520) 621-4795.

If you have any questions concerning the results of this records search, please contact me at the letterhead address or at the E-mail address or phone number as follows.

Sincerely,

Nancy E. Pearson

Nancy E. Pearson
Assistant Permits Administrator
(520) 621-2096 P & F
nepearso@email.arizona.edu

Exhibit - 14

ARCHAEOLOGICAL SURVEY OF THE ST. MARK'S CHURCH PROJECT NEAR ORO VALLEY, PIMA COUNTY, ARIZONA

Submitted to:

St. Mark the Evangelist Catholic Church
2727 W. Tangerine Rd.
Oro Valley, AZ 85742

Submitted by

Professional Archaeological Services of Tucson
5036 Golder Ranch Rd.
Tucson, AZ 85739-4265

Prepared by
David V.M. Stephen Ph.D.
Principal Investigator
State Antiquities Permit No. 2010-067bl

P.A.S.T. Cultural Resources Report No. 101972

7/22/2010

Exhibit - 15.1

MANAGEMENT SUMMARY

REPORT TITLE:
Archaeological Survey Of The **St. Mark's Church** Project
Near Oro Valley, Pima County, Arizona

REPORT DATE: 7/22/2010

INSTITUTION/CONSULTANT:
Professional Archaeological Services of Tucson (PAST)
with David V. M. Stephen, Ph.D. as principal investigator

AGENCY/LAND OWNERSHIP: Private

PERMIT NUMBER: ASM 2010-067bl

PROJECT TITLE:
St. Mark's Church Archaeological Survey, PAST No. 101972

PROJECT DESCRIPTION:
Systematic survey to determine the extent of cultural resources on lands that had either not undergone a complete, intensive archaeological survey or sufficient time had passed since an earlier study suggesting cultural resources may now be exposed that would not have been documented by the initial field work

PROJECT LOCATION:
Within NW4 of NW4 Section 4 T12S 13E G&SRB&M near Oro Valley, AZ. (17.06 acres)

DATES OF FIELDWORK/PERSON-DAYS EXPENDED:
July 17, 2010, 1 person-field day

REGISTER-ELIGIBLE SITES:
NONE

INELIGIBLE SITES:
NONE

CURATION FACILITY:
NONE

(Please See Following Table For Additional Information Keyed to ASM/SHPO Report Sections (D1 through D11)

P.A.S.T. ABSTRACT & PROJECT SUMMARY FORM

P.A.S.T. JOB NO. 101972

OVERVIEW. An on-foot archaeological survey of private property (17.06 acres) in anticipation of land development near Oro Valley in Pima County identified no cultural resources and 0 isolated artifacts. Site AZ AA:12:728 (ASM), a small (12m by 23m) artifact scatter (about 50 artifacts) is located just north of Tangerine Road across from the parcel but it does not appear to extend to the study area. A survey conducted over 10 years ago (Jones 2000), reported 4 isolates on the parcel.

INTRODUCTION					
(D1)	Archaeological Survey Of The St. Mark's Church Project				
Near Oro Valley, Pima County, AZ.				(D2) 7/22/2010	
(D3) Agency Name:					
(D4) ASM Permit No.	2010-067bl	Other Permits:	NA		
(D5) Project Description:	The land is slated for church related construction.				
(D6) Agency Reference:				Parcel No.	224-11-023E
Project Sponsor:	St. Mark the Evangelist Catholic Church				

(D7) **PROJECT LOCATION INFORMATION** (see also attached copy of USGS map)				
County:	Pima	Vicinity of	Oro Valley	AZ
Legal:	Within the NW4 of NW4 Section 4 T12S R13E G&SRB&M			
AZ QUAD	**USGS MAP NAME**	**MAP SCALE**		
1. AA:12 NE	Ruelas Canyon	7.5'		

(D8) **SURVEY INFORMATION**			
Type:	Non-collection on-foot survey with systematic 20m transects or equal	Person-days	1
17.06 acres **AND/OR** 0 miles long BY 0 foot wide right-of-way		Percent surveyed	100%
Land Ownership	Private		
Field Crew	D. Stephen & M. Stephen	Project Director:	David Stephen
Field Work Dates	July 17, 2010	Ground visibility was effected	minimally
Additional Survey Records Submitted:	None	Artifact Collections Submitted to ASM:	None

(D9-10) **CULTURAL RESOURCES WITHIN PROJECT AREA** (see report narrative for additional information)					
Archives Researched:	ASM/AZSITE ☒	GLO ☒	SHPO ☐	MNA ☐	Other:
Numbers of eligible sites	NA	Numbers of ineligible sites	NA		
Previously recorded sites	NA	New sites found this project	NA		
Artifact scatters	NONE	Total sites	NONE		
Known sites within 150m	AA:12:728 (ASM)	Isolate density/total artifacts	<1 per acre	0	
Sites in 1.6 km radius	AZ AA:12:79, 175, 177, 178, 179, 180, 185, 279, 282, 283, 284, 288, 289, 290, 291, 297, 298, 299, 436, 725, 726, 727, 728, 777, 778				
Ref. No. Of Prior Surveys	1979-39 & 1983-237 surveyed only Tangerine Rd. ROW but 1981-174 & 2003-237 encompassed the full parcel.				

(D11) **RECOMMENDATIONS FOR FURTHER WORK** (see also comments below)			
FURTHER WORK RECOMMENDED	**NONE** ☒ OR		
SITE RECORDING ☐	MONITORING ☐	SUB-SURFACE TESTING ☐	DATA RECOVERY ☐

COMMENTS (see report narrative additional information)

The quantity of artifacts within the study area and data about known sites in the area suggests the undertaking will impact no cultural resources. Based on the fieldwork and archival documentation, the project sponsor should be allowed to develop the subject property without further cultural resource studies.

Form Completed By	David Stephen	Form Rev. 1/02	Date	7/22/2010

Exhibit - 15.3

Archaeological Survey Of The St. Mark's Church Project Near Oro Valley, Pima County, Arizona

PAST No. 101972

Introduction.

Personnel from P.A.S.T. conducted a 1 person-day, survey of the St. Mark's Church project on July 17, 2010 located in Pima County near Oro Valley in anticipation of church related construction. The purpose of the project was to determine whether any significant cultural resources that might be adversely impacted by construction were present. The project sponsor (St. Mark the Evangelist Catholic Church) initiated this study in accordance with municipal requirements. P.A.S.T. holds permit 2010-067bl issued under the Arizona Antiquities Act through the Arizona State Museum.

Project Location and Ownership.

The approximately 17.06-acre project area is located in the northwestern portion of the Tucson Basin (Figure 1). The project area is located on the Ruelas Canyon United States Geological Survey 7.5' map. The location with respect to the Public Land Survey is within the NW4 of NW4 of Section 4 T12S R13E G&SRB&M. The UTM values for selected boundary points are shown on the map to indicate the approximate extent of the parcel. The boundary shown on the map is reasonably accurate given the limitations of a 1:24,000 scale map. It is based on data and maps provided by the client as well as field observations but it is not intended to represent the precise legal extent of the parcel. Unless otherwise noted, land ownership coincides with the parcel and survey boundary shown in Figure 1. The fieldwork was conducted on private lands.

Base Maps Included In Report

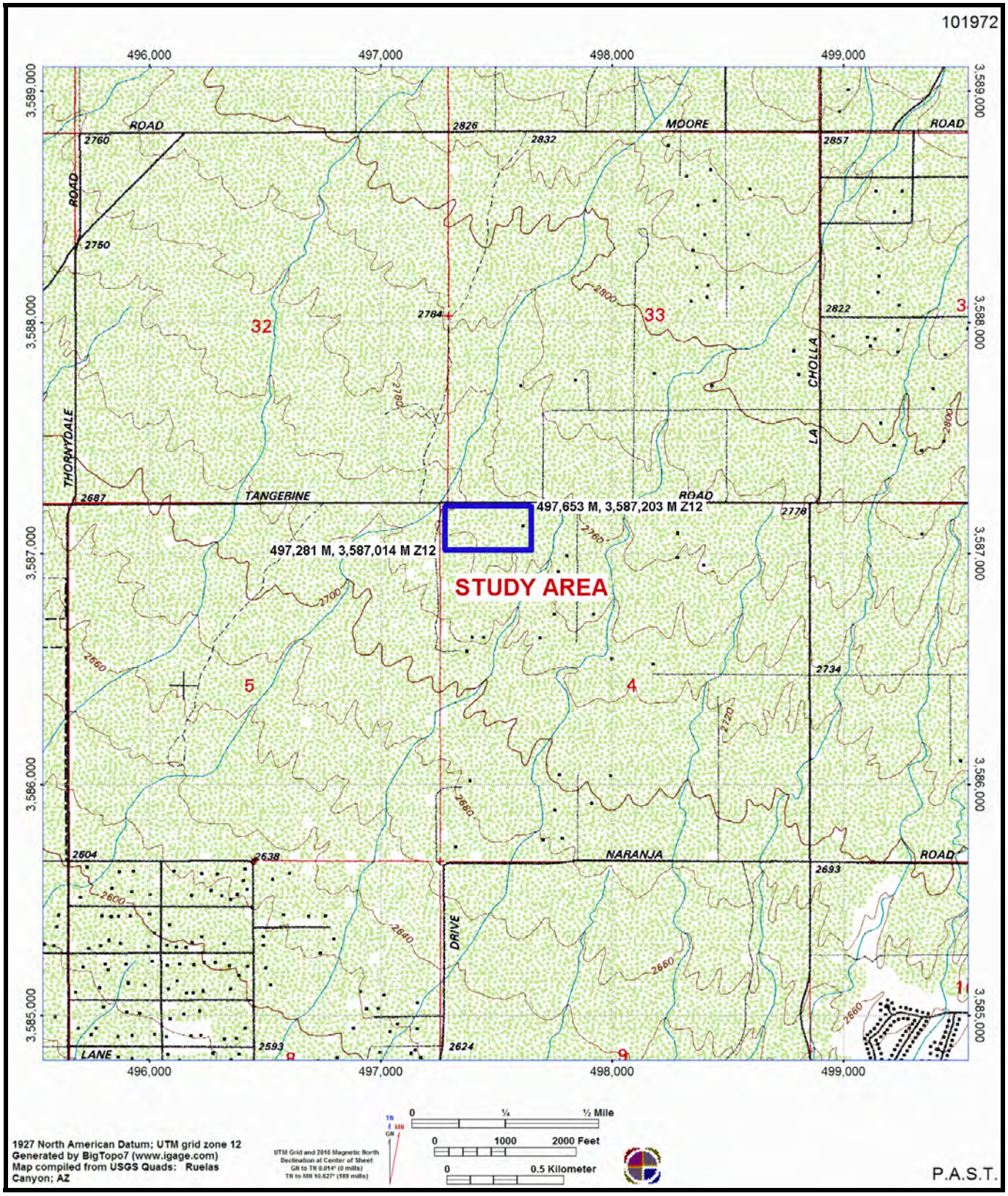
Figure 1 is a copy of a portion of the U.S.G.S. Ruelas Canyon 7.5-minute topographic map that shows the project boundaries, archaeological sites within the project area, and all isolated artifacts and features found during the survey. Table A-1, located at the end of the report, provides coordinate and other information for these isolates. Projects with boundaries extending across multiple U.S.G.S. maps are so noted on page ii and in the lower left of Figure 1.

BACKGROUND TO STUDY AREA:

Effective Environment.

The study area is within the Basin and Range physiographic province at an approximate elevation of 2,248 feet. Project area vegetation is typical of the Arizona Upland subdivision of the Sonoran Desertscrub biotic province (Turner and Brown 1982) predominately comprised of mesquite, palo verde, bursage, prickly pear and semi-shrubs.

Figure 1. Ruelas Canyon U.S.G.S. 7.5' MAP (T12S R13E)



NOTE: Due to the sensitivity of site locations, only sites within the project area are depicted on the map
Site and study area locations as well as their geometric representation and extent are approximate. + = isolate

P.A.S.T.
Tucson, Arizona 85739 USA
520. 825.3536 pastarizona.com

Exhibit - 15.5

Records Review.
A review of the records of the Arizona State Museum (ASM), in anticipation of the survey, revealed that the subject parcel had either not undergone a complete, intensive archaeological survey or sufficient time had passed since an earlier study suggesting heretofore undiscovered cultural resources may have been subsequently exposed that would not have been documented by the initial field work. The ASM records, as well as the other archives indicated on the associated project form, revealed no recorded cultural resources on the inspected parcel. GLO surveyor's maps (Elliot & Wright 1913) showed unnamed dirt roads for T12S R13E G&SRB&M in the vicinity of Section 4. Previously recorded cultural resources within a 150-meter perimeter around the project boundary are noted on the project summary form since such resources could be impacted by the project and may account for the presence of isolated non-site cultural entities found on the parcel. Site AZ AA:12:728 (ASM), a small (12m by 23m) artifact scatter (about 50 artifacts) is located north of Tangerine Road but it does not appear to extend to the study area. Recorded cultural resources within a 1.6-kilometer radius of the center of the project area are listed on the project summary form and in Table A-2. During the 2000-243 survey Jones reported finding 4 isolates.

Culture History.
The antiquity laws apply to human cultural remains in excess of 50 years of age and require them to be assessed as to their potential for yielding important information. Consequently, sites and artifacts dating from the mid twentieth century and earlier must be evaluated. The historical period that commenced in roughly 1700 is comprised of the Spanish, Mexican and Anglo occupations with some researchers recognizing the protohistoric as a transitional culture from the earlier prehistoric occupations. The prehistoric peoples who lived in this region include the Hohokam, Archaic and Paleoindian cultures.

<u>The Hohokam (A.D. 450 - 1450).</u> The Hohokam were a sedentary, agriculture-based people who produced both plain and decorated pottery, along with numerous other crafts of shell, stone and clay. They were skillful agriculturists who lived in houses built in shallow pits and constructed extensive irrigation canal systems. In some of the larger villages, they built ballcourts that probably served as focal points for ceremonial or recreational activities. Whether the Hohokam migrated into the region from Mexico or developed from indigenous Archaic populations is still hotly debated. The Hohokam cultural sequence was established in the 1930s based on the decorated pottery types unearthed at the Snaketown Site in the Phoenix Basin. Shortly thereafter, Isabel Kelly modified this chronology to fit the Tucson Basin sequence after her excavations at the Hodges Ruin in Tucson. Since that time, the continual acquisition of new archaeological data has brought about many refinements in the chronology.

<u>Archaic Era (7500 B.C. - A.D. 450).</u> The Archaic era has traditionally been characterized by assemblages of chipped stone artifacts along with ground stone tools for processing plant materials, and a lack of ceramics. Recent research in the Tucson Basin and elsewhere has demonstrated the presence of pit house villages, agriculture and some ceramics in the Late Archaic. The shift from a hunting-based economy to a reliance on plant foraging and small-game hunting that characterized the Archaic sites was caused by the extinction of Pleistocene mammals favored by the Paleoindians.

Paleo-Indian Era (ca. 10,000 - 7500 B.C.). Eleven thousand years ago, the climate in the Southwestern United States was considerably wetter and cooler than it is today, and much of the terrain consisted of lush grasslands that supported herds of mammoth, bison and other large grazing animals. Many of the earliest occupants of the area, known as Paleoindians, were hunters who subsisted on these large, late Pleistocene mammals. The belief that many of the Paleoindians were primarily big-game hunters is supported by the fact that most of the Paleo-Indian sites that have been excavated have been kill and butchering sites. The artifact assemblages from these sites are made up of projectile points and other stone tools suitable for skinning animals and cutting meat and bone. The earliest Paleo-Indian artifacts found in southern Arizona belong to the Clovis complex (9500-9000 B.C.), which is characterized by long, lanceolate, fluted Clovis points, along with other stone implements and bone artifacts.

Survey Expectations.
This project's study area was located in a portion of southern Arizona that is conducive to prehistoric and/or historical settlement. Therefore, it was considered a reasonable likelihood that prehistoric or historical sites would be found during the survey.

Arizona State Museum Site Definition Standard (ASM 1993).
The determination of what constitutes an archaeological site is, to a certain extent, a matter of professional judgment. However, if certain minimal archaeological discoveries (listed below) are encountered, then an ASM site card must be completed and submitted. In other words, if the archaeological discoveries exceed the minimum criteria listed below, a site card must be filled out. Sites that do not meet the minimum standards, but which the archaeologist deems worthy of site status, may also be assigned ASM numbers

Most archaeologists define sites based on consideration of age of remains as well as density and diversity of artifacts and features and the spatial arrangements of these remains within the area under consideration. The following guidelines should be used to define archaeological sites:

All sites should contain:

1. physical remains of past human activity that are at least 50 years old.

Additionally, sites should consist of at least one of the following:

2. 30+ artifacts of a single class (i.e., 30 sherds, 30 lithics, 30 tin cans) within an area 15 meters (50 feet) in diameter, except when all pieces appear to originate from a single source (i.e., one ceramic pot, one core, one glass bottle).
2. 20+ artifacts which include at least 2 classes of artifact types (i.e., sherds, groundstone, nails, glass) within an area 15 meters (50 feet) in diameter,
3. one or more archaeological features in temporal association with any number of artifacts.
4. two or more temporally associated archaeological features without artifacts.

Non-linear, isolated features without associated artifacts may be recorded. An "isolated feature" is defined as a feature that does not have any other features within a 100-meter (325 feet) diameter. This might include isolated rock piles, mine shafts, prospecting pits or unidentified depressions without artifact associations.

ARCHAEOLOGICAL SURVEY:

Methods.

The fieldwork consisted of 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 & M. Stephen) were spaced approximately 20 meters apart and crossed the study area in a series of contiguous corridors with any areas of extreme slope covered less intensively. Survey transects paralleled the longest dimension of the property except when prevented by the landform, vegetation density or hydrological features. Unless noted otherwise, the transect count is the quotient of the transect extent and parcel width. General conditions were excellent for conducting the fieldwork. Ground visibility was minimally affected by the presence of trees, shrubs, semi-shrubs, succulents and grasses. The original landform was moderately disturbed by modern alterations to the ground surface.

Survey Results.

The information derived from the fieldwork is generally in keeping with the expectations generated from archival and literature sources. There were no surface indications of archaeological resources within the study area which meet the Arizona State Museum minimum standard for recording as an archaeological site or that would be eligible for inclusion in the National Register of Historic Places. The occurrence of isolated artifacts and non-site features in lower density than that required for formal recording as a cultural resource are documented below, in Figure 1 or in Table A-1 as appropriate. For this project a total of 0 isolated artifacts or non-site features were noted. More recent cultural manifestations identified during the survey include dirt tracks, utility infrastructure, perimeter fencing, church facilities, informal trails and a light scatter of trash. All appear to be modern in origin.

Evaluation of Cultural Resources.

Although archaeological and historical sites may qualify for formal recording under state standards, they generally are not considered significant unless they are eligible for listing in the Arizona or National Register of Historic Places. According to the current standards a property must possess sufficient integrity, significance and antiquity to be listed in the Register. In addition to being at least 50 years of age a resource must meet the criteria set forth below:

> The quality of significance in American or Arizona history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:
>
> A) that are associated with events that have made a significant contribution to the broad patterns of our history; or
>
> B) that are associated with the lives of persons significant in our past; or
>
> C) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D) that have yielded, or may be likely to yield, information important in prehistory or history (National Park Service 1986)

Eligibility Evaluation.
No cultural resources were located during the course of the fieldwork in the project area appear to be more than 50 years old. Consequently it is not germane to assess significance under any of the criteria listed above.

Evaluation Of Effects Of The Proposed Project.
Considering the nature of the cultural resources found on the property, information collected about known sites in the area and the work already completed, indicates the development of the inspected parcel will not have a negative impact on important cultural resources within or in close proximity to the study area.

Recommendations.
Based on the archival information, field methods, the observable surface indications and because none of the materials observed on the study area have potential to provide important archaeological or historical information beyond what was obtained for this project, P.A.S.T. supports approving the sponsor's application. Although P.A.S.T. does not endorse additional archaeological studies for this project, ground-disturbing activities on the property should not commence without authorization by the agency archaeologist(s).

There remains the possibility that ground-disturbing activities could reveal the presence of heretofore-undiscovered cultural resources. If such materials are discovered construction activities should stop. Consultation should be initiated with the appropriate agency archaeologist, and if applicable under ARS §41-841 *et seq*. the Arizona State Museum, to assess the potential significance of any materials unearthed. Under State law (ARS 41-§865 & §41-844) if human skeletal remains or funerary objects are discovered on either public or private lands the Arizona State Museum should be contacted immediately.

LITERATURE CITED

Arizona State Museum
1993 *Arizona State Museum Archaeological Site Recording Manual (Version 1.1)*. On file, Arizona State Museum. Tucson, Arizona.

Elliot, W. and J. Wright, I.
1913 GLO Surveyor's Map for T12S 13E G&SRB&M. On file, Bureau of Land Management Regional Office. Phoenix, Arizona

Jones, J.
2000 St. Marks Church 16.87-acre survey project (00SVS#27) A.S.M., Project Registration Form. On File, Arizona State Museum.

National Park Service
1986 *How to Apply the National Register Criteria for Evaluation.* Department of the Interior. Copies available from Bulletin No. 16. National Register of Historic Places.

Turner, R. and D. Brown
1982 Sonoran Desertscrub. In *Biotic Communities of the American Southwest - United States and Mexico*, edited by D. Brown, pp. 118-121. University of Arizona for Boyce Thompson Southwestern Arboretum, Superior, Arizona.

NOTE FOR A.D.O.T. INVOLVED PROJECTS: If previously unidentified cultural resources are encountered during activity related to the use of this source, the contractor shall stop work immediately at that location and shall take all reasonable steps to secure the preservation of those resources. The Engineer will contact the A.D.O.T. Environmental Planning Group, Historic Preservation Team at 602.712.7767 and make arrangements for the proper treatment of those resources.

INFORMATION DISCLOSURE NOTICE: P.A.S.T. is a holder of an Arizona Antiquity Permit and a signatory to the "ASM Archaeological Records Use Agreement". As such, in compliance with the associated conditions and regulations of these documents, P.A.S.T. is bound "not to distribute or disclose specific site location information in a public document or make this information available to unauthorized individuals". P.A.S.T. reports are often initiated through third parties, who are not authorized to access this information. Consequently such information is presented herein in a manner deemed appropriate not to compromise site location or divulge potentially identifying site attribute information. P.A.S.T. reports are further structured to restrict the dissemination of such information through the removal of Appendix "A" as well as any maps of archaeological sites included in the document prior to wider distribution of the report.

P.A.S.T. will readily provide further or more specific site location, eligibility or site attribute information to a qualified individual when that person makes a request in writing or via email directly to P.A.S.T. That request must be supported with written concurrence from the agency lead archaeologist and either the SHPO, Director of the Arizona State Museum or their authorized designee(s) if the requestor does not hold a valid Arizona Antiquity Permit or has not executed the aforementioned ASM records use agreement.

APPENDIX A – SUPPLEMENTARY REPORT TABLES

Table A-1. Isolates Provenience (all UTM Zone 12)

Total isolated artifacts: 0	Isolates per acre: 0	GPS Datum: NAD27 ☒ WGS84 ☐	
Easting	Northing	Kind	Comments

(Individual Artifacts: PW = PLAINWARE; DW = DECORATED; CS = CHIPPED STONE; GS = Ground STONE; FR = FAR; SH = SHELL; OR = OTHER)
(Non-site entities: NSS = non-site artifact scatter; NSF = non-site feature

Table A-2. Table of Recorded Sites Within 1.6 km Radius (all G&SRB&M)

ASM Quad	Site Numbers
AA:12	79, 175, 177, 178, 179, 180, 185, 279, 282, 283, 284, 288, 289, 290,
	291, 297, 298, 299, 436, 725, 726, 727, 728, 777, 778

Table A-3. Site Management Summary Table (all G&SRB&M)
(only required when greater than 3 sites are located)

ASM#	Status	T/R/Section	Owner-ship	Content or Age	Eligible?	Additional Work Recommended
NONE						NONE

LOCAL SCHOOLS

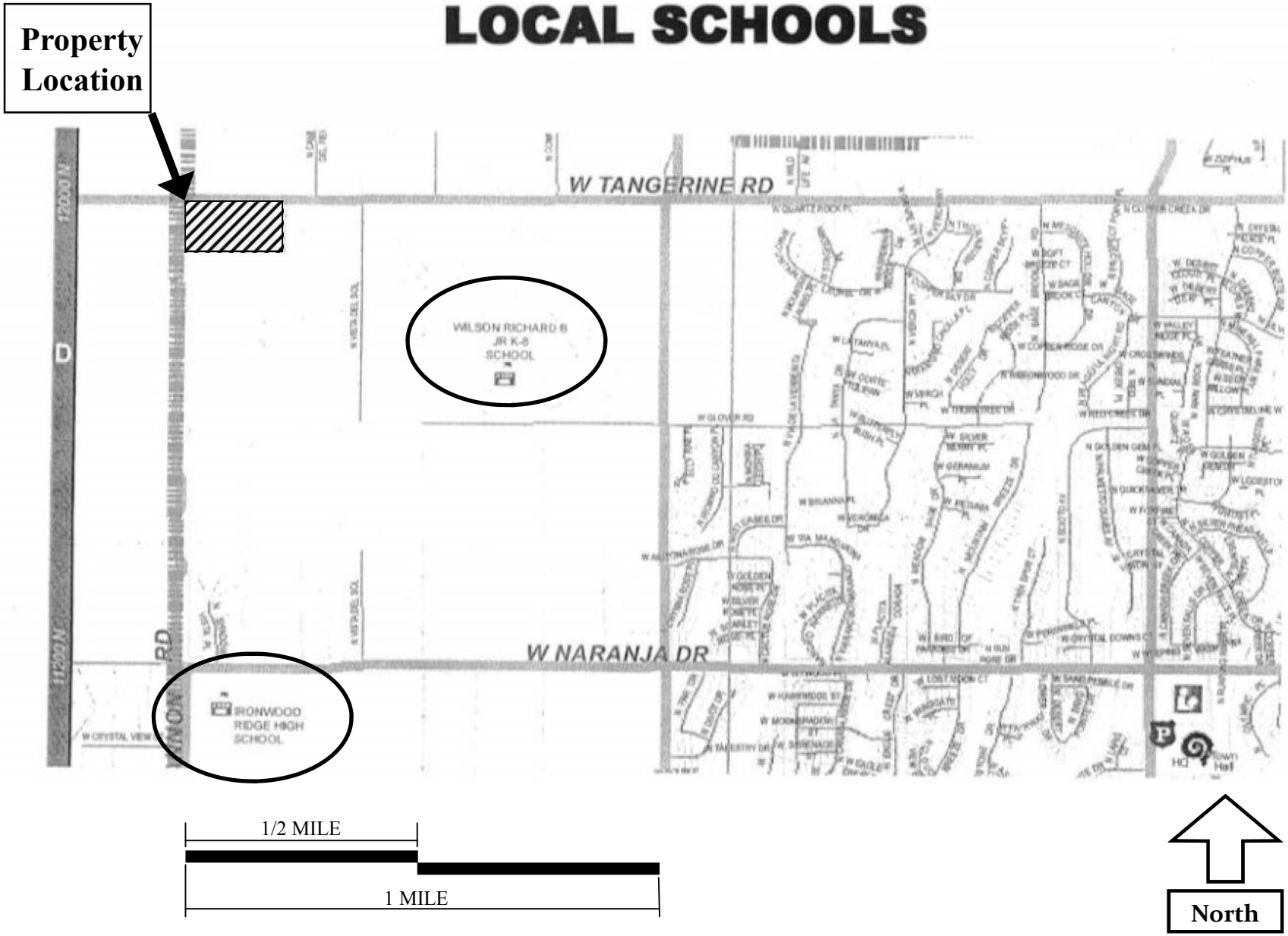


Exhibit - 16

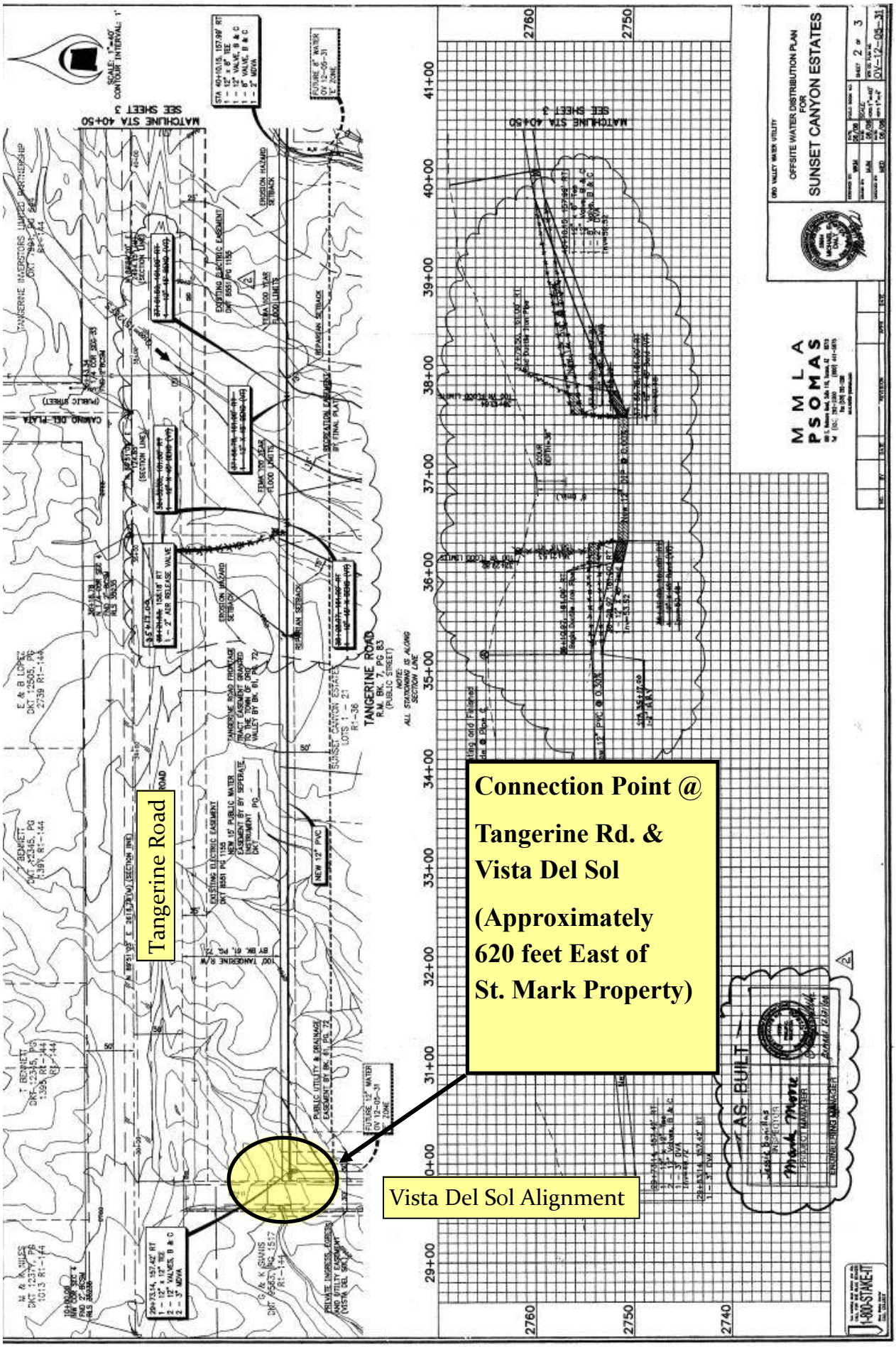
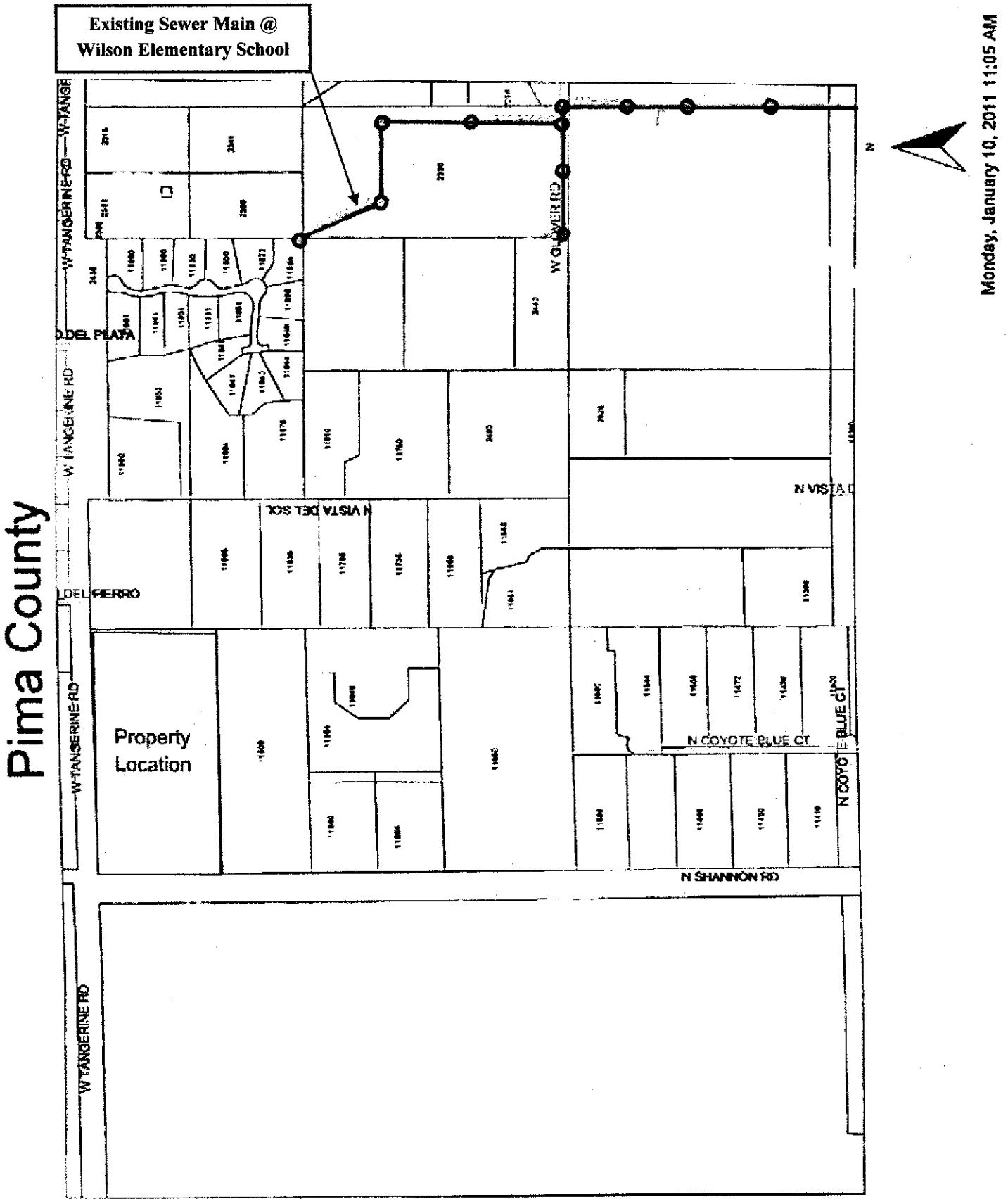

Tangerine Road
Connection Point @
Tangerine Rd. &
Vista Del Sol
(Approximately
620 feet East of
St. Mark Property)
Vista Del Sol Alignment
OFFSITE WATER DISTRIBUTION PLAN
FOR
SUNSET CANYON ESTATES
M M L A
P S O M A S
AS-BUILT
TANGERINE ROAD
MATCHLINE STA 40+50
SEE SHEET 3

Exhibit - 17



Monday, January 10, 2011 11:05 AM

Exhibit - 18.a

Tuesday, January 18, 2011 9:25 AM

Pima County

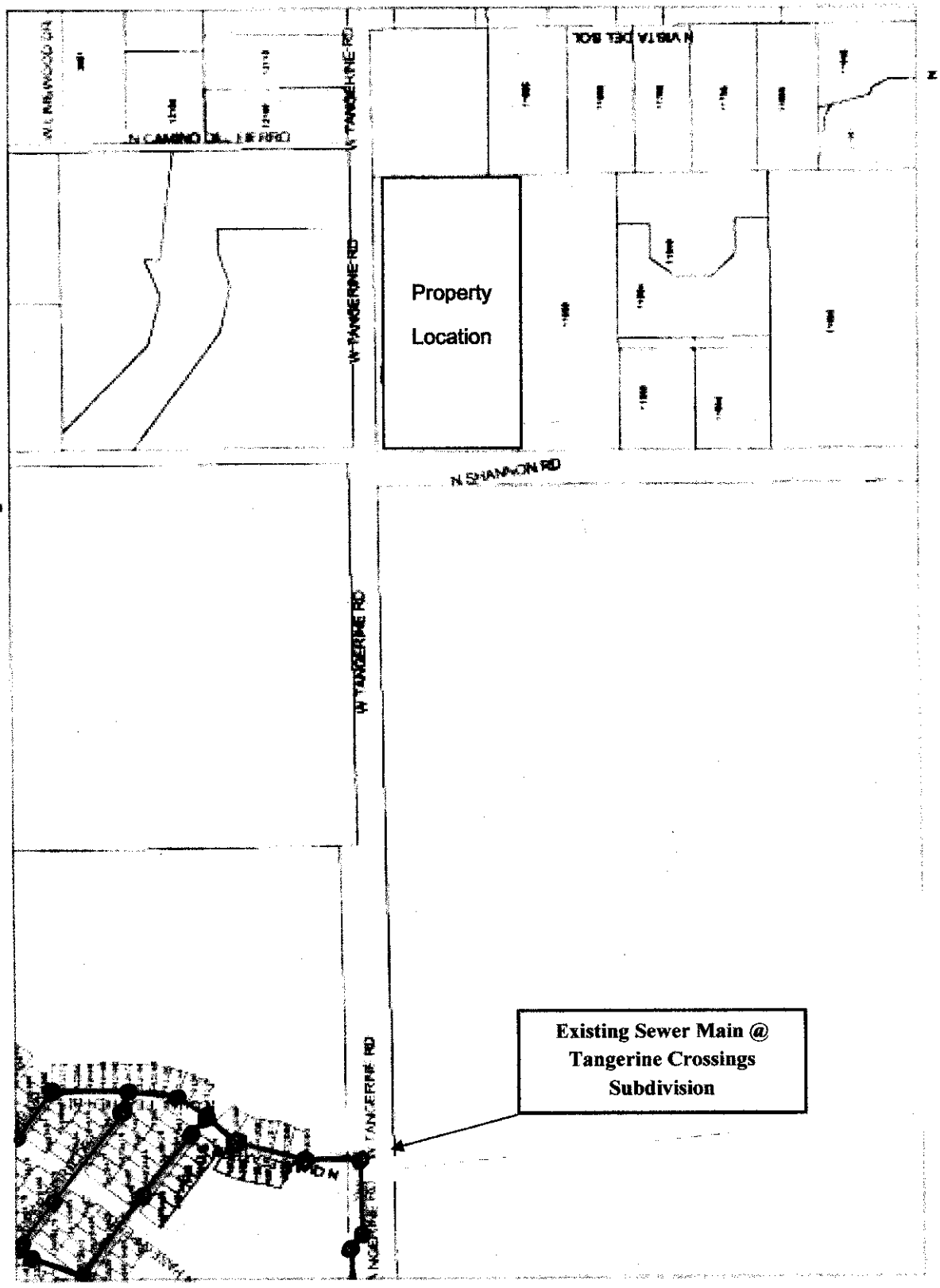


Exhibit - 18.b

TANGERINE ROAD

SHANNON ROAD

S89°52'47"W 1234.49'(M)

S00°03'28"E 593.73'(M)

N00°03'28"E 593.66'(M)

N89°52'27"E 1233.06'(M)

Unpaved Parking

Pool

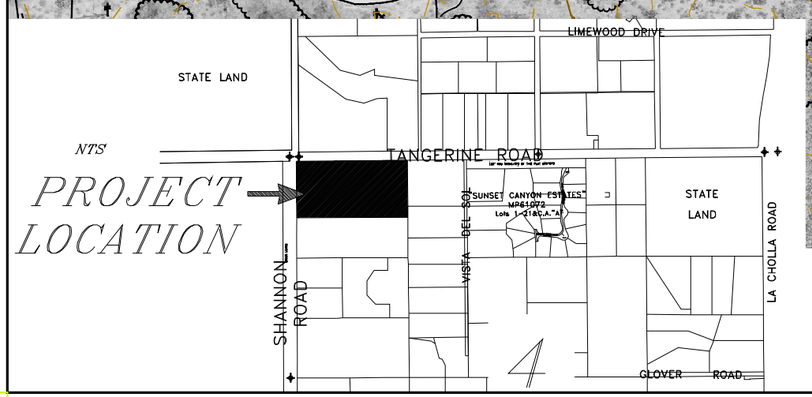
Tank

Sat. Dish

NORTH

0 100

SCALE (ft)



NOTES:

A. No rock outcroppings were found on-site.

LEGEND:

TOPOGRAPHY >15°

ROCK OUTCROPPINGS

St. Mark the Evangelist Catholic Church, Phase 1

Saint Mark Roman Catholic Parish - Tucson

Oro Valley, AZ

NAME:	TOPOGRAPHY OVERLAY	FOR:	REZONING APPLICATION
PROJ. #:	4470-03	DATE:	04/06/2010
		SCALE:	AS SHOWN
		SHEET NO.:	1 of 5

BERINGER CIACCIO DENNELL MABREY

Exhibit - 19.a

TANGERINE ROAD

S89°52'45"W 1234.49'(M)

S00°03'28"E 692.73'(M)

N00°03'28"W 692.73'(M)

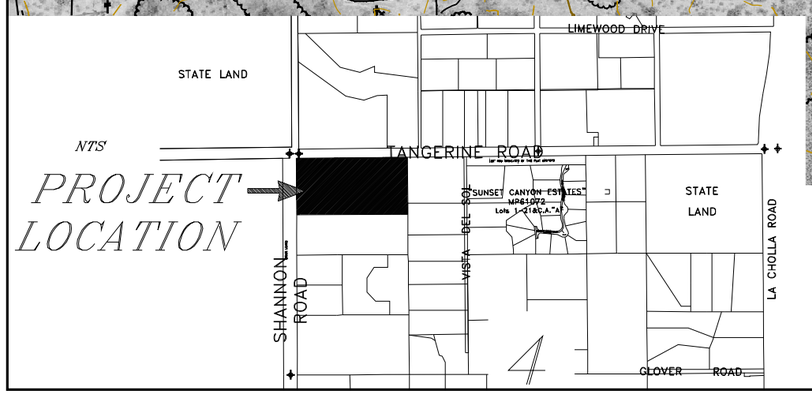
N89°52'27"E 1233.06'(M)

Unpaved Parking

Pool

Tank

Sat. Dish



NOTES:

A. No regulatory special flood hazard areas of sheet flow.

B. No federally mapped floodways or floodplains located within the property with the exception of approximately 898 square feet in the northwest corner which has been modeled as a zone ao, with a depth of 3 foot depth.

LEGEND:

- DISCHARGE >50 CFS.
- SHEET FLOW > 1 FT.
- FED. MAPPED FLOOD

NORTH

0 100

SCALE (ft)

St. Mark the Evangelist Catholic Church, Phase 1

Saint Mark Roman Catholic Parish - Tucson

Oro Valley, AZ

NAME:	HYDROLOGY OVERLAY	FOR:	REZONING APPLICATION
PROJ. #:	4470-03	DATE:	04/06/2010
SHEET NO.:	2 of 5	SCALE:	AS SHOWN

BERINGER CIACCIO DENNELL MABREY

Exhibit - 19.b

TANGERINE ROAD

SHANNON ROAD

S89°52'47"W 1234.49'(M)

N89°52'27"E 1233.06'(M)

S00°13'28"E 693.73'(M)

Unpaved Parking

Pool

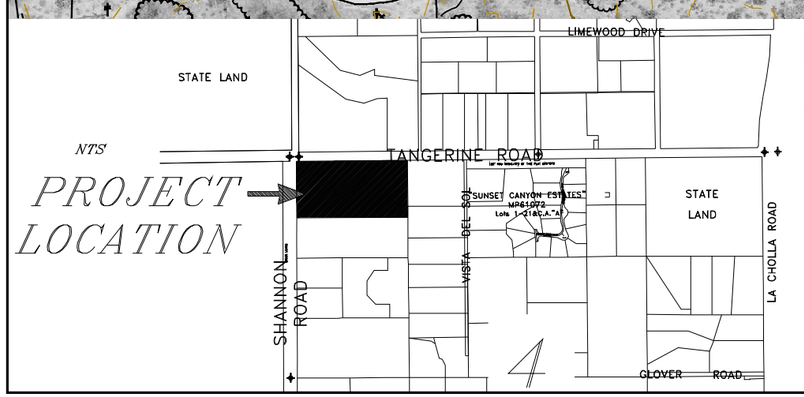
Tank

Sat. Dish

NORTH

0 100

SCALE (ft)



NOTES:

A. No federally listed endangered or threatened species were found.
B. No vegetation facilitates soil stabilization.
C. Entire site is designated as a Significant Resource Area

LEGEND:

- PROTECT VEGETATION
- REMOVE VEGETATION
- RELOCATE VEGETATION

St. Mark the Evangelist Catholic Church, Phase 1
Saint Mark Roman Catholic Parish - Tucson
Oro Valley, AZ

NAME: VEGETATION OVERLAY	FOR: REZONING APPLICATION	SHEET NO.: 3 of 5	
PROJ. #: 4470-03	DATE: 04/06/2010	SCALE: AS SHOWN	BERINGER CIACCIO DENNELL MABREY

Exhibit - 19.c

TANGERINE ROAD

SHANNON ROAD

S89°52'45"W 1234.49'(M)

S00°03'28"E 693.73'(M)

N89°52'27"E 1233.06'(M)

Unpaved Parking

Pool

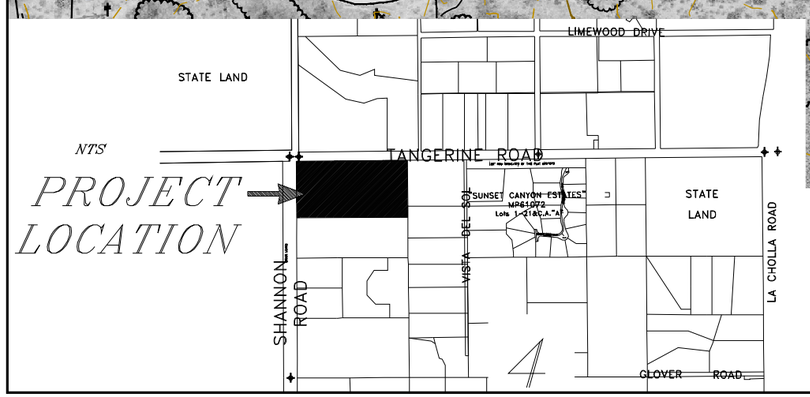
Tank

Sat. Dish

NORTH

0 100

SCALE (ft)



NOTES:

A. No pygmy-owls or other endangered, candidate, special concern, sensitive, or special status species were detected on or adjacent to the site.

B. No riparian habitats are located on the site.

LEGEND:

ENDANGERED WILDLIFE

Riparian Habitat

St. Mark the Evangelist Catholic Church, Phase 1

Saint Mark Roman Catholic Parish - Tucson

Oro Valley, AZ

NAME:	WILDLIFE OVERLAY	FOR:	REZONING APPLICATION
PROJ. #:	4470-03	DATE:	04/06/2010
SHEET NO.:	4 of 5	SCALE:	AS SHOWN

BERINGER CIACCIO DENNELL MABREY

Exhibit - 19.d

TANGERINE ROAD

SHANNON ROAD

S89°52'47"W 1234.49'(M)

S00°03'28"E 593.73'(M)

N00°03'28"E 593.73'(M)

N89°52'27"E 1233.06'(M)

Unpaved Parking

Pool

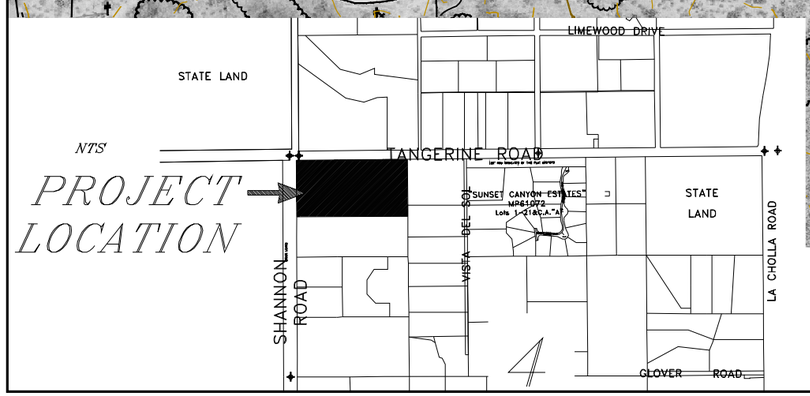
Tank

Sat. Dish

NORTH

0 100

SCALE (ft)



NOTES:

A. HIGHEST LEVEL OF COMPOSITE OVERLAYS IS LEVEL-2.

LEGEND:

- LEVEL - 1
- LEVEL - 2
- LEVEL - 3
- LEVEL - 4
- LEVEL - 5

St. Mark the Evangelist Catholic Church, Phase 1

Saint Mark Roman Catholic Parish - Tucson

Oro Valley, AZ

NAME:	McHARG PLAN	FOR:	REZONING APPLICATION
PROJ. #:	4470-03	DATE:	04/06/2010
		SCALE:	AS SHOWN
		SHEET NO.:	5 of 5

BERINGER CIACCIO DENNELL MABREY

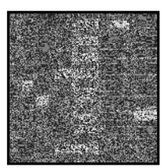
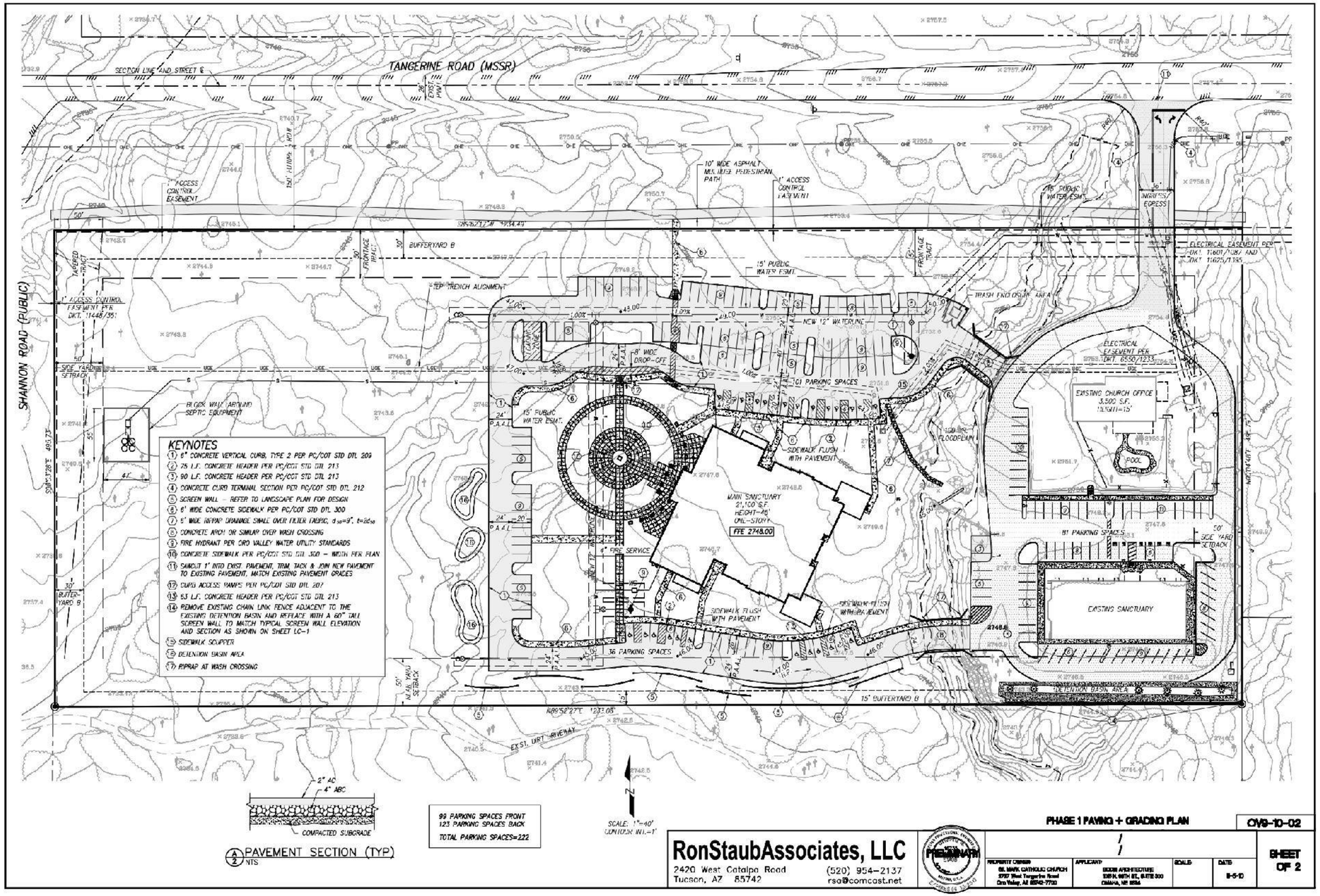


Exhibit - 19.e



PRELIMINARY PHASE I SITE PLAN

DESIGN DEVELOPMENT

ST. MARK CATHOLIC CHURCH

8717 WEST TANGERINE ROAD - ORO VALLEY, AZ 85743

BERINGER, GIAGDIO DENNELL MABREY - ARCHITECTURE, LANDSCAPE ARCHITECTURE, INTERIOR DESIGN, CONSTRUCTION MANAGEMENT

bgdm

OMAHA DES MOINES

C-1

Exhibit 20

GENERAL NOTES:

1. GROSS AREA OF PROPERTY TO BE REZONED = 16.87 ACRES

2. ZONING REQUEST FROM R1-144 TO PS

3. FLOOR AREA RATIO: MAXIMUM =0.50, PROVIDED =(1.68/14.04) =0.12
4. BUILDING HEIGHTS: SANCTUARY=45'; EDUCATION BLDG.=16'; SOCIAL HALL=24'

5. PARKING SPACES:
   TOTAL PARKING SPACES REQUIRED – 1 PER 4 SEATS + 2 PER 3 EMPLOYEES:
   (.25 X 1551 SEATS + 3 x .67) =390 REQUIRED
   TOTAL PARKING SPACES PROVIDED =390 PROVIDED (309 NEW SPS. 81 EXIST. SPS.)

6. AREA OF UNDISTURBED NATURAL OPEN SPACE =3.51 ACRES

7. TOTAL MEANINGFUL OPEN SPACE PROVIDED =2.40 ACRES

8. MINIMUM REQUIRED OPEN SPACE (14.04 x .25) =3.51 ACRES.
   OPEN SPACE PROVIDED =3.51 ACRES

8. 100 YEAR FLOODPLAIN WILL REMAIN IN NATURAL STATE

9. THE WATER SERVICE PROVIDER FOR THIS PROJECT IS ORO VALLEY WATER UTILITY

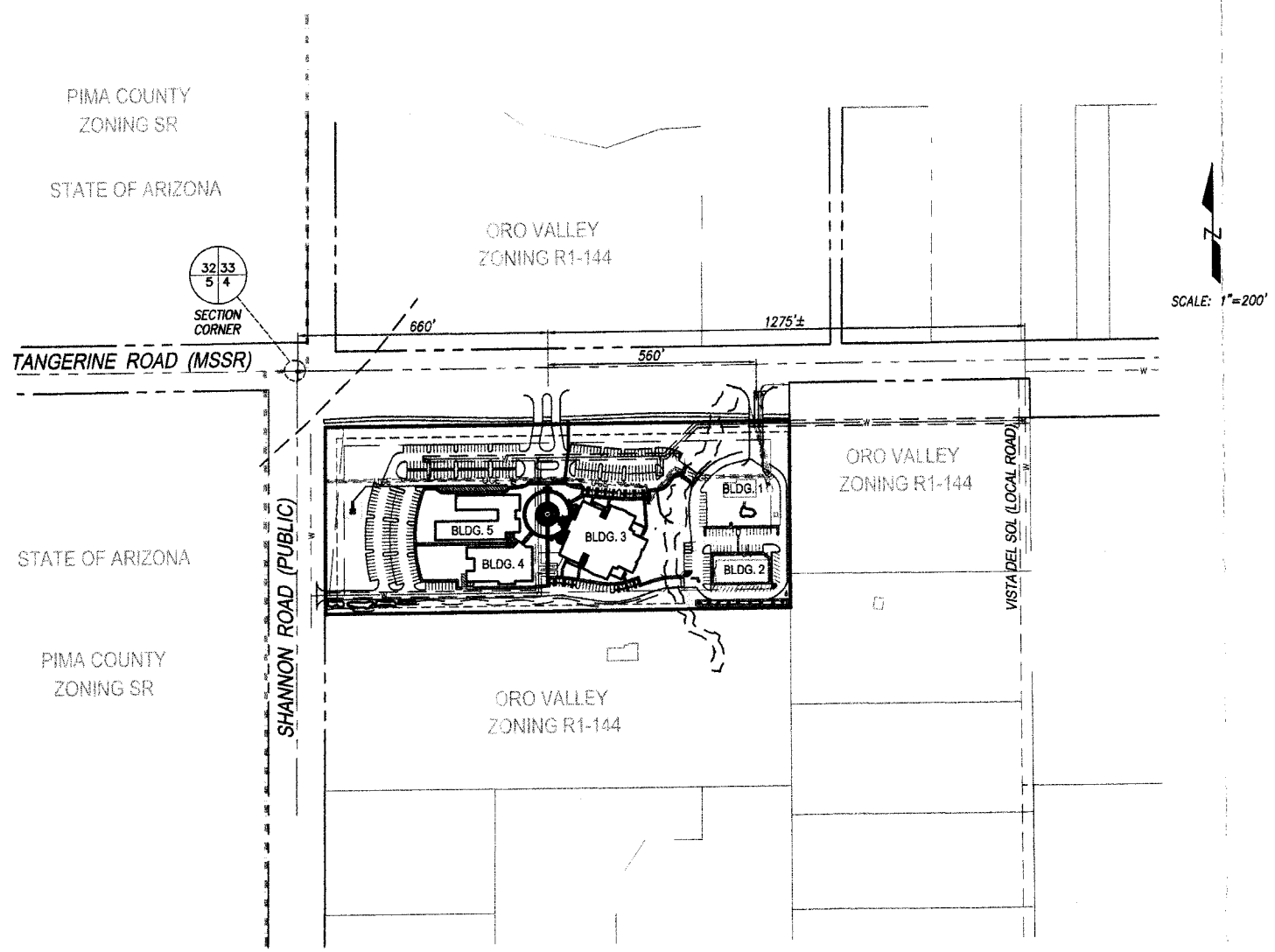
10. THE GENERAL PLAN DESIGNATION FOR THIS PROJECT IS PUBLIC/SEMI/PUBLIC.

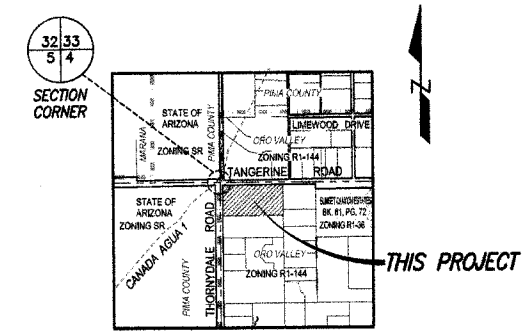
11. TOTAL BUILDING AREAS FOR THIS PROJECT:
    RELIGIOUS EDUCATIONAL/ADMIN. BLDG. =18,380 S.F. (BLDG. 5)
    MAIN SANCTUARY =29,632 S.F. (BLDG. 3)
    SOCIAL HALL =15,660 S.F. (BLDG. 4)
    EXISTING CHURCH OFFICE =3,500 S.F. (BLDG. 1)
    EXISTING SANCTUARY =8,500 S.F. (BLDG. 2)
    TOTAL BUILDING AREAS =73,380 S.F.

12. FIRST THROUGH TWELFTH GRADE EDUCATION IS NOT A PERMITTED USE.

13. EXISTING SITE: REMOVE EXISTING POLE LIGHTS AND REPLACE WITH 15' TALL SHIELDED LIGHTS. ALL OTHER BUILDING LIGHTS SHALL NOT EXCEED 9' AND SHALL BE SHIELDED. ADDITIONAL LIGHTS MAY BE INSTALLED AS REQUIRED BY TOWN LIGHTING CODE, PROVIDED POLE HEIGHTS DO NOT EXCEED 10' IF LOCATED SOUTH OF THE BUILDINGS OR 8' IF LOCATED ALONG THE SOUTH DRIVE LANE.

14. NEW DEVELOPMENT: PARKING LOT LIGHTS ALONG THE SOUTH DRIVE LANE SHALL BE NO TALLER THAN 8' AND SHALL BE FULLY SHIELDED. ALL OTHER BUILDING LIGHTS SHALL NOT EXCEED 9' IN HEIGHT AND SHALL BE SHIELDED. ADDITIONAL LIGHTS MAY BE INSTALLED AS REQUIRED PER THE TOWN LIGHTING CODE, PROVIDED POLE HEIGHTS DO NOT EXCEED 10' IF LOCATED SOUTH OF THE BUILDINGS OR 8' IF LOCATED ALONG THE SOUTH DRIVE LANE.





LOCATION MAP

N.W. CORNER SECTION 4
TOWNSHIP 12 SOUTH, RANGE 13 EAST
GILA & SALT RIVER MERIDIAN
ORO VALLEY, PIMA COUNTY, AZ
SCALE: 3"=1 MILE

LEGEND

- EXISTING COUNTOUR LINE
- PROPERTY BOUNDARY
- SECTION LINE & STREET C/L
- RIGHT-OF-WAY LINE
- EASEMENT LINE AS NOTED
- BUFFERYARD BOUNDARY
- BUILDING SETACK LINE
- 100 YEAR FLOODPLAIN AND XERORIPAREAN BOUNDARY
- RIPARIAN PROTECTIVE APRON
- PHASE LINE BOUNDARY
- JURISDICTIONAL BOUNDARY
- EXISTING PAVEMENT
- PROPOSED PAVEMENT
- EXISTING BUILDING
- NEW BUILDING
- NEW CONCRETE SIDEWALK
- G — EXISTING GAS LINE
- S — EXISTING SANITARY SEWER LINE
- OHE — EXISTING OVERHEAD ELECTRIC
- W — NEW WATER LINE
- S — NEW SEWER LINE

TENTATIVE DEVELOPMENT PLAN — OV9-10-02

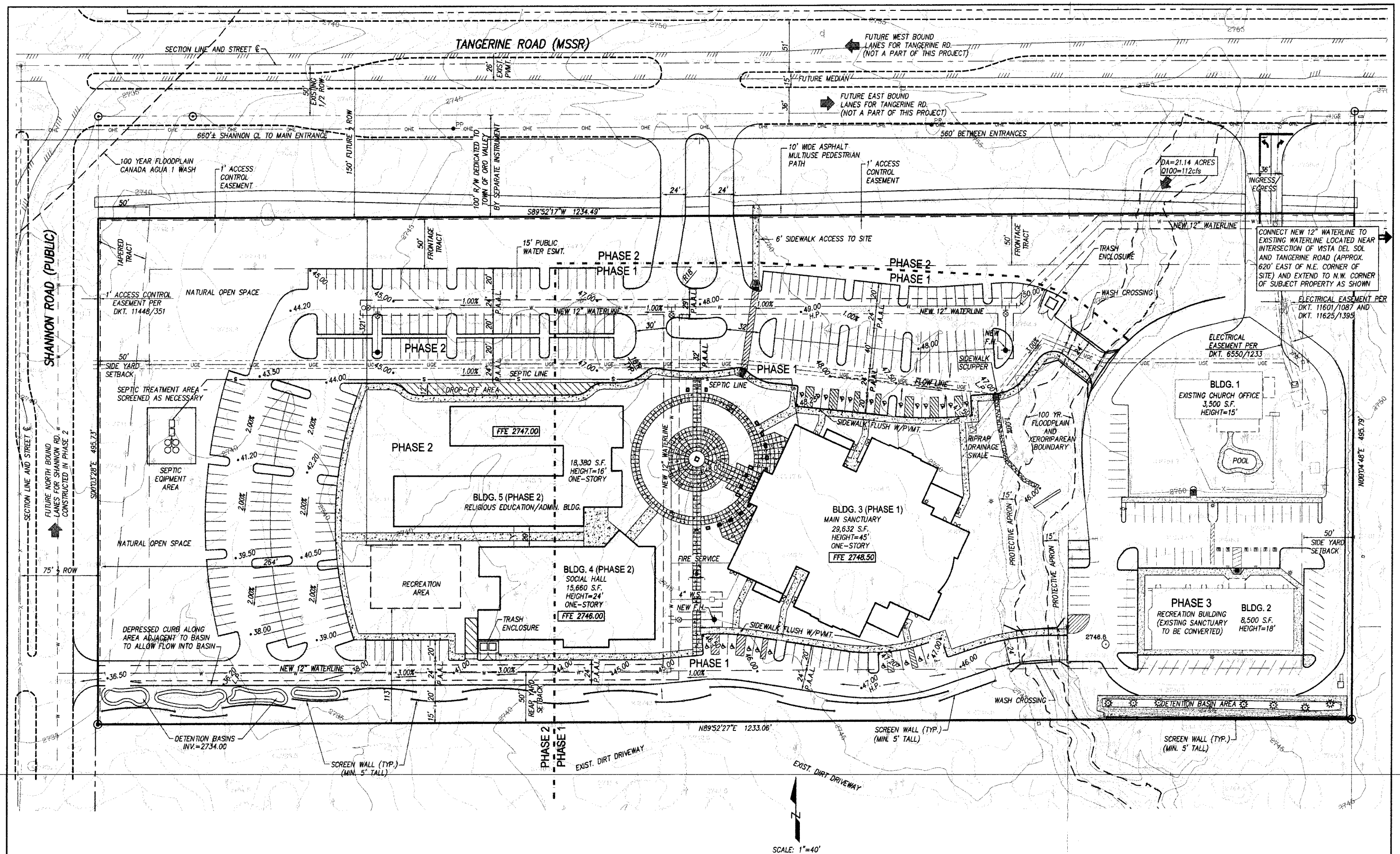
RonStaubAssociates, LLC
2420 West Catalpa Road
Tucson, AZ 85742
(520) 954-2137
rsa@comcast.net

RON STAUB PROFESSIONAL ENGINEER CERTIFICATE NO. 22718 PRELIMINARY STAUB ARIZONA, U.S.A. EXPIRES 06/30/2010

REZONING FOR ST. MARK THE EVANGELIST CATHOLIC CHURCH
ZONING REQUEST FROM R1-144 TO PS-PRIVATE SCHOOLS

PROPERTY OWNER:	APPLICANT:	SCALE:	DATE:	SHEET
ST. MARK CATHOLIC CHURCH 2727 West Tangerine Road Oro Valley, AZ 85742-7700	BCDM ARCHITECTURE 1015 N. 96TH ST., SUITE 300 OMAHA, NE 68114		9-15-10	1 OF 3

Exhibit - 21.a



TENTATIVE DEVELOPMENT PLAN | **OV9-10-02**

RonStaubAssociates, LLC
2420 West Catalpa Road
Tucson, AZ 85742
(520) 954-2137
rsa@comcast.net

LICENSED PROFESSIONAL ENGINEER CERTIFICATE NO. PRELIMINARY STAUB ARIZONA, U.S.A. EXPIRES 06/30/2010

REZONING FOR ST. MARK THE EVANGELIST CATHOLIC CHURCH
ZONING REQUEST FROM RI-144 TO PS-PRIVATE SCHOOLS

PROPERTY OWNER	APPLICANT	SCALE	DATE
ST. MARK CATHOLIC CHURCH 2727 West Tangerine Road Oro Valley, AZ 85742-7700	BCDM ARCHITECTURE 1015 N. 98TH ST., SUITE 300 OMAHA, NE 68114		9-15-10

SHEET 2 OF 3

Exhibit - 21.b

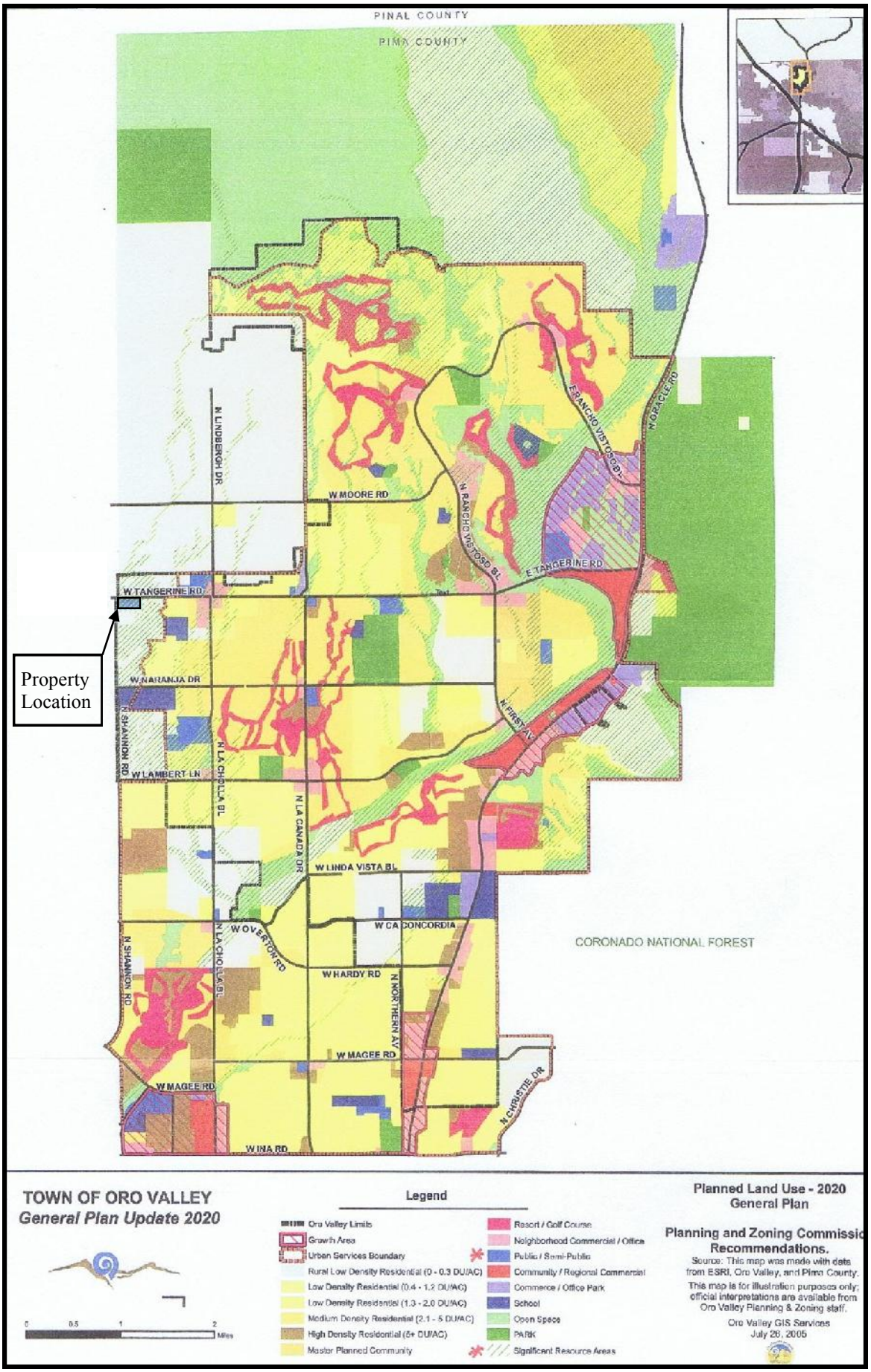

PINAL COUNTY
PIMA COUNTY
N LINDBERGH DR
W MOORE RD
N RANCHO VISTOSO BL
E RANCHO VISTOSO BL
N ORACLE RD
E TANGERINE RD
W TANGERINE RD
Property Location
W NARANJA DR
N SHANNON RD
W LAMBERT LN
N LA CHOLLA BL
N LA CANADA DR
N FIRST AV
W LINDA VISTA BL
W OVERTON RD
W CA CONCORDIA
W HARDY RD
N NORTHERN AV
W MAGEE RD
N CHRISTIE DR
W INA RD
CORONADO NATIONAL FOREST
TOWN OF ORO VALLEY
General Plan Update 2020
Legend
Oro Valley Limits
Growth Area
Urban Services Boundary
Rural Low Density Residential (0 - 0.3 DU/AC)
Low Density Residential (0.4 - 1.2 DU/AC)
Low Density Residential (1.3 - 2.0 DU/AC)
Medium Density Residential (2.1 - 5 DU/AC)
High Density Residential (5+ DU/AC)
Master Planned Community
Resort / Golf Course
Neighborhood Commercial / Office
Public / Semi-Public
Community / Regional Commercial
Commerce / Office Park
School
Open Space
PARK
Significant Resource Areas
Miles
Planned Land Use - 2020
General Plan
Planning and Zoning Commissio
Recommendations.
Source: This map was made with data from ESRI, Oro Valley, and Pima County.
This map is for illustration purposes only; official interpretations are available from Oro Valley Planning & Zoning staff.
Oro Valley GIS Services
July 26, 2005

Exhibit - 22.a

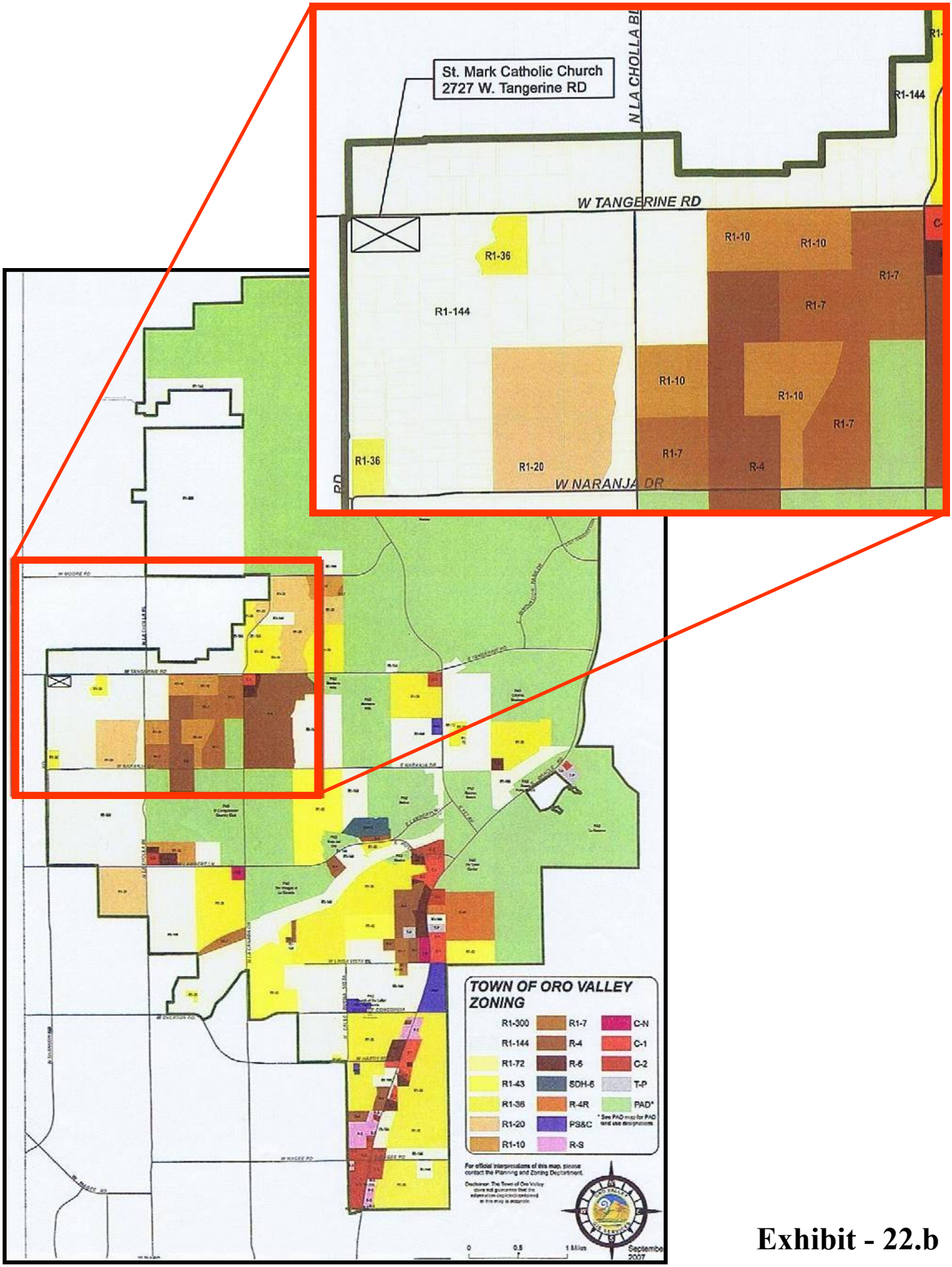
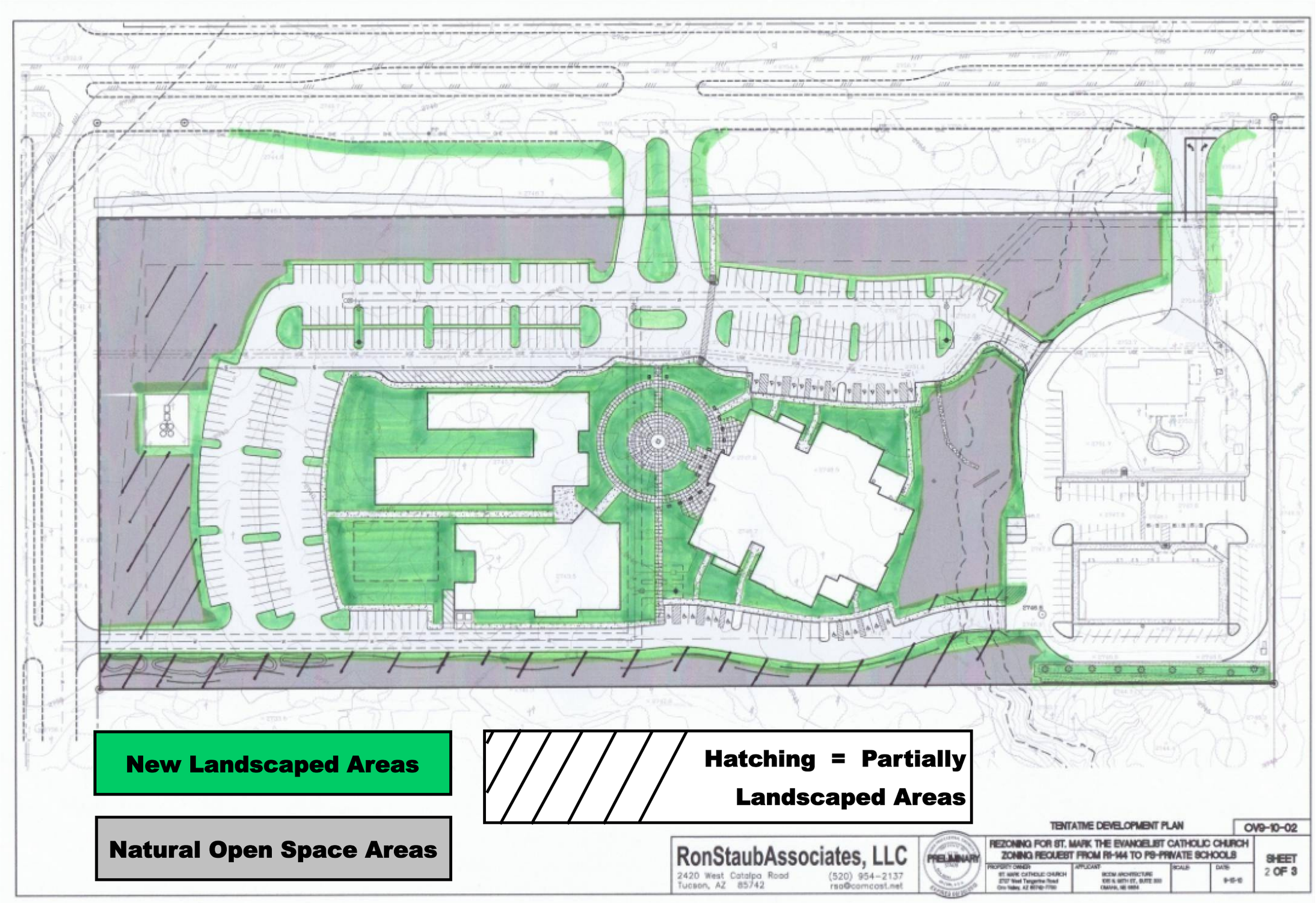
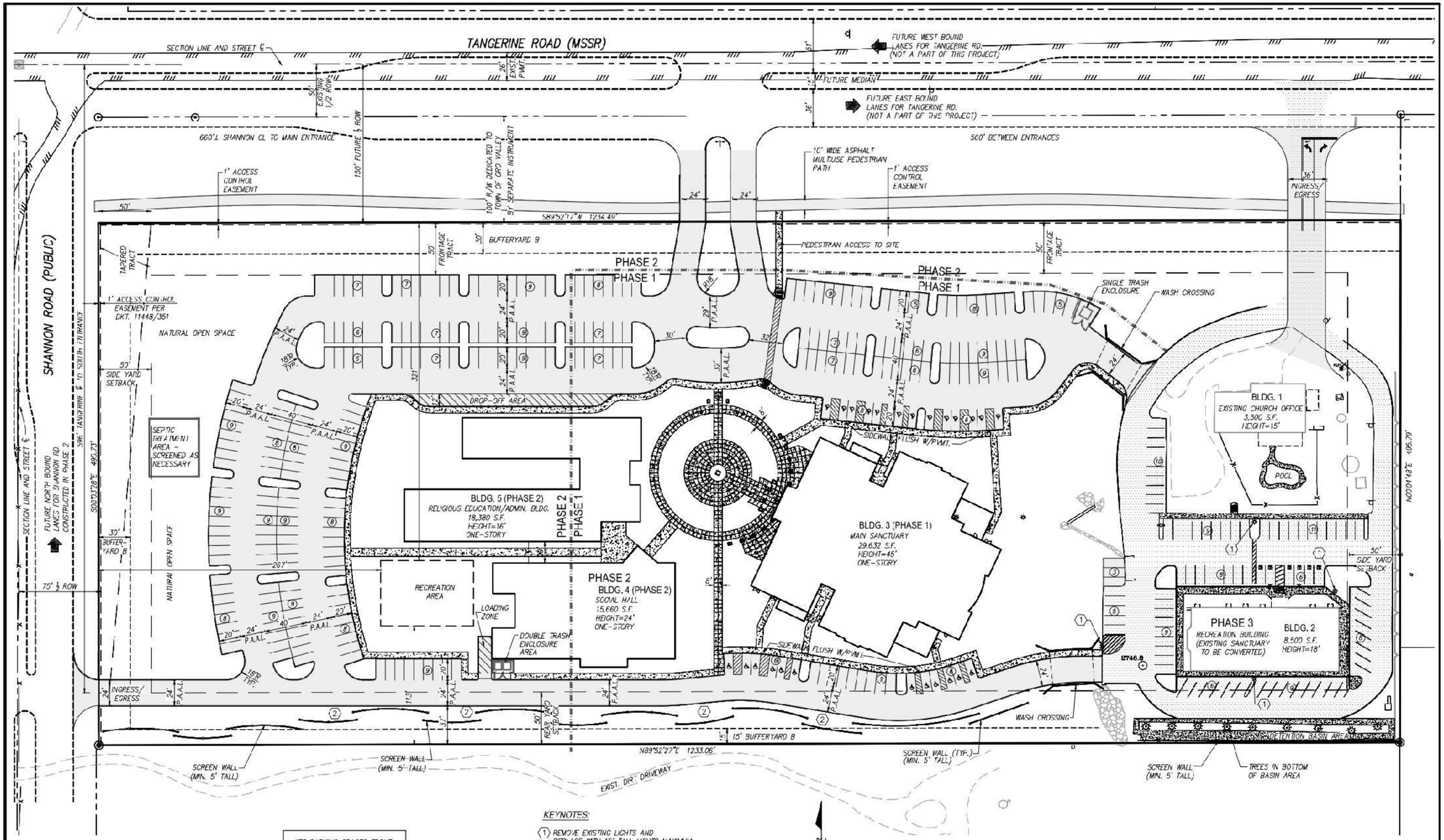

St. Mark Catholic Church
2727 W. Tangerine RD
N LA CHOLLA BL
W TANGERINE RD
W NARANJA DR
R1-144
R1-36
R1-10
R1-7
R1-20
R-4
TOWN OF ORO VALLEY
ZONING
R1-300
R1-144
R1-72
R1-43
R1-36
R1-20
R1-10
R1-7
R-4
R-6
SDH-6
R-4R
PS&C
R-S
C-N
C-1
C-2
T-P
PAD*
* See PAD map for PAD land use designations
For official interpretations of this map, please contact the Planning and Zoning Department.
0
0.5
1 Miles

Exhibit - 22.b


New Landscaped Areas
Natural Open Space Areas
Hatching = Partially Landscaped Areas
TENTATIVE DEVELOPMENT PLAN
OV9-10-02
RonStaubAssociates, LLC
2420 West Catalpa Road
Tucson, AZ 85742
(520) 954-2137
rsa@comcast.net
PRELIMINARY
REZONING FOR ST. MARK THE EVANGELIST CATHOLIC CHURCH
ZONING REQUEST FROM RI-144 TO PS-PRIVATE SCHOOLS
SHEET
2 OF 3



173 PARKING SPACES FRONT
217 PARKING SPACES BACK

TOTAL PARKING SPACES=390

KEYNOTES:

(1) REMOVE EXISTING LIGHTS AND REPLACE WITH 15' TALL LIGHTS MAXIMUM. HOUSE SHIELDS SHALL BE INSTALLED. ADDITIONAL LIGHTS MAY BE INSTALLED AS DEEMED NECESSARY BY OWNER.

(2) PARKING LOT LIGHTS ALONG SOUTH DRIVE LANE SHALL BE NO TALLER THAN 8 FT. AND FULLY SHIELDED

SCALE: 1"=40'
CONTOUR INT.=1'

TENTATIVE DEVELOPMENT PLAN

OVR-10-02

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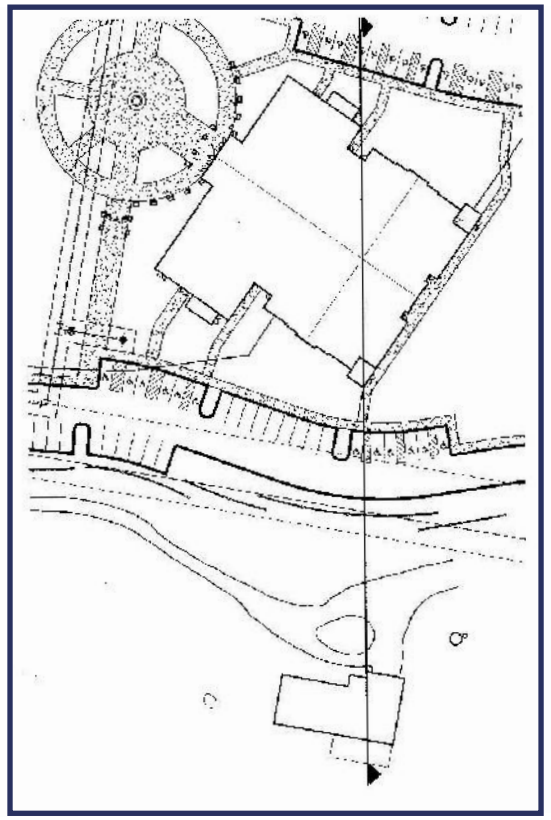
Tucson, AZ 85742
(520) 954-2137
rsa@comcast.net

REZONING FOR ST. MARK THE EVANGELIST CATHOLIC CHURCH
ZONING REQUEST FROM RH-144 TO PB-PRIVATE SCHOOLS

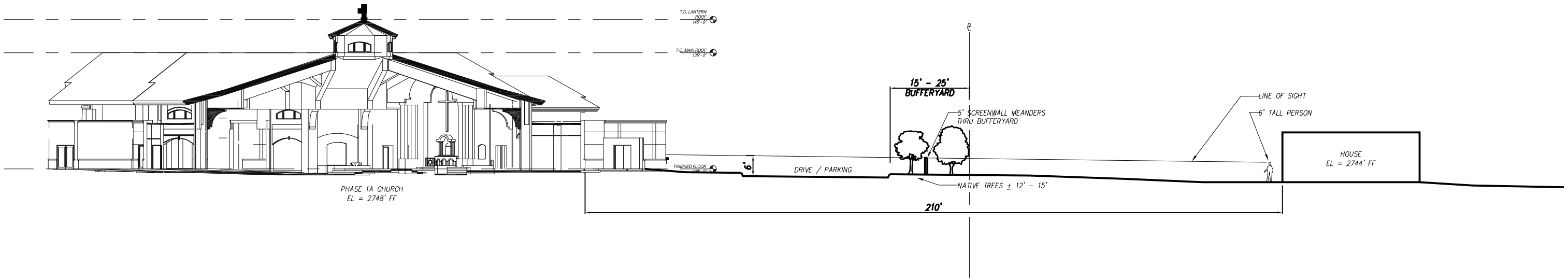
PROPERTY OWNER	APPLICANT	SCALE:	DATE:
ST. MARK CATHOLIC CHURCH 3787 West Tangerine Road Oro Valley, AZ 85742-7700	BCDM ARCHITECTURE 1015 N. 90TH ST., SUITE 300 OMAHA, NE 68114		9-15-10

SHEET 3 OF 3

Exhibit 24

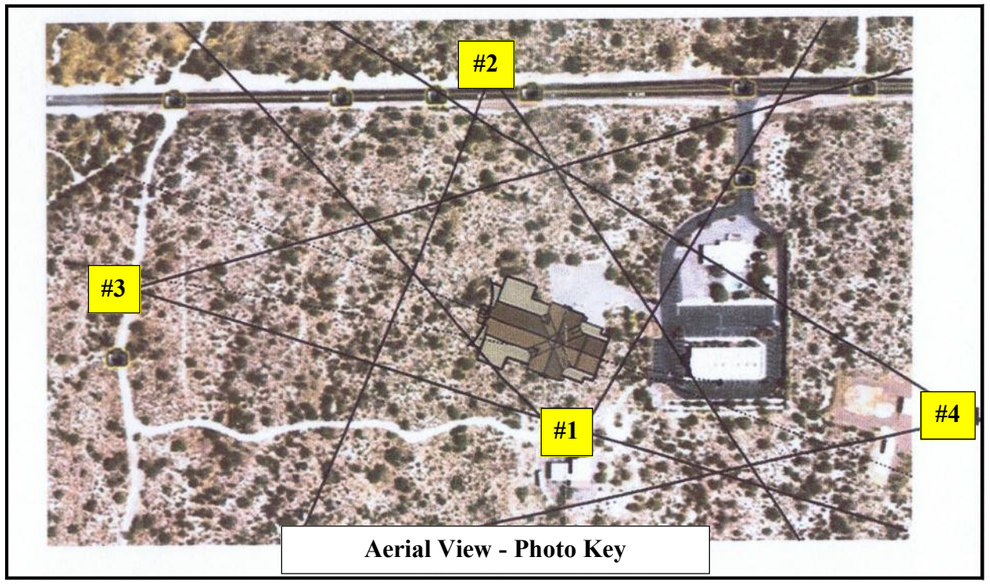


PARTIAL SITE PLAN VIEW



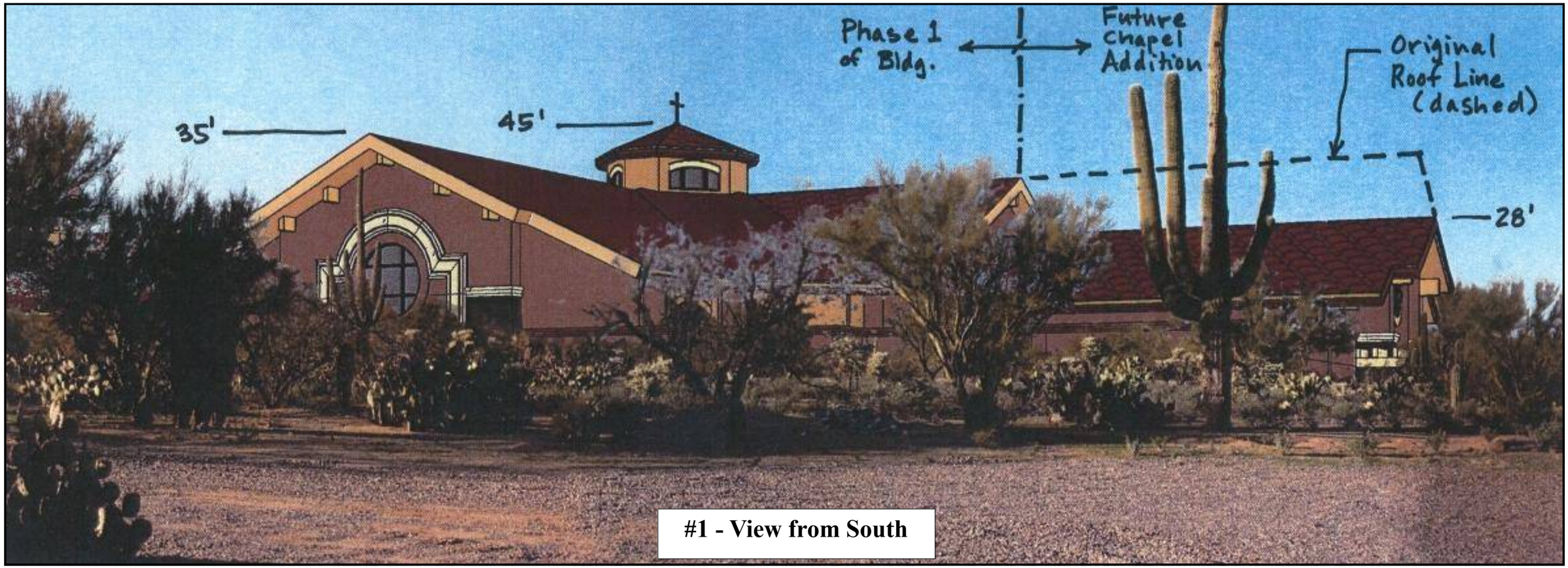
LINE OF SIGHT STUDY FROM ADJACENT SOUTHERN RESIDENCE

Exhibit - 25



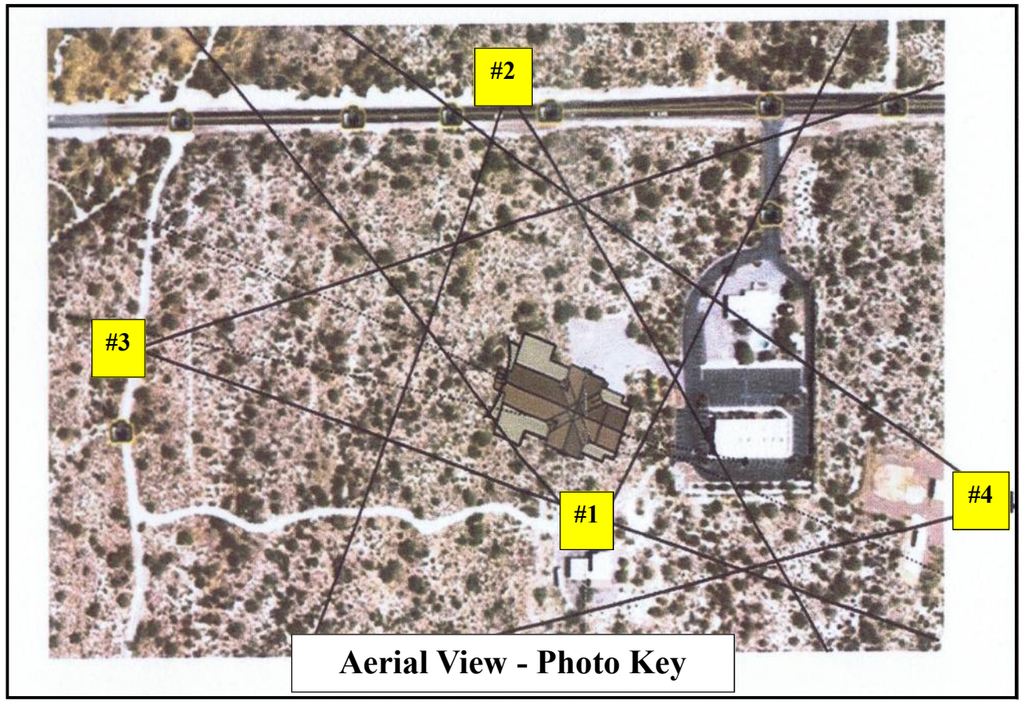
Aerial View - Photo Key

View Shed Overlay of Proposed Sanctuary Building

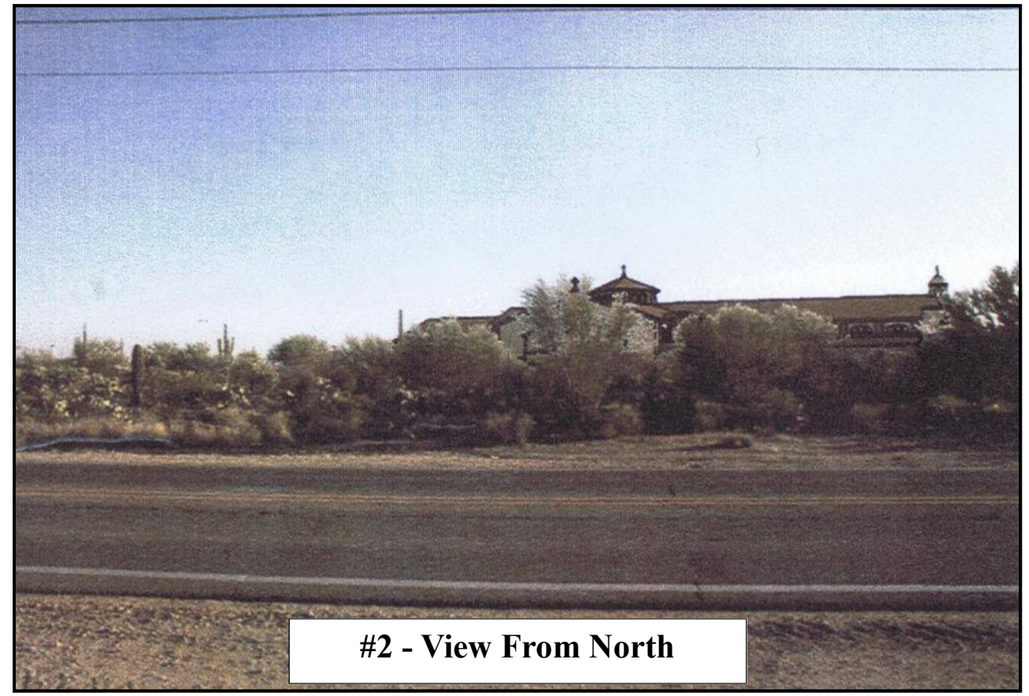


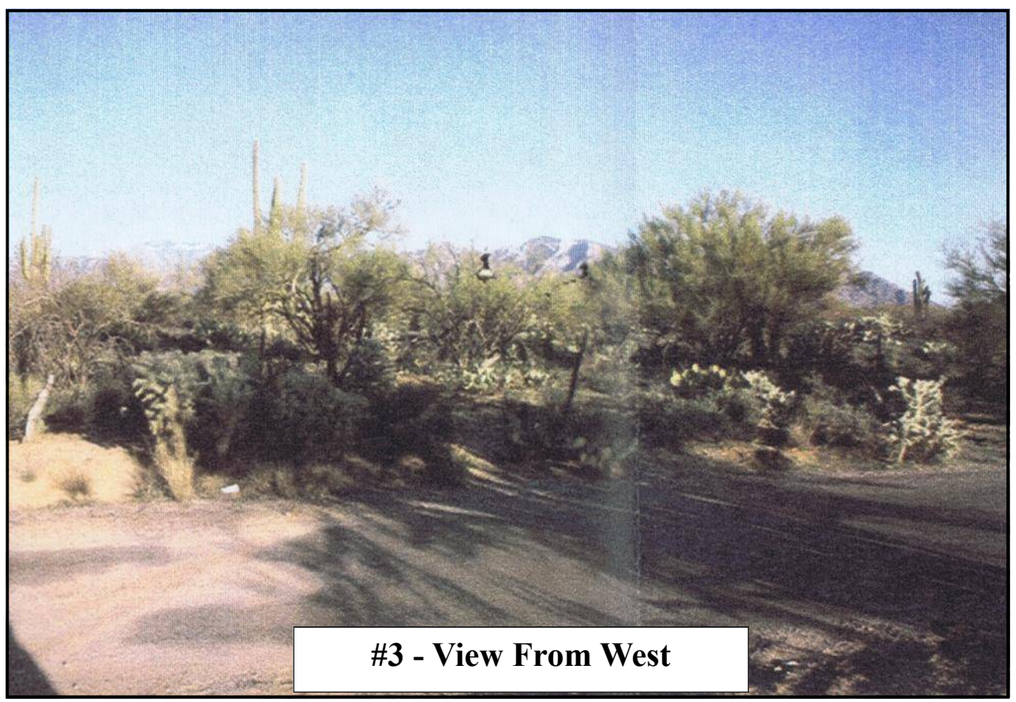
#1 - View from South

Exhibit - 26 .a



Aerial View - Photo Key


#2 - View From North


#3 - View From West

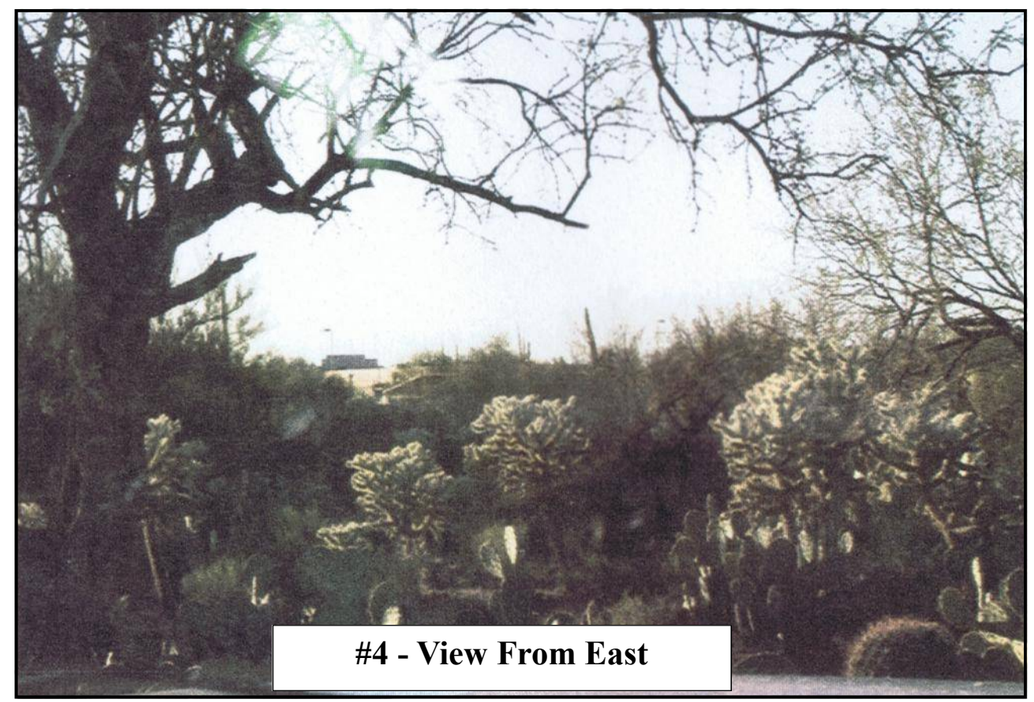
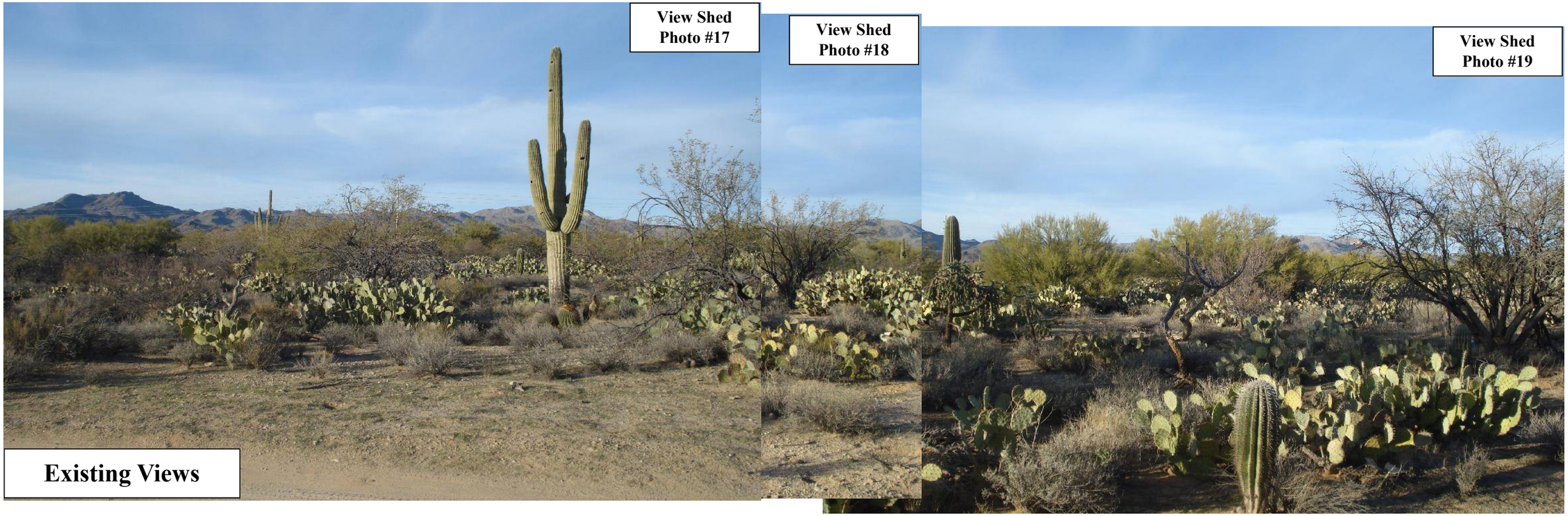

#4 - View From East

Exhibit - 26.b


View Shed
Photo #17
View Shed
Photo #18
View Shed
Photo #19
Existing Views

Outline of Ph. II Social Hall
Building - 24 ft. tall
Saguaro Cactus #935 - 28 ft. tall
Tower Feature
45 ft. tall
Outline of Ph. I New Sanctuary
Building - 35 ft. tall Main Roof
Partially Blocked Views After Building

Exhibit - 26.c

EXISTING CHURCH TRIPS GENERATION ESTIMATES

	AM Peak (adjacent st)		PM Peak (adjacent st)		Avg Wkday	
Weekday Trip Generation	In	Out	In	Out	In	Out
Calculated Trip Rate	0.09		0.03		0.57	
Trips Entering/Exiting	73%	27%	22%	78%	50%	50%
Existing Trip Generation	30		9		200	
Trips Entering/Exiting	22	8	2	7	100	100
	Saturday Peak (adjacent st)		**Saturday Peak (generator)**		**Saturday**	
Saturday Trip Generation	In	Out	In	Out	In	Out
Calculated Trip Rate	0.02		0.32		1.14	
Trips Entering/Exiting	33%	67%	94%	6%	50%	50%
Existing Trip Generation	6		113		400	
Trips Entering/Exiting	2	4	106	7	200	200
	Sunday Peak (adjacent st)		**Sunday Peak (generator)**		**Sunday**	
Sunday Trip Generation	In	Out	In	Out	In	Out
Calculated Trip Rate	0.25		0.87		3.14	
Trips Entering/Exiting	86%	14%	38%	63%	50%	50%
Existing Trip Generation	86		304		1100	
Trips Entering/Exiting	74	12	114	190	550	550

Trip generation rates are based on 350 seats

PHASE 1-A/B (EXPANSION TO 750 SEATS) TRIP DISTRIBUTION AND GENERATION

Weekday Trip Generation	Distribution		AM Peak Hour			PM Peak Hour			Weekday		
			In	Out	Total	In	Out	Total	In	Out	Total
Total Trips from Site at Buildout			49	18	68	5	18	23	214	214	428
Tangerine Road: West of Shannon Road	40%	40%	20	7	27	2	7	9	86	86	171
Tangerine Road: East of Shannon Road	60%	60%	30	11	41	3	11	14	128	128	257
Existing Site Trips			22	8	30	2	7	9	100	100	200
Tangerine Road: West of Shannon Road	40%	40%	9	3	12	1	3	4	40	40	80
Tangerine Road: East of Shannon Road	60%	60%	13	5	18	1	4	5	60	60	120
New Site Trips			27	10	38	3	11	14	114	114	228
Tangerine Road: West of Shannon Road	40%	40%	11	4	15	1	4	5	46	46	91
Tangerine Road: East of Shannon Road	60%	60%	16	6	23	2	6	8	68	68	137
Saturday Trip Generation	Distribution		Adjacent Street Peak Hour			Generator Peak Hour			Saturday		
			In	Out	Total	In	Out	Total	In	Out	Total
Total Trips from Site at Buildout			5	10	15	226	14	240	428	428	855
Tangerine Road: West of Shannon Road	40%	40%	2	4	6	90	6	96	171	171	342
Tangerine Road: East of Shannon Road	60%	60%	3	6	9	135	9	144	257	257	513
Existing Site Trips			2	4	6	106	7	113	200	200	400
Tangerine Road: West of Shannon Road	40%	40%	1	2	2	42	3	45	80	80	160
Tangerine Road: East of Shannon Road	60%	60%	1	2	4	64	4	68	120	120	240
New Site Trips			3	6	9	120	7	127	228	228	455
Tangerine Road: West of Shannon Road	40%	40%	1	2	4	48	3	51	91	91	182
Tangerine Road: East of Shannon Road	60%	60%	2	4	5	72	4	76	137	137	273
Sunday Trip Generation	Distribution		Adjacent Street Peak Hour			Generator Peak Hour			Sunday		
			In	Out	Total	In	Out	Total	In	Out	Total
Total Trips from Site at Buildout			161	26	188	248	405	653	1178	1178	2355
Tangerine Road: West of Shannon Road	40%	40%	65	11	75	99	162	261	471	471	942
Tangerine Road: East of Shannon Road	60%	60%	97	16	113	149	243	392	707	707	1413
Existing Site Trips			74	12	86	114	190	304	550	550	1100
Tangerine Road: West of Shannon Road	40%	40%	30	5	34	46	76	122	220	220	440
Tangerine Road: East of Shannon Road	60%	60%	44	7	52	68	114	182	330	330	660
New Site Trips			87	14	102	134	215	349	628	628	1255
Tangerine Road: West of Shannon Road	40%	40%	35	6	41	54	86	139	251	251	502
Tangerine Road: East of Shannon Road	60%	60%	52	9	61	80	129	209	377	377	753

Preliminary traffic analysis has been provided by Curtis Lueck & Associates, retained as the traffic engineering consultant for St. Mark Roman Catholic Parish—Tucson.

Exhibit—27.a

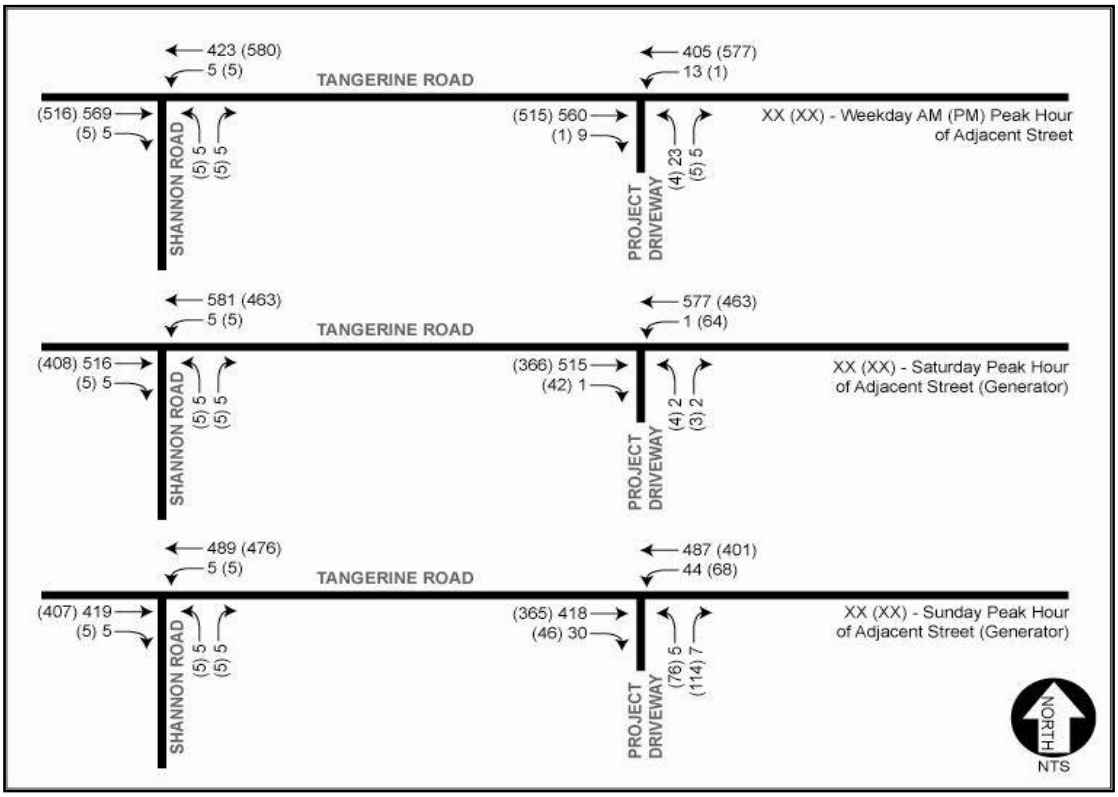
PHASE 1-C (EXPANSION TO 1200 SEATS) TRIP DISTRIBUTION AND GENERATION

Weekday Trip Generation	Distribution		AM Peak Hour			PM Peak Hour			Weekday		
			In	Out	Total	In	Out	Total	In	Out	Total
Total Trips from Site at Buildout			79	29	108	8	28	36	342	342	684
Tangerine Road: West of Shannon Road	40%	40%	32	12	43	3	11	14	137	137	274
Tangerine Road: East of Shannon Road	60%	60%	47	17	65	5	17	22	205	205	410
Existing Site Trips			22	8	30	2	7	9	100	100	200
Tangerine Road: West of Shannon Road	40%	40%	9	3	12	1	3	4	40	40	80
Tangerine Road: East of Shannon Road	60%	60%	13	5	18	1	4	5	60	60	120
New Site Trips			57	21	78	6	21	27	242	242	484
Tangerine Road. West of Shannon Road	40%	40%	23	8	31	2	8	11	97	97	194
Tangerine Road: East of Shannon Road	60%	60%	34	13	47	4	13	16	145	145	290
Saturday Trip Generation	Distribution		Adjacent Street Peak Hour			Generator Peak Hour			Saturday		
			In	Out	Total	In	Out	Total	In	Out	Total
Total Trips from Site at Buildout			8	16	24	361	23	384	684	684	1368
Tangerine Road: West of Shannon Road	40%	40%	3	6	10	144	9	154	274	274	547
Tangerine Road: East of Shannon Road	60%	60%	5	10	14	217	14	230	410	410	821
Existing Site Trips			2	4	6	106	7	113	200	200	400
Tangerine Road: West of Shannon Road	40%	40%	1	2	2	42	3	45	80	80	160
Tangerine Road: East of Shannon Road	60%	60%	1	2	4	64	4	68	120	120	240
New Site Trips			6	12	18	255	16	271	484	484	968
Tangerine Road: West of Shannon Road	40%	40%	2	5	7	102	6	108	194	194	387
Tangerine Road: East of Shannon Road	60%	60%	4	7	11	153	10	163	290	290	581
Sunday Trip Generation	Distribution		Adjacent Street Peak Hour			Generator Peak Hour			Sunday		
			In	Out	Total	In	Out	Total	In	Out	Total
Total Trips from Site at Buildout			258	42	300	397	647	1044	1884	1884	3768
Tangerine Road. West of Shannon Road	40%	40%	103	17	120	159	259	418	754	754	1507
Tangerine Road: East of Shannon Road	60%	60%	155	25	180	238	388	626	1130	1130	2261
Existing Site Trips			74	12	86	114	190	304	550	550	1100
Tangerine Road: West of Shannon Road	40%	40%	30	5	34	46	76	122	220	220	440
Tangerine Road: East of Shannon Road	60%	60%	44	7	52	68	114	182	330	330	660
New Site Trips			184	30	214	283	457	740	1334	1334	2668
Tangerine Road: West of Shannon Road	40%	40%	74	12	86	113	183	296	534	534	1067
Tangerine Road: East of Shannon Road	60%	60%	110	18	128	170	274	444	800	800	1601

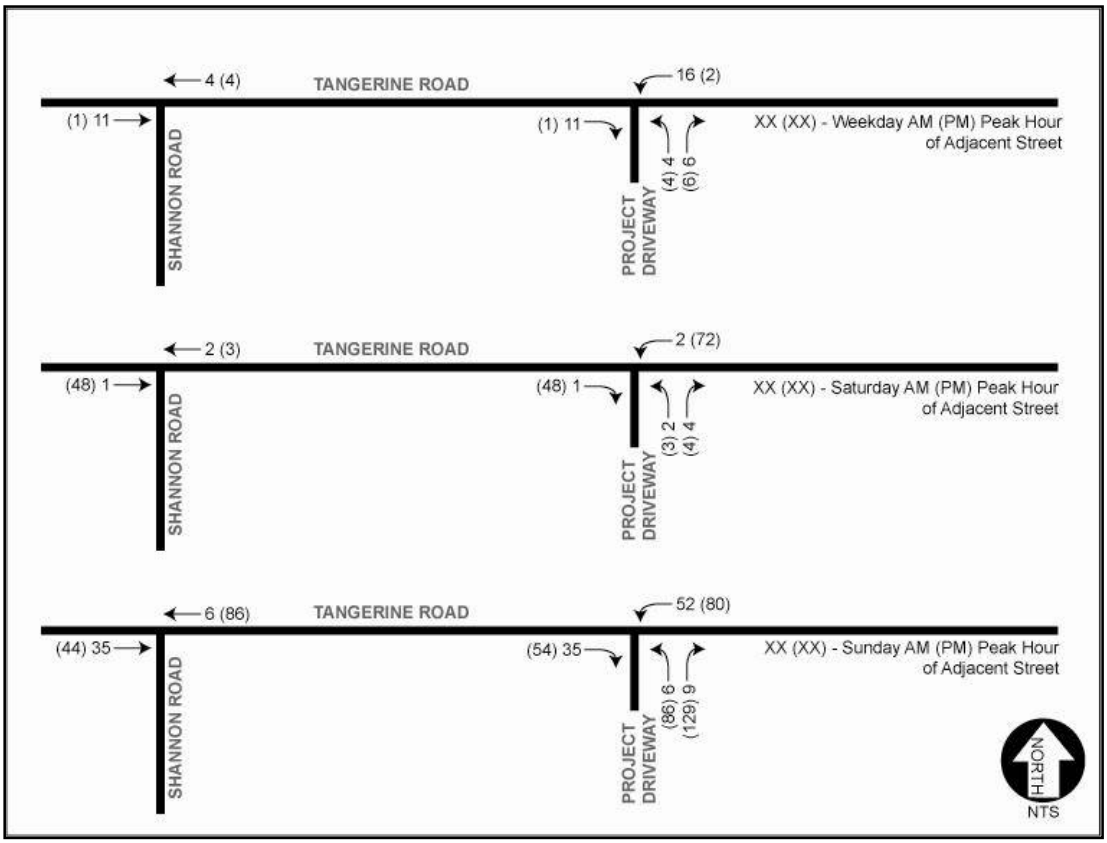
Preliminary traffic analysis has been provided by Curtis Lueck & Associates, retained as the traffic engineering consultant for St. Mark Roman Catholic Parish—Tucson.

Exhibit—27.b

2009 INTERSECTION VOLUMES



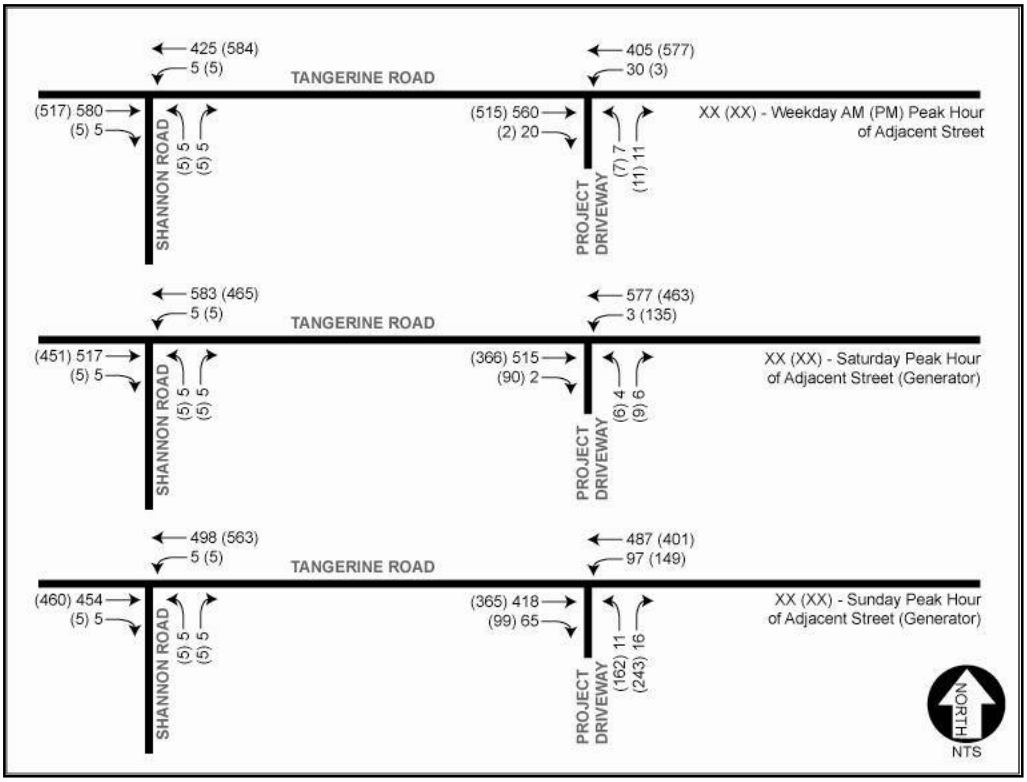
PROJECTED PHASE 1-A/B TRAFFIC



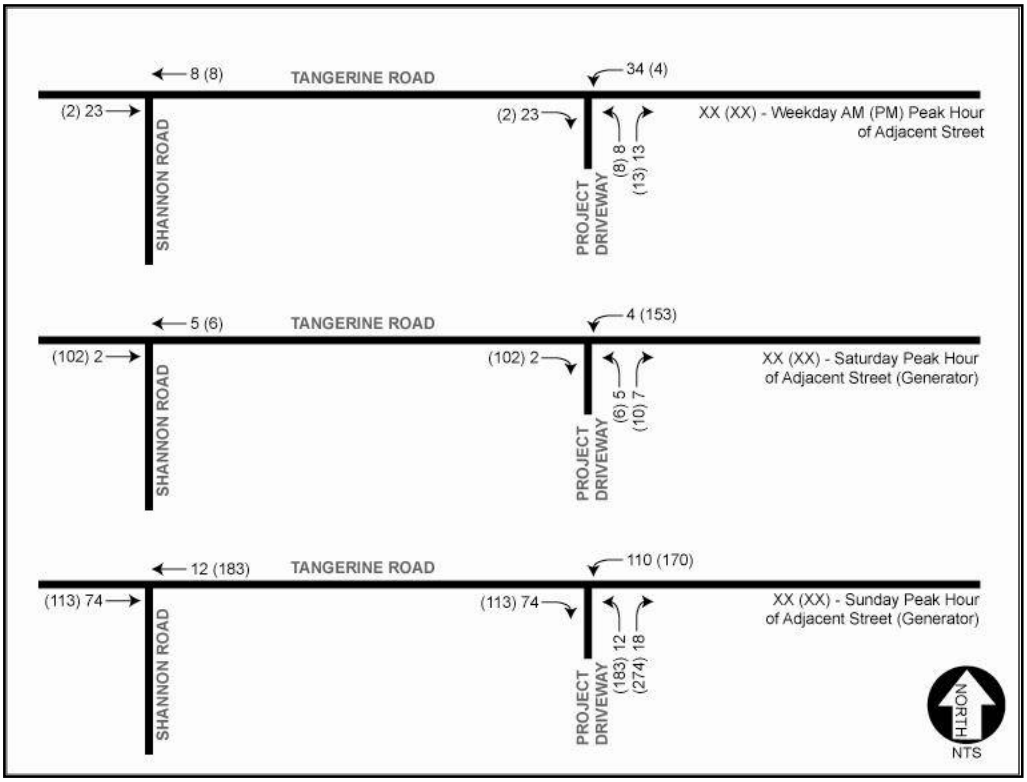
Preliminary traffic analysis has been provided by Curtis Lueck & Associates, retained as the traffic engineering consultant for St. Mark Roman Catholic Parish—Tucson.

Exhibit—27.c

PROJECTED TOTAL EXISTING & PHASE 1-A/B TRAFFIC

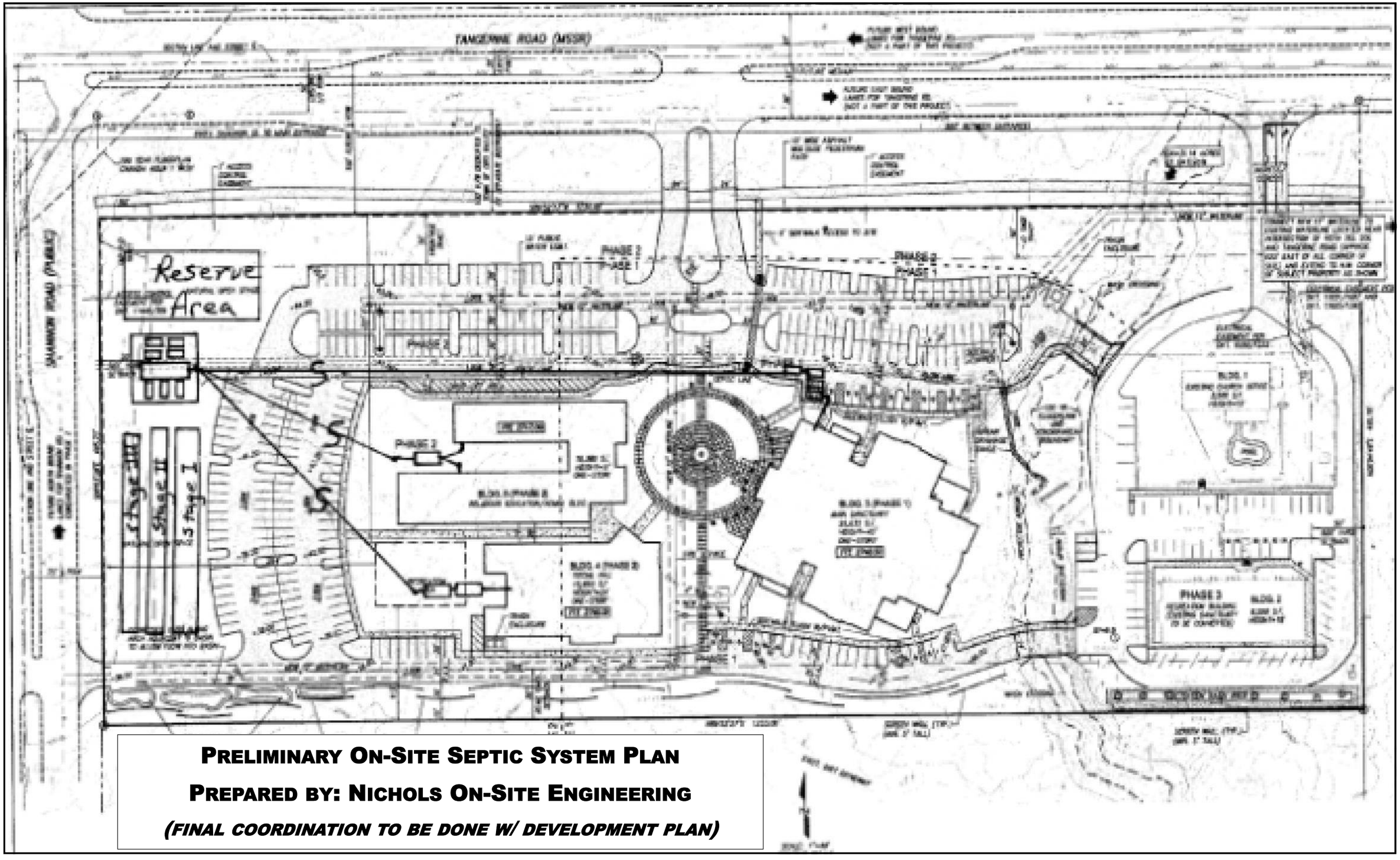


PROJECTED PHASE 1-C TRAFFIC



Preliminary traffic analysis has been provided by Curtis Lueck & Associates, retained as the traffic engineering consultant for St. Mark Roman Catholic Parish—Tucson.

Exhibit—27.d



PRELIMINARY ON-SITE SEPTIC SYSTEM PLAN

PREPARED BY: NICHOLS ON-SITE ENGINEERING

(FINAL COORDINATION TO BE DONE W/ DEVELOPMENT PLAN)

AdvanTex® AX100 Treatment Systems

For Onsite Treatment of Commercial and Multi-Family Wastewater

Ideal for:

- Multi-family residential properties
- Cluster systems, community systems
- Subdivisions, resorts, golf course developments
- Mobile and manufactured home communities
- Parks, RV parks, rest areas
- Truck stops, restaurants, casinos
- Schools, office buildings

Exhibit 29.a

Orenco Systems®
Incorporated
Changing the Way the World Does Wastewater®

800-348-9843
orenco.com

We've Written the Blueprint for the Decen

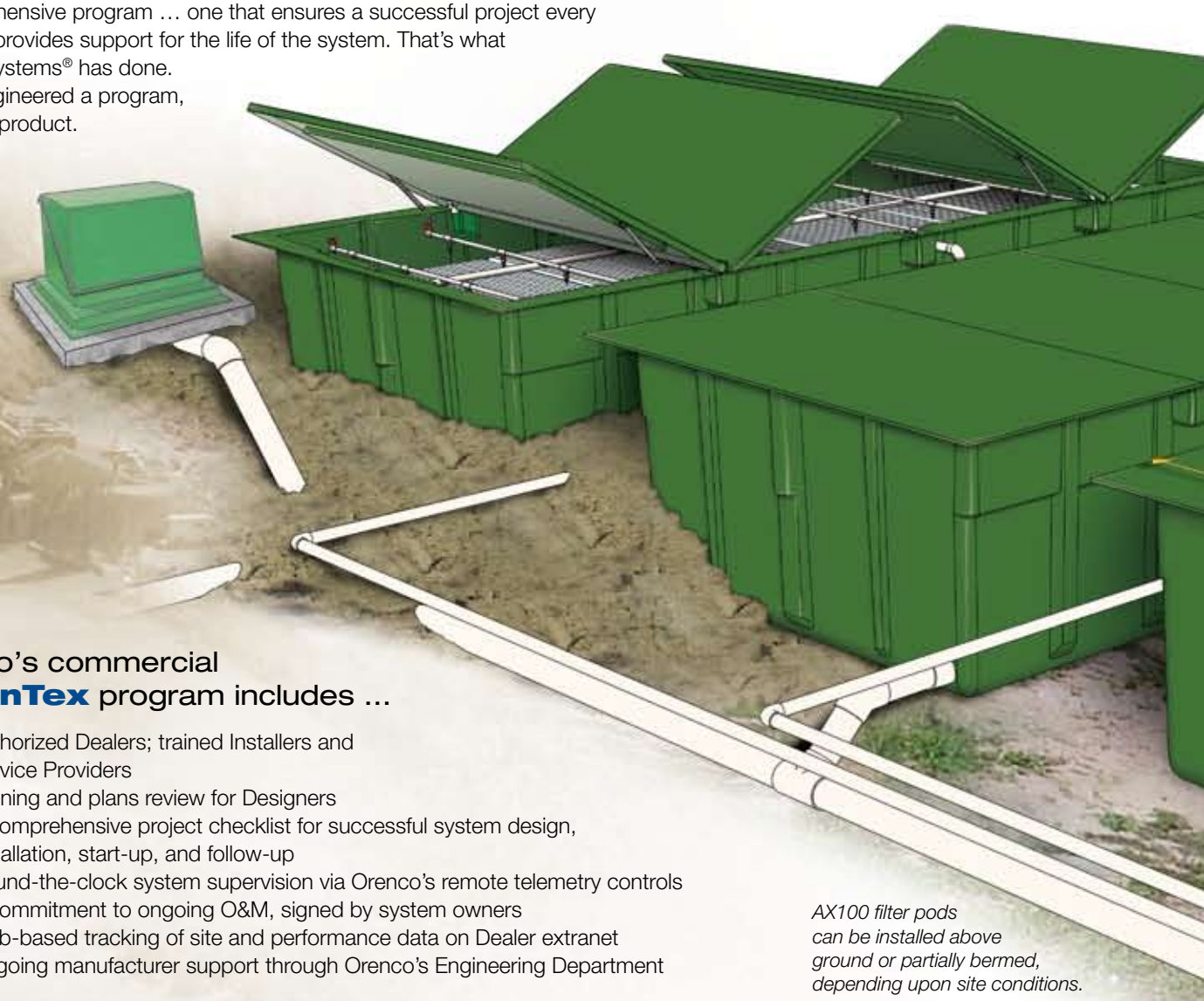
The Product

Orenco's AdvanTex® Treatment Systems utilizing the commercial-sized AX100 can make raw wastewater up to 98% cleaner, meeting stringent regulatory requirements. It can also reduce nitrogen significantly, depending on influent and configuration. And the AX100 offers all the benefits of Orenco's residential-sized AdvanTex Treatment Systems:

- Consistent, reliable treatment, even under peak flows
- Compact package, small footprint, for small sites
- Premanufactured package, including textile medium, for quality control
- Low maintenance requirements; low life-cycle costs
- Production of clear, odorless effluent that's ideal for reuse

The Program

It takes more than a product, however, to solve onsite wastewater problems. It takes a comprehensive program … one that ensures a successful project every time and provides support for the life of the system. That's what Orenco Systems® has done.
We've engineered a program, not just a product.



Orenco's commercial **AdvanTex** program includes …

- Authorized Dealers; trained Installers and Service Providers
- Training and plans review for Designers
- A comprehensive project checklist for successful system design, installation, start-up, and follow-up
- Round-the-clock system supervision via Orenco's remote telemetry controls
- A commitment to ongoing O&M, signed by system owners
- Web-based tracking of site and performance data on Dealer extranet
- Ongoing manufacturer support through Orenco's Engineering Department

AX100 filter pods can be installed above ground or partially bermed, depending upon site conditions.

* NOTE: Covered by U.S. patent numbers 6,540,920; 6,372,137; 5,980,748; 5,531,894; 5,492,635; 5,480,561; 5,360,556; 4,439,323

Exhibit 29.b

Decades of Research, Thousands of Installations

Orenco's patented* AdvanTex Treatment System is a recirculating filter that's configured like a recirculating sand filter — a packed bed filter technology that Orenco engineers have helped to perfect since the 1970s. Like recirculating sand filters, AdvanTex is reliable and low-maintenance. It is superior to other packed bed filters, however, in its serviceability and longevity.

It is also superior in its treatment media. AdvanTex uses a highly efficient, lightweight textile that has a large surface area, lots of void space, and a high degree of water-holding capacity. Consequently, AdvanTex Treatment Systems can provide treatment equivalent to that of sand filters at loading rates as high as 25-50 gpd/ft^2 (1000-2000 L/d/m^2). That means AdvanTex can treat high volume commercial and multi-family flows in a very compact space.

Our textile-based, multi-pass treatment technology has undergone third-party testing and evaluation to ANSI Standards. About 20,000 residential-sized AdvanTex filters have been installed since 2000. And more than 2,500 commercial-sized AX100 units are now in operation, including the installations described on the back page.

Textile Media
The treatment medium is a uniform, engineered textile, which is easily serviceable and allows loading rates as high as 50 gpd/ft^2 (2000 L/d/m^2).

Spray Nozzles
Efficient distribution is accomplished via specially-designed spray nozzles.

Laterals and Lids
Isolation valves, flushing valves, and hinged lids with gas springs allow easy access and servicing by a single operator.

Telemetry Controls
Orenco's telemetry-enabled control panels use a dedicated phone line and ensure round-the-clock system supervision and real-time, remote control.

Exhibit 29.c

AdvanTex® AX100 Treatment Systems

Carefully Engineered by Orenco

Orenco Systems has been researching, designing, manufacturing, and selling leading-edge products for small-scale wastewater treatment systems since 1981. The company has grown to become an industry leader, with about 250 employees and 150 distributors and dealers representing most of the United States, Canada, Mexico, Australia, New Zealand, and parts of Europe. Our systems have been installed in more than 60 countries around the world.

Orenco maintains an environmental lab and employs dozens of civil, electrical, mechanical, and manufacturing engineers, as well as wastewater treatment operators. Orenco's systems are based on sound scientific principles of chemistry, biology, mechanical structure, and hydraulics. As a result, our research appears in numerous publications and our engineers are regularly asked to give workshops and offer trainings.

Oregon Riverside Community

Since 2003, twelve AX100s have been providing advanced secondary wastewater treatment in Hebo, Oregon, for a small community collection system that discharges directly into Three Rivers, after UV disinfection. The average annual design flow is 17,000 gpd (64,400 L/d) with a peak daily design flow of 80,000 gpd (303,000 L/d) to account for I&I contributions from the collection system. Effluent BOD_5 and TSS are averaging 4.4 and 4.5 mg/L, respectively.

Malibu, California Restaurant

Ten AX100s at the top of a Malibu bluff are treating high-strength waste from a large (200+ seat) beachfront restaurant, 100 feet (30 m) below. This high-visibility tourist destination requires reliable, odor-free operation. Effluent sampling indicates excellent treatment, including nitrogen reduction. At an adjacent residential community, another system, consisting of 20 AX100s capable of treating up to 60,000 gpd (227,000 L/d) peak flows, has also been installed.

Mobile, Alabama Utility-Managed Subdivisions

South Alabama Utilities (SAU) in Mobile County, Alabama, has become the subject of nationwide classes, presentations, and tours because of its ambitious and innovative solution for serving nearly 4,000 new customers in 47 new subdivisions (as well as a number of new schools and commercial properties) northwest of Mobile. How? By installing more than 60 miles (96.5 km) of interconnected Orenco Effluent Sewers that are followed by 141 AdvanTex AX100s to treat nearly half a million gpd (1.9 million L/d) of effluent, at better than 10 mg/L.

Champion Hills is one of the many subdivisions in rural Mobile County served by Orenco's effluent sewers and treatment systems.

Under SAU's program, developers, builders, homeowners, and the utility all share the cost of extending wastewater infrastructure. Overall costs vary by development, but SAU currently charges each homeowner about $2,000 to provide and install the on-lot equipment. Overall costs are about half the cost of conventional sewers.

To order a complete design/engineering package for Orenco's Commercial AdvanTex Treatment Systems, contact your local Commercial AdvanTex Dealer. To find a Commercial Dealer, go to www.orenco.com/systems and click on "Locate a Dealer." Or call 800-348-9843 and ask for Systems Engineering.

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Incorporated

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Exhibit 29.d

COPY

WAIVER

I hereby consent and agree, as a condition of connecting to the Oro Valley municipal potable water system and receiving potable water service, that my registered well 55-639132 may be impacted by the drilling and operation of well(s) owned by the Oro Valley Water Utility now or at anytime in the future. This waiver is made under the presumption that the Arizona Department of Water Resources would find that the operation of Oro Valley Water Utility well(s) would cause in excess of 25 feet of additional cumulative drawdown over a 5 year period to my well. It is my intent to make this waiver run with the land upon which well 55- 639132 is located; it shall remain in effect for the life of well, and shall not be nullified should the well be sold.

Rev Liam Leahy — 2.25.2011

Signature of well owner — Date

LIAM LEAHY - PASTOR

Print name and Title

STATE OF ARIZONA)
)SS.
County of Pima)

SUBSCRIBED AND SWORN TO before me this 25 day of Feb, 2011.

Lisa Kinder

Notary Public

My Commission Expires: May 4, 2012

LISA KINDER
NOTARY PUBLIC - ARIZONA
PIMA COUNTY
My Commission Expires
May 4, 2012

Exhibit - 30

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION **MEETING DATE: March 1, 2011**

TO: **PLANNING & ZONING COMMISSION**

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

SUBJECT: **Public Hearing: Rezoning from R1-144, Single Family Residential to PS**, **Private Schools** for the purposes of constructing a church on the 17 acre property located on the southeast corner of Tangerine Road and Shannon Road, requested by St. Marks Church, represented by ML2 Management LLC., OV910-002.

SUMMARY:

The proposed rezoning involves the property known as the St. Marks Catholic Church, located at 2727 W. Tangerine Road. The site is approximately 17 acres in size and presently zoned R1-144, Single Family Residential. There are two existing buildings on the site, a church office and a recreation building/sanctuary. As part of this request, the applicant proposes a total of three new buildings, parking area and other site improvements. Currently, the existing R1-144 zoning permits religious institutions on the site.

BACKGROUND:

Amendment Request

The applicant's primary reason for the rezoning is to allow more flexibility with development standards that would not be permitted in a single family residential district. The proposed PS, Private School District provides for religious facilities and private educational facilities. A similar facility could be built under the existing zoning. The rezoning conforms to the Town General Plan land use designation.

The development is proposed in two phases. Phase 1 will include the main sanctuary, parking, wash crossings and drainage improvements. Please refer to Exhibit 20 (Part 2 – Section 2.A) of the site analysis for description of Phase 1 improvements. Phase 2 will build out the remainder of the site and consist of two additional buildings, a social hall and religious education/administration building. Phase 3 will include remodeling of the existing church building.

Site Conditions

- Property is 17 acres
- Zoning is R-144, Single Family Residential
- General Plan Designation is "Public/Semi-Public" with an overlay of "Significant Resource Area"
- Two existing buildings on the site totaling 12,000 square feet – building height is 15 to 18 feet
- 81 existing parking spaces
- Gravel parking area located west of site across wash
- Riparian area transverses the site from north to south

Proposed Improvements

- New church sanctuary, social hall, religious education and administration buildings. Total square footage is 63,672. Building heights vary from 16' to 35' with tower elements up to 45'.
- Courtyard area and recreation area
- 283 new parking spaces
- Site will be built in 3 phases
- Preservation and enhancement of existing riparian area
- Recreation area
- Kindergarten school education

Approvals to date:

- Development plan previously approved for existing buildings in Pima County

Surrounding Land Uses:

Direction	Zoning	Land Use
North	R1-144, Single Family Residential	Existing single family homes (across Tangerine Road
South	R1-144, Single Family Residential	Existing single family home
East	R1-144, Single Family Residential	Existing single family home
West	S-R, Suburban Ranch	Pima County Jurisdiction – State Land (across Shannon Road)

Oro Valley General Plan

The Town General Plan designates this site as "Public/Semi-Public". This designation denotes an area dedicated for public uses, which include religious institutions, police/fire sub-stations, town facilities and hospitals. Furthermore, the General plan designates this area as a "Significant Resource Area", an overlay designation intended to preserve the environmentally sensitive areas of the property. Development in these areas should be at the lowest density possible, conserving site resources.

The following are applicable General Plan policies;

Policy 2.1.1, "The Town shall continue to promote architectural themes and project site design that blends the built environment with natural surroundings…..building height and bulk should be moderate to low intensity, in harmony with individual site attributes."

The proposed building height for the sanctuary is 35' with tower elements with a height of 45'. This building is relatively tall and will be highly visible from Tangerine Road and surrounding properties. Considering the low height of the adjacent residential properties, the proposed height of this building (35') with a tower element of 45' would not quite fit in the natural surroundings. There are no other buildings this tall in the area.

Policy 2.1.4, "The Town shall require that all development proposals depict an arrangement of and massing of buildings and/or arrangement of lots to minimize impacts on views from adjacent properties and streets and from properties and streets internal to the proposed project while providing privacy for residents."

The impacts of this development on adjacent residential properties has been taken into consideration. Adequate mitigation measures have been provided with regards to setbacks, landscape buffers and other impacts.

Policy 11.1.8, "The Town shall use natural open space preservation as one criterion in considering land use rezoning proposals. Developments shall utilize natural open space to comply with requirements for landscaped areas and buffer areas, whenever feasible."

Specific attention will be focused on preserving the existing wash that transverses the site from Tangerine Road to the south portion of this property. Other open space areas and buffers have been provided along the perimeter of the site to enhance natural open space.

Policy 11.3.1, "View protection is to be an essential aspect of development review and project approval, the Town defines Tangerine Road as a scenic corridor."

The project site is in general conformance with the requirements of the Tangerine Road Corridor Overlay District. A view shed analysis has been provided to ascertain building impacts on Tangerine Road corridor.

STAFF ANALYSIS OF PROPOSED REZONING

In general staff supports the proposed rezoning from R1-144, single family residential to PS, Private Schools. The General Plan designates this property as Public/Semi-Public; therefore, the zoning would be in conformance with the General Plan. The site has been designed taking into consideration the preservation of wash, maintaining the Tangerine Road scenic corridor and minimizing impacts to the adjacent residential homes.

Site Analysis Report and Tentative Development Plan

The site analysis report provides a detailed description of the existing and proposed site elements. The Tentative Development Plan (TDP) provides an overall layout of the buildings, parking, buffers and other site improvements. A more specific plan will be required as part of the development review process.

Below is a summary of the substantive items related to the rezoning of this property;

1. *Tangerine Road Corridor Overlay District (TRCOD)*: The project is in general conformance with the TRCOD requirements as follows;
   - A 50' frontage tract has been provided along Tangerine Road
   - A 4:1 building to setback ratio has been achieved.
     a. Sanctuary building (35' height): 140' setback required and 204' proposed
     b. Religious education (16' height): 64' setback required and 185' proposed
     c. Social Hall (24' height): 96' setback required and 320' proposed.

2. *Viewshed Analysis*: The property is located along the Tangerine Road Corridor. Preservation of scenic views has been achieved to the greatest extent possible. A visual analysis has been provided depicting vistas across the site (refer to Exhibits 11.a-p and 26.a-b for photo renderings). Three new buildings are proposed on this property, the two lower buildings will be the social hall & religious education. The tallest structure will be the sanctuary building at 35'. The mass of this building will partially obstruct viewsheds across the site, specifically views from south to the distant Tortolita Mountains. In general, adequate view corridors are provided between buildings, preserving some viewsheds.

3. *Building heights*: The buildings on this site will vary from 15' to 35'. The height of each building is specified on the TDP. The tallest building will be the sanctuary at 35' with tower elements at 45' in height.

   PS District height standards will provide them flexibility for additional height; however, the rezoning will not automatically authorize the additional building heights up to 45'. Under the PS district in the zoning code it specifies that no building shall exceed 24'. Additional building heights may be granted beyond the 24' as specified below:

   - *The following increased building heights are subject to Development Review Board (DRB) approval:*

a. Architectural elements may exceed the building height up to 10' (only above the 24' feet).
b. Auditoriums up to 45 feet
c. Gymnasiums up to 36 feet.

Note: The sanctuary qualifies as an "assembly" area, meeting the definition of an auditorium

4. *Neighborhood Compatibility*: This property is surrounded by rural homes, approximately 3.3 acres in size. Rezoning this property, to PS, Private Schools would be appropriate; however, mitigation measures must be incorporated to minimize the dominance of the proposed buildings on the site. There are other religious institutions located along Tangerine Road but they are on smaller parcels. The St. Marks Church campus will be relatively large consisting of five buildings totaling 75,672 square feet. The site uses will be a sanctuary, administrative offices, social hall and religious education building. St. Marks Church plans to limit the property to church related uses and kindergarten education.

5. *Significant Resource Area (SRA)*: As previously mentioned, the entire site is designated by the General Plan as an SRA. This means that the site is considered "environmentally sensitive" because of the riparian habitat, areas of dense vegetation and unique plant occurrences. The intent of the SRA is to preserve, to the greatest extent possible, the areas identified as environmentally sensitive.

   As part of the site layout for this development, specific areas have been preserved as natural open space, minimizing the amount of asphalt/pavement. The floor area ratio for this proposal is .12 and the maximum allowed is .50. A total of 25% open space has been provided. The site achieves a compact layout of parking (with the exception of the west portion of the site) and buildings to provide for additional areas of conservation and/or landscaping. In an effort to minimize pavement and site disturbance, staff recommends that the parking area that loops around the western portion of the property be located closer to the building areas. A condition has been added to address this issue.

   In general, the site is in conformance with the intent of the SRA.

6. *Access/Parking*: The property is accessed from a single driveway entrance off Tangerine Road. This existing drive will be utilized to support phase 1 development. A second access off Tangerine Road is planned to be constructed with Phase 2 of the project, but will require a variance from the TRCOD requirements. A third access is also proposed off Shannon Road (during Phase 2) and will also require a variance.

   The site is adequately parked with a total of 364 required/provided vehicular spaces. Passenger drop off areas have been provided in front of the buildings. The Zoning Code specifies that no more the 50% of the required parking may be located in the front yard. As proposed, the development does not meet this requirement. Additional parking must be distributed to the side and rear yards. A condition has been added to address this Zoning Code requirement.

7. *Setbacks*: The project is in conformance with the PS zoning district, specifically a 50' side and rear setback. The following setbacks are proposed on the south side of the property:
   - Social hall: 73'
   - Sanctuary: 83'
   - Existing sanctuary: 60'
   - Religious education/administration: 192'

Furthermore, the closest residential home south of the proposed sanctuary building is 140'. All other new buildings are approximately 250' or further away.

8. *Buffer yards:* Buffer yards have been provided along the perimeter of the property, 50' along Tangerine Road, 30' along Shannon Road, existing 8' buffer along east side of property and 22' – 58' buffer along the south side of the property, adjacent to the existing residence.

Engineering Division:

Drainage

The general drainage patterns for developed conditions will remain the same as the pre-developed conditions with engineered conveyance mechanisms incorporated into the future development plan. Under developed conditions, all flows shall be mitigated to discharge to the south in the same or reduced intensity, manner and location as in the existing form. Any floodplain encroachment by the identified crossings shall be permitted through a floodplain use permit process. Rezoning of this property will not have detrimental impacts to upstream or downstream neighbors as long as Town drainage criteria requirements are followed during actual site development.

With regard to public safety within the developed site, the tentative development plan accompanying this rezoning request does not indicate impacts to existing regulatory floodplains by built features or habitable structures. As a requirement of the Town's drainage criteria requirements, all building finished floors shall be protected from flooding. Since none of the structures are being proposed within an established floodplain zone, flood protection can be accomplished by either setting floor elevation above adjacent drainage conveyance or adequate mitigation measures directing flow away from the building for floors below grade.

Traffic

The proposed development resulting from the rezoning may have impacts to existing traffic. The developer will be responsible to mitigate any impacts and ensure that existing traffic level of service patterns are maintained in the developed condition. This will all be evaluated during the development/site plan review stage with the submittal of a full traffic impact statement.

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, two neighborhood meetings were previously held one on May 13, 2010 and the most recent on November 18, 2010. At both meetings, approximately eight residents attended and the items below were discussed (similar issues were discussed at both neighborhood meetings):

1. Building heights on the site are too tall – specifically sanctuary building
2. Obstruction of mountain views from adjacent residential homes
3. Architecture for buildings should fit site
4. Water service to this site for adjacent homes – requested abandonment of existing well and requirement for the development to connect to Oro Valley water
5. Site lighting - specifically height of parking light poles and buildings lights. Low level lighting to be used to minimize impacts on adjacent residential homes
6. Residents oppose septic system and prefer the development to connect to sewer system
7. Access to Shannon

8. South side buffer yard screening (height of wall and vegetation)
9. No kindergarten – twelfth grade school education on-site
10. Aesthetic treatment of existing and proposed detention basins

The neighbor directly south of this site will be impacted and has submitted numerous letters outlining his issues and concerns. The applicant has met with this neighbor on many occasions in an effort to resolve his specific issues. The applicant has addressed the following items on the Tentative Development Plan to help mitigate the adjacent neighbor concerns:

- The south side buffer yard has been increased from a width of 15' to a width ranging from 22-58'
- Additional screen walls provided along south side buffer
- Numerous parking spaces along the south side of the property have been removed and replaced with landscaping
- Site lighting has been limited in height (building and pole lights) on the south side of property
- Provided restriction of use to religious institution, kindergarten school only and other associated church uses. There will be no 1st-12th grade school use.
- Refuse containers have been moved further away from the south property line.

Based on a recent conversation with the neighbor, it appears that there are still many outstanding concerns and there is consensus on only a few items. The key issues continue to relate to the building height of sanctuary (limiting height to 25' with 10' of excavated grade), width and treatment of south side buffer yard, lighting along south side of property and restriction on use of property to K-12 grades. The outstanding items are identified in the attached document from the resident.

In an effort to further address the neighbor concerns, staff recommends the following conditions of approval and the applicant has agreed to make these additional concessions:

- On the south buffer yard, replace the straight line walls with contoured walls similar to the section west of the wash, with the exception of the wall on the southwest corner of property (south of detention basin).
- Existing site: Remove existing pole lights and replace with 15' tall shielded lights. All other building lights shall not exceed 9' and shall be shielded. Additional lights may be installed as required by Town lighting code, provided pole heights do not exceed 10' if located south of the buildings or 8' if located along the south drive lane.
- New Development: Parking lot lights along the south drive lane shall be no taller than 8' and shall be fully shielded. All other building lights shall not exceed 9' in height and shall be shielded. Additional lights may be installed as required per the Town lighting code, provided pole heights do not exceed 10' if located south of the buildings or 8' if located along the south drive lane.
- Screen walls shall be 5' high constructed of stucco with pier offsets and shall be located no closer than to south property line than shown on the TDP.
- The treatment of the detention basins must contain natural materials such as rock, decomposed granite and shall not be constructed of concrete.
- On the southwest corner of property multiple smaller detention basins must be used. The detention basin associated with Phase 1 must be constructed similar in design.
- All building lighting will be shielded in accordance with Town lighting code to achieve dark sky lighting.
- Relocate the refuse container away from the southern portion of the property, specifically within an enclosed area as part of the loading zone on the southwest corner of building #4.

CONCLUSION/RECOMMENDATION

The proposed rezoning is in general conformance with the Public/Semi-Public land use designation. The requested PS zoning district contains development standards, which are specifically designed for uses such as religious institutions. The rezoning would bring the site into conformance with the Town General Plan land use designation.

The project is in general conformance with applicable General Plan Polices, Tangerine Road Corridor Overlay District requirements and addresses mitigation measure to minimize impacts to the adjacent residential homes. The project incorporates efforts to achieve environmental preservation and assure neighborhood compatibility. Overall, staff supports the proposed rezoning from R1-144 to PS and recommends approval with the conditions specified 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], OV910-02, request for approval of the rezoning for St. Marks Church with the conditions specified in Exhibit A.

Attachments:
1. Exhibit A – Staff Conditions of Approval
2. Site Analysis Report
3. Adjacent Resident Information

cc: Mitch Lorenz, mitch@ml2management.com
Project Manager: David Ronquillo, OV Senior Planner

_____
David Williams, Planning Division Manager

MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
REGULAR SESSION
March 1, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

CALL TO ORDER AT OR AFTER 6:00 P.M.

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
Robert La Master, Commissioner

PLEDGE OF ALLEGIANCE

Chair Swope led the audience in the Pledge of Allegiance.

CALL TO THE AUDIENCE (Non Agenda Items Only)

Opened and closed without comment.

COUNCIL LIAISON COMMENTS

Council Member Joe Hornat updated the Commission on the following:

-ESL was basically untouched by Council
-C-N went through with very minor changes when presented to Council

1. Review and/or approval of the January 13, 2011, and February 1, 2011, P&Z Commission meeting minutes.

Chair Swope requested grammatical changes to the minutes. The requested changes have been noted.

MOTION: A motion was made by Vice Chair Cox and seconded by Commissioner La Master to Approve the January 13, 2011, and February 1, 2011 P&Z Commission meeting minutes.

2. Public Hearing: Rezoning for R1-144, Single Family Residential to PS, Private Schools for the purposes of constructing a church on the 17-acre property located on the southeast corner of Tangerine Road and Shannon Road, St. Marks Church, represented by ML2 Management LLC., OV910-002.

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Mitch Lorenz, from ML2 Management, non resident, presented the following:

- Parish background and community involvement
- Current Tentative Development Plan
- Review of staff conditions of approval

Dave Berringer, from BCDM Architecture, non resident, presented the following:

- Proposed architecture for sanctuary
- Architectural intent & master plan
- Updated view shed analysis of the new sanctuary from Braun Residence.

Mr. Lorenz continued with his presentation

- Responses to neighbor concerns
- Main concerns from the neighbors to the south
- Lighting concerns addressed
- South buffer yard variations
- Screen wall design
- Landscape of south buffer yard
- On-site septic system
- Water
- Shannon Rd. & access
- Religious Education/Administration Building
- Closing statement

Commissioner Caine asked if the buffer yard was still an issue or whether it has been resolved. Mr. Lorenz responded that currently the detention basin and the drainage and grading are not fully engineered. It is still a recommended condition that it be curvilinear and the walls treated on the west side in a similar fashion to the walls on the east side.

Commissioner Napier confirmed there are 25 conditions in the staff report and asked Mr. Lorenz if he agrees to comply with all 25 conditions without reservation. Mr. Lorenz answered that is correct.

Chair Swope asked if the parking to the rear would be impacted by the buffer yard area they intend to provide. Mr. Lorenz said that is unclear at this time.

Chair Swope voiced his concern with minimizing the buffer by moving the parking to the rear. Mr. Lorenz commented that the conditions asked for a 25 foot buffer. The proposed buffer is 35 feet in width, which is 10 feet more.

Commissioner Napier asked for confirmation that there was no more room for compromise on the building height. Mr. Berringer responded that they have decreased the building height as much as they can in order to achieve their design objectives.

Commissioner Cox commented that has been stated at a previous meeting that the education offered by the church would be K-12 opposed to 1st-12 and asked the applicant to comment on that. Mr. Berringer responded that the parish leaders felt the pre-school and kindergarten were more compatible and reasonable.

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Chad Daines, Principal Planner, presented the following:

- Request
- Context Map
- Review Focus
- Summary of Proposal
- General Plan Designation
- General Plan - Applicable Policies
- Staff Analysis - Substantive Items
- Public Input - 2 neighborhood meetings
- Summary

Commissioner Large asked if the circulation still worked if the two variances required for access should be denied. Paul Keesler, Permitting Manager, said one of the issues was driveway spacing from the intersection and other existing driveways. Town staff has looked at this and it is something we can recommend for approval. If this does not happen, there are other mitigation measures that can be used.

Commissioner Caine asked if the rezoning is in compliance with the ESL. David Williams, Planning Manager commented that the ESL does not take effect for six months and this rezoning was not evaluated in light of the ESL.

Commissioner Caine asked if the new ESL would make the conditions more stringent. Mr. Williams said for the Tangerine Road Corridor Overlay District, it does not.

Commissioner Caine asked how these conditions would remain in place. Mr. Williams replied that the Commission can recommend additional conditions limiting any uses that they would like to see prohibited. Mr. Tobin Rosen, Town Attorney, added in the event a condition is violated it becomes a violation of zoning conditions and is processed as such by staff.

Chairman Swope asked what the vision of the Tangerine Corridor is and whether a project of this sort is consistent with that vision. Mr. Williams commented that this is a case where we need to look at a Tangerine Road as more than just a road. Tangerine Road will be a major transportation corridor in both Oro Valley and Marana. Oro Valley has concerns about land use, urban design and transportation issues along this corridor. Staff is comfortable with this type of facility along the Tangerine Road corridor.

Chairman Swope commented that the General Plan makes it clear that the Significant Resource Area (SRA) overlay requires that development be clustered in the least sensitive portions of the SRA and asked if that has happened here and how. Mr. Ronquillo replied that as part of the site analysis, there was an overall analysis of plant density on the whole site. On this particular site, there was a lot of dense vegetation staff felt had to be preserved. The way the site was proposed and the layout of the building, staff felt the intent of the SRA was met.

Commissioner Napier asked if the Commission would be so inclined to recommend approval to Council of the twenty-five conditions, would the conditions have force and effect from this day forward on this development. Mr. Rosen said the Mayor and Council are the final authority and should they approve this project with conditions, the conditions would have legal effect at that point.

Commissioner Napier asked for clarification regarding the enforceability of the conditions. Mr.

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Rosen stated in terms of enforceability, it is the actual content of the conditions that would be enforceable. If the conditions were to be modified between now and approval, it is what is approved that becomes enforceable.

Commissioner Napier commented that Town Staff did not address the question of the septic system. Mr. Rosen said the design and approval of septic systems is outside the jurisdiction of OV and is vested in the Pima County Department of Environmental Quality and it his understanding that the applicant is working with them to gain approval of the septic system.

Matthew Moutafis, OV resident, said he was there tonight on behalf of St. Marks church and felt this is going to be a remarkable church and something that OV is going to be very proud of.

Melody Devenport, non-resident, said she grew up on the existing property that the church is now on. Ms. Devenport and her family are not happy about the large traditional catholic design which in her opinion does not fit with the existing design of the community. The existing church which her father originally agreed to build was only eighteen feet tall.

Dennis Devenport, non-resident, said he supports all twenty five recommended conditions for approval with two proposed amendments and would like to offer five additional conditions for approval. Mr. Devenport supports the applicants request for rezoning.
The two proposed amendments as follows:

- Changes be made to eliminate kindergarten as a permitted use.
- Screen walls should be a minimum of twenty five feet from the south property line including the southwest corner of the property.

The five additional conditions for approval are the following:

- Building heights should be limited to twenty five feet maximum.
- Lighting fixtures for parking, landscaping, and buildings should be selected from the International Dark Sky Associations IDA approved fixture list and installed consistent with dark sky best practices.
- New development on the site should be connected to the sanitary sewer system and the developer should be responsible for the cost of connecting the existing sewer system service.
- No clearing should be done for temporary parking. Parking will only be allowed on permitted and permanent parking spaces constructed in accordance with Oro Valley building code.
- Existing water wells should be abandoned and be connected to Oro Valley Water Utility.

Mr. Devenoport asked Mr. Rosen the following two questions:
- If E3A or E1 applies?
- What is going on with the Oro Valley light code and if this project would be exempted from Title 49 of the State code?

Mr. Keesler responded that when staff completes zoning code amendments, we ensure compliance with State Codes and regulations. Mr. Williams added that our outdoor lighting code exceeds State requirements and that OV has one the most restrictive outdoor lighting codes in the State.

Vice Chair Cox asked Mr. Davenport if the sound issue was his only objection to the kindergarten use. Mr. Devenport responded that he generally does not have a objection to kindergartens, but does object to any kind of preschool or school next to million dollar homes.

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There are four potential building sites next to the church which would be nicer and quieter without the kindergarten use.

Dick Miller, resident, said his major problem is the height of the church. He was told the reason for annexation was for preservation of land. The church is asking to be rezoned to a school because it automatically takes them from twenty eight feet to thirty two feet, with the ability to ask for another variation to go to forty five feet.

Buzz Braun, resident, said he was passing up the chance to speak to the commission.

Chairman Swope called for Dick Johnson who had left the meeting.

Scott Leska, resident, said he belongs to this wonderful parish and is a member of the choir at the church. If you have the lower roof line the acoustics are awful, it is hard to hear and these are major factors in any place of worship and the parish is bursting at the seams.

Joseph Giliberto, non-resident, said he is a member of this parish and the approval of this rezoning will be an asset to the community.

Dick Eggerding, resident, said he has been here for some twenty five years. He supports this project because he believes it is necessary to support the core values of our community.

Bill Rodman, resident, said he attended one of the planning meetings and was told there would be a traffic study. On Sundays it is challenging trying to turn onto Camino De Fierro where he lives and that is with the current number of parishioners they have now. There is a two-lane highway with one short left turn lane that does not work now. This is very serious concern and he has been told that nothing could be done about until the road was widened. Approving this project will cause more traffic problems before it can be fixed. Putting a person out there with a vest and helping people get in and out is not the solution. The solution is getting a traffic pattern that works.

Mr. Keesler replied that this issue is addressed in condition number 18 in exhibit "A". The developer mentioned no improvements to Tangerine Road are going to be made, which is not entirely true. If the traffic report requires lane widening and extension of left turn lanes they will be required to be constructed by the developer. Traffic conditions must be safe.

Chairman Swope asked if the recommended improvements will be made by the Town. Mr. Keesler replied that the developer would be required to construct the improvements as part of their development of the site.

Pastor Liam Leahy, resident, said the church is bursting at seams and currently has a modular type temporary building. The parish estimates twenty-two percent of Oro Valley residents are of the Catholic faith and he was here tonight on their behalf.

Mark Pineus, resident, said his family work brought him to Oro Valley, but he made the decision to live in Oro Valley because of the community and he was very impressed with St. Mark Roman Catholic Church. For Roman Catholics, the height and architecture of the church is important as it is lifts their spirits and raises them closer to God.

Phil Hernandez, resident, said he understands the concerns of residents in regards to change and growth, especially if it affects views and generates additional traffic. There is an opportunity

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here to have a wonderful church and a gateway into Oro Valley and a place for community gathering.

John Lonien, resident, said there is not enough room in the church to sit. The lighting was not an issue, it was so dark that he was unable to find the entrance the other night. He asked the Commission to consider if it is needed here in Oro Valley.

MOTION: A motion was made by Vice Chair Cox and seconded by Commissioner La Master to Approve with the conditions set forth in Exhibit "A" OV910-02, request for approval of the rezoning for St. Mark Church.

Discussion:

Commissioner Caine stated the development will dominate the landscape and believes the intent stated in the General Plan was to preserve the landscape. Several speakers spoke about the building and the intent to dominate the landscape and he has no real feeling on what the development is going to look like. He is leaning towards not recommending it because he is unsure of what it is going to look like.

Chairman Swope commented that another option was to ask for a continuance and conduct a more in depth visual analysis.

Commissioner Large commented it is this Commission's responsibility to look at the land use and how appropriate it is for this location and she is not sure if anyone on the Commission has a good grasp on what the Tangerine Road corridor will look like in a few years. This is a major corridor where traffic will be focused and where intense development should be. A church can be an intense use, especially certain days of the week. She can see Tangerine Road supporting more intense uses. When Tangerine Road is widened, it will have a right of way comparable to Interstate 10. She can understand the Braun family concerns, there will inevitably be more intense land uses along Tangerine Road in the future.

Commissioner La Master commented that he believes the time to talk about the restriction of use on the property should have been at the time of sale, instead of waiting until now.

Vice-Chair Cox commented that he spent close to two hours walking the site from one corner to the other. There is absolutely no doubt that this project is going to have an effect on the views to the north, but agrees with Commissioner La Master on his comment about the restrictions at the time of sale. Architecturally the design of the church is great, he has no concerns that the Town is not complying with the dark sky lighting code.

Commissioner Buette commented that Tangerine Road is going to be major corridor and, of all the things that could be built along this corridor, this project is something we will be proud of as opposed to a big box store.

Commissioner Napier commented that he endorses this project and believes the applicant has made thoughtful concessions and has tried to be as accommodating as possible to the desires of the neighborhood. We need to consider this church as a community asset.

Chairman Swope commented that this project seems to be consistent with the Tangerine Corridor vision and is consistent with the General Plan. He would prefer a church to other potential uses. He was dismayed that there were five additional conditions and two

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amendments being proposed while the Commission is deliberating. The only issue that might have some merit would be consideration of a twenty-sixth condition of prohibiting clearing of vegetation for temporary parking.

Commissioner Caine asked if the forty-five foot building height is a given or is still subject to design review approval. Mr. Williams responded that the base height was twenty five foot, but the zone allows an additional ten feet subject to design review approval. The steeple or tower can be forty-five feet tall. The Commission's recommendation tonight will go forward to Town Council and if approved by Council, gain approval from the design review body would they be required for the additional ten feet.

Mr. Keesler commented that the zoning code requires a hardened dust free surface for temporary grading. The applicant is required to get permits to support the actual parking for the church itself. Temporary parking lots would not work within the framework of the development plan, there is a maximum and minimum parking requirement per the code.

MOTION carried, 7-0.

3. Planning Division Manager Update

David Williams, Oro Valley Planning Division Manager, presented the manager's update:

- ESL was unanimously approved by Council on February 16th.
- Public Art Code that came before the Planning Commission in January will go to Council on March 2nd.
- Updated Sign Code will go before the Council on March 2nd.
- Potential LA Fitness at the northeast corner of Oracle Rd. and Hardy.
- Community Academy agenda for spring classes has been published on the Planning Division website.
- Conceptual Design Review Board code amendments are currently being drafted.
- Next Planning Commission meeting is April 5th.
- Publication of zoning interpretations item is on the April 5th agenda.

4. Future Agenda Items

Vice Chair Cox stated he would like to see an update of the work plan.

MOTION: A motion was made by Commissioner Buette and seconded by Vice Chair Cox to Adjourn

MOTION carried, 7-0.

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Neighbor Concerns	Applicant's Response/Mitigation
1.Wall construction along south buffer (positioning, curvilinear design and treatment)	Provide 5' high screen stucco walls with accented piers every 30'-40'. Wall will provide only curved sections. A condition has added.
2. Provide restriction on school uses (pre-school/kindergarten thru 12th grade)	Restrict 1st-12th grade education but allow pre-school/kindergarten. A condition has been added.
3. Open play area (proximity to south property line)	Play area is located 102' from residential property line and approximately 400' from closest home.
4. Southeast corner – buffer mitigation (detention basin & fence)	Existing detention basin will be vegetated and existing chain link fence will be replaced with 5' screen wall. General note provided on plan.
5. Dark sky lighting (height of building lights, parking light lights and shielding)	Provide restriction on height of existing lights and site lighting for building and parking areas along the south buffer yard. A condition has been added.
6. View shed (height of buildings obstructing views)	Reduced social hall building height from 28' to 24'. No buildings located on western portion of the site. Provided adequate setbacks from south property line in proximity to homes.
7. Drainage/Detention (aesthetics)	Provide drainage/basins to contain natural rock materials to blend in with natural environment. A condition has been added.
8. Vegetation (native plant inventory)	A general description of plant inventory is provided as part of the site analysis. A more detailed analysis will be provided as part of the Phase 1 development
9. South side landscape buffer (minimum of 25')	A buffer yard varying in width from 22-58' is provided. Parking spaces along south side were removed to increase buffer area.
10. Density (building mass on site)	A floor area ratio of .12 is proposed well below the maximum allowed of .50. A total of 25% open space is proposed.
11. Shannon Road entrance (limited access)	A variance will be required to allow this entrance.
12. Connection to Pima County sewer and OV water	No sewer is available in proximity to this site and will utilize septic system. OV Water has allowed existing water well to be used.
13. Dumpster locations	Dumpsters have been moved away from south side property line and will be adequately screened. A condition has been added.

Town Council Regular Session **Item # 2.**

Meeting Date: 05/04/2011

Requested by: David Williams **Submitted By:** Matt Michels, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING - ORDINANCE NO. (O)11-13 RELATING TO PUBLICATION OF PLANNING AND ZONING ADMINISTRATOR DECISIONS AMENDING THE ORO VALLEY ZONING CODE REVISED, SECTION 21.4, PLANNING AND ZONING DEPARTMENT AND SECTION 21.6, BOARD OF ADJUSTMENT

RECOMMENDATION:

Staff recommends approval of the proposed Planning and Zoning Administrator Interpretation Publishing amendment as shown in Exhibit “A”, with the concurrence of the Planning and Zoning Commission.

EXECUTIVE SUMMARY:

The Planning and Zoning Commission held a public hearing on April 5, 2011, and recommended approval of the proposed Zoning Code Amendment. The Commission had several questions related to the proposed amendment, including the following:

- Will a fee apply to interpretations and appeals to the Board of Adjustment? *Yes, fees will apply as adopted in the Planning and Zoning fee schedule. The fee for an interpretation is $100 and the fee for an appeal to the Board of Adjustment is $150.*
- How will the website be organized and laid out to provide links to code interpretations? *Staff will discuss possible methods of publishing this information on the website at the Council Meeting.*

The Commission voted unanimously (7-0) to recommend approval of the proposed amendment as shown in Exhibit "A", with the addition of the following language (***in bold and italics***) to Section 21.6.G, "The appeal shall be filed with the Town Clerk ***with the required fee***."

BACKGROUND OR DETAILED INFORMATION:

Occasionally, the need arises to formally clarify the provisions of the Zoning Code as they relate to a specific development proposal or zoning question. The Planning and Zoning Administrator is empowered to provide written interpretations to clarify the intent of the Zoning Code. Additionally, the Planning and Zoning Administrator is authorized to determine if a proposed use within a zoning district is analogous to a specifically listed use through the formal interpretation process. Currently, following issuance of the written interpretation, a copy of the interpretation is provided to the requestor and filed in the Planning Division Office files for future use and reference. An example of a formal written interpretation is provided as Exhibit "B" to this communication for reference.

The intent of this amendment is to provide public notice of Planning and Zoning Administrator interpretations through publication of the interpretation on the Town website. Appeals to interpretations must be filed within 20 days and will be heard by the Board of Adjustment.

Exhibit "A" includes the draft language for the amendment. Section 21.4.B.9 has been amended to provide for publication of the interpretation on the Town website. Additionally, Section 21.4.B.9 has been amended to provide that a written interpretation must be issued within fifteen (15) days following receipt of a request. (Since the PZC hearing, this recommended time frame has been increased from 10 to 15 days to ensure adequate staff response time.) Section 21.4.B.9 further provides that in addition to publication on the Town website, interpretations shall be available for review and public inspection in the Office of the Town Clerk. Section 21.6.G. has been added to clarify the ability to appeal written interpretations to the Board of Adjustment.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to [adopt, adopt with conditions, or deny] Ordinance No. (O)11-13, amending the Oro Valley Zoning Code Revised, Section 21.4, Planning and Zoning Department and Section 21.6, Board of Adjustment, requiring interpretations issued by the Planning and Zoning Administrator to be published on the Town's website and providing for appeal to the Board of Adjustment.

Attachments

Ordinance 11-13

Attachment #2 - Exhibit A

Attachment #3 - Exhibit "B"

ORDINANCE NO. (O)11-13

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING THE ORO VALLEY ZONING CODE REVISED, AMENDING CHAPTER 21, REVIEW AND DECISION-MAKING BODIES, SECTION 21.4, PLANNING AND ZONING DEPARTMENT AND SECTION 21.6, BOARD OF ADJUSTMENT; 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, the amendment to Chapter 21, Review and Decision-Making Bodies, Section 21.4, Planning and Zoning Department, provides that any interpretations issued by the Planning and Zoning Administrator shall be published on the Town's website; and

WHEREAS, the amendment to Chapter 21, Review and Decision-Making Bodies, Section 21.6, Board of Adjustment, clarifies the requirements for appeal of interpretations of the Planning and Zoning Administrator to the Board of Adjustment; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed amendments to Chapter 21, Review and Decision-Making Bodies, Sections 21.4, Planning and Zoning Department and 21.6, Board of Adjustment at a duly noticed public hearing on April 5, 2011 in accordance with State Statutes and recommended approval to the Town Council; and

WHEREAS, the Oro Valley Town Council has considered the proposed amendments to Chapter 21, Review and Decision-Making Bodies, Section 21.4, Planning and Zoning Department and Section 21.6, Board of Adjustment and the Planning and Zoning Commission's recommendation and finds that they are consistent with the Town's General Plan and other Town ordinances.

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

SECTION 1. Chapter 21, Review and Decision-Making Bodies, Section 21.4, Planning and Zoning Department and Section 21.6, Board of Adjustment, attached hereto as Exhibit "A", are hereby amended with additions being shown in ALL CAPS and deletions being shown in ~~strikethrough~~ text.

SECTION 2. That the existing Sections 21.6.G through 21.6K of Chapter 21 are hereby renumbered to Sections 21.6.H through 21.6.L.

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 this 4th day of May, 2011.

TOWN OF ORO VALLEY

_____
Dr. Satish I. Hiremath, Mayor

ATTEST:

_____
Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

_____
Tobin Rosen, Town Attorney

Date: _____

EXHIBIT “A”

EXHIBIT "A"
Amendment - Interpretation, OV711-002
04/07/11 DRAFT

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

Section 21.4 Planning and Zoning Department

…

B. Powers and Duties of the Planning and Zoning Administrator

The Planning and Zoning Administrator, with the applicable staff, performs the following duties in accordance with the A.R.S.:

…

9. Interpretation

a. The Planning and Zoning Administrator ~~interprets the provisions of this Code.~~ SHALL BE RESPONSIBLE FOR INTERPRETATION OF THE ZONING CODE. INTERPRETATIONS MAY BE CONSIDERED IF THERE IS A QUESTION OF CLARITY OF ANY PROVISION OF THE ZONING CODE, OR A DETERMINATION OF ANALAGOUS USE IS REQUIRED WITHIN THE PERMITTED USES OF A SPECIFIED ZONING DISTRICT.

B. AN INTERPRETATION IS A FORMAL EXPLANATION OF A PROVISION OF THE ZONING CODE ISSUED IN WRITING BY THE PLANNING AND ZONING ADMINISTRATOR BASED ON A REQUEST, AS DIFFERENTIATED FROM AN ADMINISTRATIVE DECISION PURSUANT TO SECTION 22.12 WHICH IS THE ROUTINE APPLICATION OF THE ZONING CODE.

C. REQUESTS FOR INTERPRETATION SHALL BE FILED WITH THE PLANNING AND ZONING ADMINISTRATOR WITH THE REQUIRED FEE. THE PLANNING AND ZONING ADMINISTRATOR MAY ALSO INITIATE AN INTERPRETATION. THE PLANNING AND ZONING ADMINISTRATOR SHALL ISSUE A WRITTEN INTERPRETATION WITHIN FIFTEEN (15) DAYS FOLLOWING RECEIPT OF THE REQUEST.

D. PLANNING AND ZONING ADMINISTRATOR INTERPRETATIONS MAY BE APPEALED TO THE BOARD OF ADJUSTMENT IN ACCORDANCE WITH SECTION 21.6.G.

E. INTERPRETATIONS ISSUED PURSUANT TO THIS SECTION SHALL BE PUBLISHED ON THE TOWNS WEBSITE. ADDITIONALLY, A RECORD OF INTERPRETATIONS SHALL BE MAINTAINED AND AVAILABLE FOR PUBLIC REVIEW AND INSPECTION AT THE OFFICE OF THE TOWN CLERK.

Section 21.6 Board of Adjustment

…

G. APPEALS FROM PLANNING AND ZONING ADMINISTRATOR INTERPRETATIONS

APPEALS MAY BE TAKEN TO THE BOARD OF ADJUSTMENT BY PERSONS AGGRIEVED BY A PLANNING AND ZONING ADMINISTRATOR INTERPRETATION WITHIN 20 DAYS FROM THE DATE THE INTERPRETATION IS PUBLISHED ON THE TOWNS WEBSITE. THE APPEAL SHALL BE FILED WITH THE TOWN CLERK WITH THE REQUIRED FEE. THE BOARD OF ADJUSTMENT SHALL ISSUE A DECISION WITHIN 30 DAYS FOLLOWING RECEIPT OF THE APPEAL.

Renumber existing Sections 21.6.G. through K to Sections 21.6.H. through L.

Development and Infrastructure Services Department

EXHIBIT "B"
Amendment - Interpretation, OV711-002
03/23/11 DRAFT

DATE: February 11, 2011

SUBJECT: **ZCI 11-01 Laboratories as Accessory Use to Business and Professional Office Use**

This Zoning Interpretation is applicable to Laboratories as an Accessory Use to a Business and Professional Office within the R-S, R-6, C-N, C-1 and C-2 Zoning Districts.

APPLICABLE REFERENCES:

Accessory Use: Shall mean a use customarily subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or building or adversely affect other properties in the district. (Oro Valley Zoning Code – Chapter 31.6 Definitions – Accessory Use).

Section 23.3.A. Uses Permitted by Right Accessory uses are permitted as a matter-of-right in the R-S, R-6, C-N, C-1 and C-2 Zoning Districts, subject to compliance with all applicable regulations in this Code. (Oro Valley Zoning Code - Section 23.3.A. Uses Permitted by Right). Table 23-1 Permitted Uses.

Subordinate *adj* 1: placed in or occupying a lower class, rank or position (Merriam – Webster's Collegiate Dictionary – Eleventh Edition 2003)

Laboratory *n* 1a: a place equipped for experimental study in a science or for testing and analysis. (Merriam – Webster's Collegiate Dictionary – Eleventh Edition 2003)

International Building Code (IBC) 2006. Both office and laboratory are classified as a Class B Occupancy by the IBC. The IBC limits accessory uses to 10% of any story of a building.

ANALYSIS / DETERMINATIONS

The R-S, R-6, C-N, C-1 and C-2 Zoning Districts allow Business and Professional Offices as a use permitted by right. These districts further allow accessory uses as permitted by right. Accessory uses are defined as a use customarily subordinate to the main use of the lot or building as listed above.

In analyzing the Zoning Code, the following determinations were made: An accessory use is a use customarily subordinate to the main use of the lot or building. The definition of "subordinate" requires that any proposed laboratory must occupy significantly less building floor area. A laboratory use may not adversely affect other properties in the district and may not involve any materials and processes determined by the Planning and Zoning Administrator to adversely affect other properties in the district.

INTERPRETATION:

Based upon the proceeding determinations, the following interpretation is hereby rendered:

1. Accessory Use: Subordinate laboratory use is determined to be an allowable accessory use within a completely enclosed business or professional office. Laboratory areas and equipment are commonly associated with professional offices such as medical and dental offices.

2. Subordination: Subordinate laboratory uses must occupy significantly less building floor area than the principal use of the building. An illustrative example would be a two story, 42,000 square foot professional office with a 2,000 square foot laboratory proposed on one of the floors. In this example, the proposed laboratory comprises less than 5% of the total building square footage and less than 10% of the building's first floor. The IBC limits Accessory Occupancy to less than 10% of any story of a building. The proposed laboratory square footage in the illustrative example is less than the 10% IBC standard.

Therefore, the laboratory as illustrated above is determined to be a subordinate, accessory use.

_____

David Williams, AICP

Planning and Zoning Administrator

Town Council Regular Session **Item # 3.**

Meeting Date: 05/04/2011

Submitted By: Julie Bower, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING AN INCREASE TO THE LIQUOR LICENSE APPLICATION PROCESSING FEE

RECOMMENDATION:

Staff recommends that the liquor license application processing fee be increased to $500 to cover the costs of processing a liquor license application and to be more in line with the fees assessed by surrounding jurisdictions.

EXECUTIVE SUMMARY:

Currently, a $50 application processing fee is assessed when an establishment applies for a liquor license. Liquor licensed establishments pay an annual Liquor License Tax of $80 instead of an annual Business License Tax.

BACKGROUND OR DETAILED INFORMATION:

The Town's $50 application processing fee does not cover the costs incurred by the Town to process the liquor application and is much lower than surrounding communities. Marana's application fee is $500; Tucson's is $1,636 and Sahuarita's application fee is $400. Please see Attachment 1 for comparisons to several other Arizona towns and cities.

The Town's cost to process a new liquor license application is approximately $217 to $679 depending upon the amount of time involved for the Police Department to complete a thorough background investigation. Please see Attachment 2 for a breakdown of the costs incurred by the Town.

The Town's $80 annual liquor license tax is commensurate with many Arizona towns and cities however there are some communities that charge up to $1,200 annually for the liquor license depending upon the type of license being sought.

FISCAL IMPACT:

The Town is not recovering its costs to process liquor license applications and loses approximately $167 when the background investigation is straightforward and $629 when the background investigation is more complicated. If we use the lower end of the cost scale, for the 20 applications processed in 2010, the Town failed to recover $3,340 in costs and on the higher end, $12,580. A liquor license adds value and revenue to the business and it is not unreasonable for the Town to recoup the costs of processing the application from the business.

SUGGESTED MOTION:

I move to direct staff to prepare a resolution increasing the liquor license application processing fee to $____ or

I move …..

Attachments

Attachment 1 - Liquor Fee Comparison

Attachment 2 - Processing Costs

COMPARISON OF LIQUOR LICENSE APPLICATION FEES AND LICENSE FEES ATTACHMENT A

JURISDICTION	APPLICATION FEE	LICENSE FEE	LICENSE FEE NOTES
Oro Valley	$50.00	$80.00	Liquor License Tax
Marana	$500.00	$50.00	Business Transaction License
Sahuarita	$400.00	$60.00	Business License Fee
Tucson	$1,636.00	$45.00	Business License Fee
Casa Grande	$100.00	$50.00	Business License Fee
Gilbert	$200.00	$360 - $1,200 **Plus $36 business registration fee**	Price based on License Series: Bar - $1,200; Beer/Wine Bar or Liquor store - $480; Beer/Wine Store or Private Club - $360;Restaurant or Hotel/Motel - $600
Peoria	$240.00	$200 - $600	Price based on License Series: Bar $600; Beer/Wine Bar or Liquor store or Restaurant or Hotel/Motel - $400; Beer/Wine Store or Private Club - $200
Prescott	$354.00	$266 - $662	Price based on License Series: Bar or Restaurant - $662; Hotel/Motel - $575; Beer/Wine Bar or Liquor store or Private Club - $354; Beer/Wine Store - $266
Flagstaff	$560.00	$46.00	Transaction Privilege License
Goodyear	$635.00	$635.00	Annual Liquor License Fee
Queen Creek	$1,500.00	$60.00	Business License Fee
Sierra Vista (Sierra Vista mayconsider implementing application fees in the future)	$0.00	$18.75 - $75.00 **Plus $130 business license fee**	Price based on type: Groc/convenience $18.75; Liquor Store - $56.75; Restaurant -$75.00
Surprise (Surprise may consider implementing application fees in the future)	$0.00	$80.00	Business License Fee

TOWN COSTS TO PROCESS NEW LIQUOR LICENSE APPLICATION **ATTACHMENT B**

DEPARTMENT	TIME SPENT	COST OF TIME AND MATERIALS	
Town Clerk	2 hours	$75.00	Forward information to PD, DIS; correspondence; prepare communication
Police	2 - 14 hours	$82.00 - $544.00	Background investigation
DIS - Bldg Inspector	45 minutes	$35.00	Posting premises with liquor sign
DIS - Planner	30 minutes	$25.00	Conditional Use Permit review
Total Cost:		**$217.00 - $679.00**	

Annual Number of Applications Submitted

Year	Submitted
2011 YTD	6
2010	20
2009	9
2008	8

Town Council Regular Session **Item # 4.**

Meeting Date: 05/04/2011

Requested by: Stacey Lemos **Submitted By:** Stacey Lemos, Finance

Department: Finance

Information

SUBJECT:

PUBLIC HEARING - ORDINANCE NO. (O)11-14, AMENDING THE TAX CODE OF THE TOWN OF ORO VALLEY, ARTICLE IV, CHAPTER 8A, SECTION 480, RELATING TO THE UTILITY SERVICES TAX RATE

RECOMMENDATION:

Staff recommends approval of Ordinance No. (O)11-14, increasing the utility sales tax rate to 4% (current rate is 2%) to enhance the diversity and stability of Town revenues and to provide needed resources to maintain Town service levels.

EXECUTIVE SUMMARY:

Future budget forecasts for the General Fund indicate annual deficits each year for the next five years, with an estimated deficit of $2.6 million in FY 2011/12 due to further declines in State shared revenues and construction sales taxes. General Fund services and programs have been reduced by $6 million, or 20%, over the past two fiscal years. Staffing levels have been reduced by over 40 positions, or 13%, during that timeframe. Further budget cuts of another $2.6 million to close the forecasted deficit for FY 2011/12 would require large-scale layoffs and significantly reduce core services provided to the community in the areas of public safety, parks, recreation and library, development services, and other areas supporting these functions. Service level impacts can be mitigated by balancing new permanent revenue sources, such as the utility sales tax, with less pervasive budget cuts that have long-term implications.

The Town Council indicated at the January 29, 2011 budget retreat, and most recently at the March 23, 2011 budget study session, a desire to close the projected deficit by considering revenue increases in addition to further expenditure reductions. An increase to the utility sales tax is the option preferred by a number of Councilmembers. If enacted and effective by August 1, 2011 this increase will generate an additional $1.3 million in revenue for FY 2011/12.

The balanced Town Manager's Recommended Budget delivered to Council April 20, 2011 includes $1.3 million in additional revenues that would be generated by increasing the utility tax rate from 2% to 4%.

BACKGROUND OR DETAILED INFORMATION:

The Town Council approved an increase to the utility sales tax rate effective April 1, 2007, raising it from 0% to 2% **(see Attachment A - Ordinance No. (O)06-23)**. This 2% tax is applied to the utility bills of those Oro Valley residents and businesses that receive water service from the City of Tucson, Metropolitan Water Company and the Oro Valley Water Utility, electric power service from Tucson Electric Power Company, and natural gas service from Southwest Gas.

Ordinance No. (O)06-23 included a 2-year sunset clause which stated that, “on the second anniversary of the effective date, the utility services sales tax enacted through this Ordinance shall terminate and the amendments to the Town of Oro Valley Tax Code set forth in Section 1 and Section 2, above, shall be repealed by operation of law unless extended by a majority vote of the Council prior to that date.”

The Council voted to extend the utility sales tax on March 4, 2009 **(see Attachment B - 3/4/09 Council Communication and meeting minutes)**.

In order to enact a new or increased tax, State law requires cities and towns to provide public notification on the home page of the town’s website 60 days prior to Council approval of the new or increased tax. Staff provided this notification on our website beginning Thursday, February 24, 2011. This evening, the Council will consider taking action on this item, and if approved, the tax increase would become effective August 1, 2011.

Most Arizona cities and towns charge both a utility sales tax and earn utility franchise fee revenue through voter-approved franchise agreements between the municipality and the utility companies. As shown in **ATTACHMENT C - Tax Rate Matrix Comparison**, Oro Valley currently has one of the lowest utility sales tax rates and does not have approved franchise fees for any utilities other than cable TV services.

FISCAL IMPACT:

If enacted and effective by August 1, 2011 this increase will generate an additional $1.3 million in revenue for FY 2011/12.

For a homeowner with monthly utility bills for water, natural gas and electricity totaling $300, the estimated monthly impact of a 2% utility sales tax increase would be $6. For a business with monthly utility bills totaling $5,000, the estimated monthly impact would be $100.

SUGGESTED MOTION:

I MOVE to approve Ordinance No. (O)11-14, AMENDING THE TAX CODE OF THE TOWN OF ORO VALLEY, ARTICLE IV, CHAPTER 8A, SECTION 480, RELATING TO THE UTILITY SERVICES TAX RATE.

or

I move...

Attachments

Ordinance 11-14

Attachment A-Ord.(O)06-23

Attachment B-March 4 2009 CC and Min

Attachment C-Tax Rate Matrix

ORDINANCE NO. (O)11-14

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA AMENDING THE TAX CODE OF THE TOWN OF ORO VALLEY, ARTICLE IV, CHAPTER 8A, SECTION 480, RELATING TO THE UTILITY SERVICES TAX RATE 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.

WHEREAS, Oro Valley is a political subdivision of the State of Arizona, is vested with all rights, privileges, and benefits and 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, Arizona cities and towns have the authority to levy taxes under ARS § 9-240(B)(26); and

WHEREAS, on July 13, 1988, the Town of Oro Valley adopted the Model City Tax Code ("Code") pursuant to Arizona law; and

WHEREAS, amendments to the Code are required to be made in accordance with ARS § 42-6054; and

WHEREAS, it is in the best interest of the Town that the Council adjust the current rate of tax on utility services in order to diversify the Town's revenue stream and continue sustainable revenue sources that will serve to further stabilize the Town's General Fund and strengthen the Town's financial structure.

NOW, THEREFORE, BE IT ORDAINED by **the Mayor and the Council of the Town of Oro Valley, Arizona that** the tax code of the Town of Oro Valley, Arizona is hereby amended as follows:

SECTION 1. Section 8A-480 (a) of the Tax Code of the Town of Oro Valley is amended as follows, with additions being shown in **ALL CAPS** and deletions being shown in ~~Strikeout text~~:

> (a) The tax rate shall be at an amount equal to ~~two~~ FOUR percent (~~2~~4%) of the gross income from the business activity upon every person engaging or continuing in the business of producing, providing, or furnishing utility services, including electricity, electric lights, current, power, gas (natural or artificial), or water to:

SECTION 2. 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 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.

SECTION 4, Effective Date. This Ordinance shall not be effective until ninety (90) days following its passage and adoption so that the Arizona Department of Revenue will have time to process and implement the terms of this Ordinance.

PASSED AND ADOPTED by Mayor and Town Council, the Town of Oro Valley, Arizona, this 4th day of May, 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: _____

ATTACHMENT A

ORDINANCE ...NO..(0).06•23 ADOPT NG 2% UTIOTY TAX-

ORDINANCE NO. (0) 06 - _23___

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA AMENDING THE TAX CODE OF THE TOWN OF ORO VALLEY, ARTICLE IV, CHAPTER 8A, SECTION 480, RELATING TO THE UTILITY SERVICES TAX RATE 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.

WHEREAS, Arizona cities and towns have the authority to levy taxes under ARS § 9-240(B)(26); and

WHEREAS, on July 13, 1988, the Town of Oro Valley adopted the Model City Tax Code ("Code") pursuant to Arizona law; and

WHEREAS, amendments to the Code are required to be made in accordance with ARS § 42-6054; and

WHEREAS, on December 4, 2002, the Mayor and Town Council (the "Council") directed the Oro Valley Budget and Bond Committee (the "Committee") to develop a proposed Town Revenue. Plan ("Plan"); and

WHEREAS, in a joint Study Session between the Council and the Committee held on March 24, 2003, the Committee presented an initial draft of the Plan to Council; and

WHEREAS, in-a further joint Study Session between the Council and the Committee held on August 18, 2003, the Council directed the Committee to develop a prioritized list of local sales and use taxes for future Council consideration based on the Plan; and

WHEREAS, at the meeting of September 9, 2003, the Committee developed a prioritized list of local sales and use taxes for future Council consideration based on the Plan; and

WHEREAS, the Committee held meetings on September 29, 2003, January 7, 2004, January 26, 2004, April 26, 2004, March 21, 2005, April 25, 2005 and May 23, 2005 in an effort to refine the prioritized list; and

WHEREAS, the Committee re-recommended on May 31, 2006 that the Town Council implement a sales tax on utility services to provide funding for public safety staffing and other critical staffing needs of the Town; recreation needs at the Naranja Town Site; and to mitigate current and future draw-downs on the General Fund's fund balance;

WHEREAS, it is in the best interest of the Town that the Council adopt the recommendations of the Committee by instituting taxes on utility services in order to diversify the Town's revenue stream and seek sustainable revenue sources that will serve to further stabilize the Town's General Fund and strengthen the Town's financial structure; and

WHEREAS, it is also in the best interest of the Town for the Council to periodically reconsider such utility services sales tax in order to determine the continuing need and justification for the tax;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the Town of Oro Valley, Arizona that the certain document, known as "The Tax Code of the Town of Oro Valley, Arizona," is hereby amended as follows:

SECTION 1. Section 8A-480 (a) of the Tax Code of the Town of Oro Valley is amended as follows, with additions being shown in **ALL CAPS** and deletions being shown in Strikeout text:

> (a) The tax rate shall be at an amount equal to zero **TWO** percent **(0 2%)** of the gross income from the business activity upon every person engaging or continuing in the business of producing, providing, or furnishing utility services, including electricity, electric lights, current, power, gas (natural or artificial), or water to:

SECTION 2. Amend the Town of Oro Valley Tax Code, adopting Local Option #GG, Tax municipal utility services to out-of-City customers where such service is not subject to an "equivalent excise tax". Replace Section 8-480(a)(2) (Reserved) with the following:

> (2) consumers or ratepayers of this City, whether within the City or without, to the extent that this City provides such persons utility services, excluding consumers or ratepayers who are residents of another city or town which levies an equivalent excise tax upon this City for providing such utility services to such persons.

SECTION 3. Council hereby directs that the revenue resulting from this amendment to the Tax Code of the Town of Oro Valley shall be used as part of the total revenues necessary to meet annual town budgets, including the FY 2006-2007 budget, in order to provide funding for public safety and other critical staffing needs, and for capital improvement projects, and to mitigate current and future draw-downs on the balance of the Town's General Fund.

SECTION 4. Pursuant to ARS § 41-1346, the Town shall maintain efficient record management for local public records and it has been determined that this Ordinance is a public record with three copies of said Ordinance to remain on file in the office of the Town Clerk.

SECTION 5. 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 6. 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 ther eof.

SECTION 7, Effective Date. This Ordinance shall not be effective until April 1, 2007, so that the Arizona Department of Revenue will have time to process and implement the terms of this Ordinance.

SECTION 8, Sunset Clause. On second anniversary of the Effective Date, the ut ility services sales tax enacted through this Ordinance shall terminate, and the amendments to the Town of Oro Valley Tax Code set forth in Section 1 and Section 2, above, shall be repealed by operation of law unless extended by a majority vote of the Council prior to that date.

PASSED AND ADOPTED by Mayor and Town Council, the • Town of Oro Valley, Arizona, this _6th day of _December , 2006.

TOWN OF ORO VALLEY

Paul H. Loomis, Mayor

ATTEST:

Kathryn E. Cuvelier, Town Clerk

APPROVED AS TO FORM:

M inda Garr Town Attorney

PUBLISH: DAILY TERRITORIAL
DECEMBER 14, 15, 18, 19, 2006

POSTED: DECEMBER 12 - JANUARY 11, 2007
RG

ATTACHMENT B

MARCH. 4, ..2009 COUNPIL COMMUNICATION AND MEETING .MINUTES.- EXTENDING -UTILITY-TAX

COUNCIL COMMUNICATION

MEETING DATE: MARCH 4, 2009

TQ HONORABLE MAYOR AND COUNCIL

FROM:- STACEY LEMOS, FINANCE:DIRECTOR

SUM:MOT: DISCUSSION AND POSSIBLE ACTION TO EXTEND 'TM 'TOWN: OF .0RO VALLEY'S 2% SALES TAX ON ELECTRICITY. NATURAL GAS AID WATER UTILITY SERVICES

sUMmARy

ThaThwn% current 2%;**sales :tax** owelectridity, natural .gas and =Water utility aerVioeawas enacted :by the Town,'Councit:or(:December 6, 2000 and became effective. April 1, 2007, The 00000d Ordinance (p)p§2.' as shown in Exhibit: A; :a IWO-year sunset thls .tax aa follOWS'. "On §bd000 anniversary of effective date t, 2009),:itheutility services sales tax enacted through_this Ordinance shall terminate and the amendments the Town of Ore Valley Tax Code.set forth in .SeCtion •eird:$eCtidn 2 shall be repealed by operation oflaWilOrileSke*tended'PTa inajOrity vote of the Council priori° that..date,"

This 2% faX IS applied to-the, utility bills of those Oro Valley residents and businesses who receive water services from the City of TOcson, Metropolitan Water Company, and **the Oro Valley** Water Utility, In the :case of electricity services, this tax is applied to the bills of Oro Valley **residents businesses** served by Tucson Electric Power CoMpany; and in the case of natural **Oak** this tax is .applied tothe bills of OroValley residents and businesses served by Southwest Gas,

Ori en annual basis, 'the 'utility sales tax generates approximatOlyit2 million for the General Fund, and was originally approved to.fund 18,5 new .positions: hat were added to the:FY 400/07 General Fund budget to enhance:desired service levels 'at,the time Atthelime the tax was enacted, a recommendation was also made to the Town Council by the Town's Finance and Bond Committee that if the utility tax were adopted, that it be revisited every few years as new commercial retail' Centers were developed.and'whether potential annexation plans were realized to determine the continuing need fOrthe tax. This was the reasoning behind Jncluslon of the twp-yeareunset clause in the Ordinance,

FINANCIAL SUSTAII4SILITY FOR FY 2009110 AND BEYOND

Budget projectiOns recently preSented to the Town Council indicate that the Town is facing'se projected "$6.2 Million revenue shortfall in the General and Highway Fund budgets, for FY 2009/1.0.

The primary causes, of the projected revenue **shortfall** include the following factors:

- ,Sunset of the 2% utility sales tax on. April 1, 2009 - $1.2 million revenue loss
- Decrease in construction activity - $1.0 million revenue loss

- A' Decrease in state shared revenues due to the decline in the.State's economy - $1.2 million revenue logs
- Lode) recessionary economy

In order to close the projerjecl budget deficit for FY09/10, a combination of staffing reductions, department reorganizatians„ expenditure cuts and revenue options is being recommended by the Town Manageras preliminaiy action which Will be discussed in further detail on another agenda item slated for this evening's meeting:

. Organizational Restructuring/Reduction-in-Force. Plan — Net Savings	$1.5 .M
Use of Bed TeX Revenues	.6 M
6: *Renewal of Utility* Sales'*Tax*	1,2 *M*
4 Reduction in Operations & Maintenance Expel Ogres	,3;M
4: Deferral of Vehicles &Equipment-and Capital Expenditures	.7 M
• One-time ExpenditureS	.5 M
• Contingency — DePatnent of Justice. COPS Grant	.4 M
Total Savings/Revenue Recommendations	$5.2 M

Exhibit B **attached:** is a chart outlining the portion that the various revenue categories comprise in the General Fond, The totals shown are year-end estimated actual 'revenue totals for the current FY 2008/09. At you dan.see, 05% of the Town's revenue in the General Fund, the main operating fund Of the Town, is derived'from local sales taxes and state shared revenues, Of that portion of local sales taxes that, the Town receives, almost "70% is derived from retail sales taxes and construction sales taxes, both very economically sensitive revenue sources in these times,

The 2% utility .sales tax is one exarnple'of a stable, sustainable recurring revenue source that is projected to increase over Ole tintel is based on new growth..and utility service rate structures,

RECOMMENDATION FRO TpiNN **FINANCE AND BOND: OMMITTEE**

The TOWn't Finance and Bond Committee held a special meeting on February 23,..2009 to discuss and take,aption on a recommendation to the Town Council for the possible renewal of the 2% otility sales tax, Two formal recommendations to the Town .Council arose from this meeting as follows:

1. The OomMitteamembers first voted to recommend that the Town Council consider 'the option of using up to lath of the beginning of the year FY 2609110 cash reserves/fund balance in both the General Fund and thesHighWay Fund as a means toward closing the orojeCted $$.2 million budget deficit in those funds in FY2009/10.

   In the General Fund, this would equate to 117th of the projected FY 2009/10 beginning fund balance of $14 5 million, or $2.1 million. In the Highway Fund, this would equate to 117th ofthe projected FY 2009/10 beginning fund balance of $3:9 million, or $557,000. The Committee

members felt that this current economic recession could,be categorized in a like manner as an unforeseen emergency with the resulting projections of drastic revenue Shortfalls, and that Town Council should revisit its policy on Use of contingency reserve's to AlloW for this type of use Staff recommends that if the Council Wishes to discuss.this further, that it be),a separate agenda topic at a future Council meeting orbudget work Session.

2 With regard to the renewal of the utility tax, the-Corninitteetnernhers voted to recommend that the ToWn Council temporarily renew the'rown's current2% utility tax priorto the sunset date of April I, 2009, with the renewal 'duration set at a data certain far enough in thefuture to allow for completion:and Town Council consideration of a de novo examination of'oll existing and potential revenue .sources.

Thetull body'of the approved motion is attached as Exhibit **C.** The Committee members felt' that it is an Opportune time to take a newlook ot the Town's revenue sources and evaluate what is the best Mix of revenue sources foe the:Town and provide such a future recommendation to the Town Council if this is desired,

FISCAL 1MFACT;

To the Town General Fund

If renewed, the 2% utility sales tax on natural gas, electricity and water services is expected to generate apPrOximately $1:.2.million during FY 2009/10. The renewal of this revenue source is one piece of the Town 'Manager's recommended actions to be taken to close the projected $5.2 'Million budget; eficit.for next fiscal year Should the Council choose to deny renewal of this tax, Identification of other revenue sources or additional budget cuts in the amount of $1.2 million would be required:

To Town< Residents

The-coat impact per househOld would vary based on consumption; however, it ,Is estimated that the average monthly cost per household would be approximately **$4.80.** This estimate is hosed on an average electric/gas bill of $200 per month and an average water bill of $40 per month.

ATTACHMENTS:

1. **EXHIBIT A — Ordinance (0)06-23 Adopting the 2% Utility Services Tax, Approved by Ttiviiti Council on December 6,2006**
2. **EXHIBIT B General Fund FY 2008109 Revenue Estimates**
3. **EXHIBIT C Finance and Bond Committee Motion Recommending Renewal of the. 2% Utility.Sales Tax, Approved February 23**

TOWN OF ORO VALLEY

COUNCIL COMMUNICATION **,MEETING DATE; 'MAF(OH 4; 2009:**

SUGGESTED MOTION:

I. 1110V016 40ProYeldeny renewal of the Town's current 2% utility 'sales tax 'water,' natural .gas and electricity. services

Or

l'.move,; ;,

Stacey Lemos

Stacey Lemos, Finance Director

.,444[41]

David Andrews, Town Manager

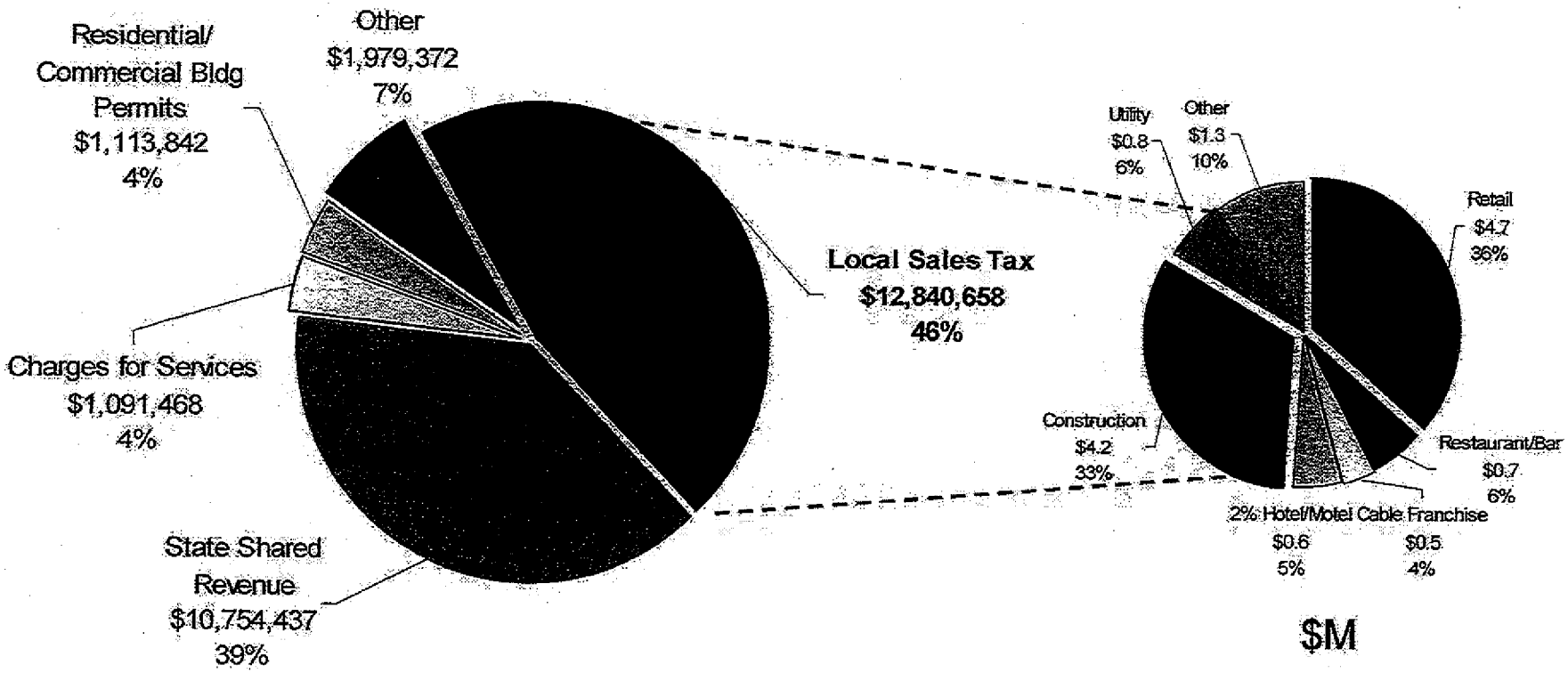
Residential/
Commercial Bldg
Permits
$1,113,842
4%
Other
$1,979,372
7%
Charges for Services
$1,091,468
4%
State Shared
Revenue
$10,754,437
39%
Local Sales Tax
$12,840,658
46%
Utility
$0.8
6%
Other
$1.3
10%
Retail
$4.7
36%
Construction
$4.2
33%
Restaurant/Bar
$0.7
6%
2% Hotel/Motel
$0.6
5%
Cable Franchise
$0.5
4%
$M

EXHIBIT C

Whereas, the Finance and Bond Committee believes that while the budgetary outlook is indeed challenging, it also represents an opportunity to take a fresh look at Town revenues and expenditures; and

Whereas., a do novo,examination .of 'all existing and potential revenue -Sources. Should be .undertaken with the goat of coming up with that mixmostlikely to achieve stable and sustainable revenue streams, equity,. a:buaineas4riencliy Climate, and an aggregate revenue level matching citizens atpiratiOns for Town-proVided services.

tharefora move ;to 1recornIend that the Town 00tineh "temporarily -.renew the Town's current 2% utility salestax prior to the Sunset date of April 1, 2009, with the renewal duration set. at a date Certain far enough its the future to allow for Completion and town council .consideration of a de nevo exarninatIon of ail Aotiettrig and petentiai.revenueSeurCesi

2. **DISCUSSION AND POSSIBLE ACTION TO EXTEND THE TOWN OF ORO VALLEY'S 2% LOCAL SALES TAX ON ELECTRICITY, NATURAL GAS AND WATER UTILITY SERVICES**

Item 2

Finance Director Stacey Lemos explained the revenue shortfalls in the amount of $5.2M which included the $1.2M loss should the utility tax sunset. She discussed the:
-Multiple losses in revenues.
-Measures the Town Manager recommended to reduce the shortfall.
-Utility tax was essential to reducing the deficit.
-Town's sources of revenue were sensitive to the economy.

She noted that the Utility tax was a stable, sustainable source of revenue.

Ms. Lemos reviewed the recommendations from the Finance and Bond Committee:
-Use 1/7th of the Contingency Fund to close the gap.
-Review the contingency policy for this.
-Renew the Utility Tax temporarily.
-Study the Town's revenue sources.
-Identify alternate revenue sources.
-Extend the 2% Utility Sales tax.

Mayor Loomis opened the public hearing.

The following Oro Valley residents spoke in favor of extending the Utility tax:
-Marc Adams -Bob Milkey
-Joe Hornat -Richard Tracy
-Wes Helvig -Daniela Andresen
-Lindsay Ortiz -Diane Little
-Mary Snider -Bill Adler
-Kevin Mattocks, Fraternal Order of Police Lodge 53 Vice President and non-resident

The following Oro Valley residents spoke in opposition of the Utility tax:
-John Musolf -Art Segal

MOTION: A motion was made by Council Member Kunisch and seconded by Council Member Gillaspie to approve the renewal of the Town's current 2% utility sales tax on water, natural gas and electricity services.

MOTION carried, 4-3 with Vice Mayor Carter, Council Member Abbott, and Council Member Garner opposed.

Council Member Abbott stated that she was opposed to the tax as she did not feel that the belt was tight enough yet. She expressed support for taking money from the Contingency Fund to make up the shortfall.

Mayor Loomis called for a recess at 6:53 p.m. The meeting resumed at 6:59 p.m.

Tax Rate Matrix - Municipality Comparison

January 2011

	Utility Sales Tax %	'Mitt Franchise. Fee %
[illegible]	0.0%	[illegible]
[illegible]	2.0%	[illegible]
[illegible]	6.0%	[illegible]
[illegible]	4.0%	[illegible]
[illegible]	2.0%	[illegible]
[illegible]	0.0%	[illegible]
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[illegible]	0.0%	[illegible]
[illegible]	$0.00	[illegible]
[illegible]	2% - 5%	[illegible]
[illegible]	2.5% (D)	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]